



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
APRIL 6, 2021, 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, April 06, 2021, 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.

Alternatively, this meeting will also be available via Zoom using the following information

Topic: City Council Meeting of April 06, 2021

Please use the following link below to join the webinar:

<https://zoom.us/j/95078794146?pwd=WHoWT2htK1djeFVidVpBSm9SQTIEZz09>

Or via Telephone: **1-669-900-6833** Webinar ID: **950 7879 4146** Passcode: **509393**

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: APN: 256 E. Orange Avenue, Porterville, CA. and APN 261-150-057. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Porterville Unified School District. Under Negotiation: Terms and Price.

2 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 42 S. Plano Street, Porterville, CA. Agency Negotiator: John

Lollis. Negotiating Parties: City of Porterville and Barn Theatre. Under Negotiation: Terms and Price.

3 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 645 N. Prospect Street, Porterville. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Porterville Unified School District. Under Negotiation: Terms and Price.

4 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 302-110-077. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Tulare County Junior Livestock Show and Community Fair. Under Negotiation: Terms and Price.

5 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Patrice Hildreth. Employee Organizations: Management and Confidential Series and Porterville Peace Officers Association.

6 - Government Code Section 54957 -- Public Employee Performance Evaluation -- Title: City Manager.

7 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: Mayor Monte Reyes and City Attorney Julia Lew. Employee: City Manager.

8 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Statewide Traffic Safety and Signs, Inc. v. California Professional Engineering, et al., and related cross complaints, Tulare County Superior Court Case No. 284137.

9 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Isabel Valdez Vela v. Porterville Police Department, et al., Tulare County Superior Court Case No. 283111.

10 - Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Five cases in which facts are not yet known to potential plaintiff.

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

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

Pledge of Allegiance Led by Council Member Carrillo
Invocation

PRESENTATIONS

TransPort Microtransit Service

ORAL COMMUNICATIONS

This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Please address all items not scheduled for public hearing at this time. Unless

additional time is authorized by the Council, all commentary shall be limited to three minutes.

AB 1234 REPORTS

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

1. Tulare County Task Force on Homelessness - March 17, 2021
2. San Joaquin Valley Air Pollution Control District (SJVAPCD) Governing Board - March 18, 2021
3. City Council COVID-19 Ad Hoc Committee - March 19, 2021
4. California League of Cities Homeless Roundtable - March 24, 2021
5. Eastern Tule Groundwater Sustainability Agency - April 1, 2021
6. Eagle Mountain Casino Groundbreaking Ceremony - April 6, 2021

REPORTS

This is the time for staff informational items.

Staff Informational Reports

- Spring Community Clean-Up Event
- Tulare County Regional Transit Agency (TCRTA) 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 Second Year Licensing with ViriCiti**
Re: Consideration to authorize the second year of ViriCiti licensing for battery-electric buses at a cost not to exceed \$22,620; and second year of ViriCiti licensing for battery-electric vans at a cost not to exceed \$23,760.
2. **Authorization to Purchase Three 35-foot New Flyer Battery Electric Buses**
Re: Council authorization to execute a purchase agreement with New Flyer of America, Inc. (New Flyer), in an amount not to exceed \$2,748,000 to procure three 35-foot, battery-electric buses.

3. **Authorization for the Purchase and Installation of Bus Advertising from Rethought Reborn Media**
Re: Consideration to authorize the advertisement of a new on-demand service by Uber with a full bus wrap advertisement on three transit buses, effectively promoting the Agency brand as well as community awareness.
4. **Authorization to Repair Electronic Message Board**
Re: Consideration to authorize the repair of the City's electronic message board for \$29,719.96 from SignWorks.
5. **Authorization to Repair Fire Aerial Ladder Truck**
Re: Consideration to authorize fire aerial ladder truck repair by Hi-Tech at a cost not to exceed \$14,472
6. **Authorization to Execute a Contract with Penny Hummel Consulting to Perform a Library Needs Assessment**
Re: Consideration to authorize Penny Hummel Consulting to perform the Library Needs Assessment in the amount not to exceed \$52,000 from library insurance proceeds.
7. **Authorization to Award Cleaning and Dewatering of Anaerobic Digester #2**
Re: Considering the award of contract for the cleaning and dewatering of digester #2 to Wastewater Solids Management Company for a total project amount not to exceed \$43,956, including a ten percent (10%) contingency.
8. **Renewal of Airport Lease Agreement between the City of Porterville and UNAVCO, Inc.**
Re: Consideration to approve the Lease Agreement between the City of Porterville and UNAVCO, Inc. of Boulder, CO.
9. **Intent to Set a Public Hearing to Transition to Phase III of the City's Water Conservation Plan**
Re: Considering approval to schedule a Public Hearing on April 20, 2021, to consider the transition from Phase IV to Phase III of the City's Water Conservation Plan.
10. **Community Cleanup Event Volunteer Guidelines**
Re: Consider approval of draft Community Cleanup Event Volunteer Guidelines.
11. **Status and Review of Local Emergency: Drought**
Re: Considering approval of the continuance of the Declaration of Local Emergency.

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

PUBLIC HEARINGS

12. **Conditional Use Permit to Allow the Re-establishment of a Non-conforming Use, an Automobile Dealership, at 70 South Main Street**
Re: Consideration to adopt the draft Resolution approving Conditional Use Permit (PRC 2020-004-C).
13. **Modification of a Conditional Use Permit Allowing Establishment of a Religious Facility at 22213 Avenue 152**
Re: Consideration to adopt the draft Resolution approving Modification #1 of the Temple of Praise Church Conditional Use Permit.
14. **Amendment to the Eastridge Plaza Specific Plan**
Re: Consideration to approve the Modification #5 to the Eastridge Plaza Specific Plan.
15. **Amendment to Section 600.04(c) of the Porterville Development Ordinance**
Re: Consideration to approve the proposed modification to the Development Ordinance, give first reading, and order it to print.

SCHEDULED MATTERS

16. **Approval for Community Civic Event - Drive-in Movie Night - Porterville Chamber of Commerce - April 24, 2021, May 22, 2021, June 26, 2021, July 24, 2021 and August 28, 2021**
Re: Considering approval of an event to take place at the Porterville Sports Complex on the fourth Saturday of each month, beginning in April and ending in August, 2021, from 4:00 pm to 11:00 pm.
17. **Draft Fireworks Ordinance**
Re: City Council's review of the additional information provided, and provide direction to staff.
18. **Consideration of Parcels Without Street Frontage**
Re: Provide direction on amending Series 400 of the Porterville Development Ordinance in regard to the creation of lots without street frontage.
19. **Consider the Scheduling of a Study Session to Consider the Agreement Between the City and the Porterville Chamber of Commerce and Establish Mutual Goals and Objectives**
Re: Considering the scheduling of a Study Session.
20. **Status and Review of Proclamation of Local Emergency: COVID-19**
Re: Considering approval of the continuation of the Proclamation of Local Emergency due to COVID-19.

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION

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

ADJOURNMENT - to the meeting of April 20, 2021

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Office of City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection during normal business hours at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, and on the City's website at www.ci.porterville.ca.us.



CITY COUNCIL AGENDA – APRIL 6, 2021

SUBJECT: Spring Community Clean-Up Event

SOURCE: Public Works

COMMENT: To encourage local property maintenance and beautification, the City sponsors two (2) clean-up events every year; one in the Spring and one in the Fall. These events offer City residential refuse customers free disposal of general trash, bulky items, wood waste, yard clippings, and e-waste at the City's Corporation Yard. City residents are required to bring a current City of Porterville refuse bill as proof of residency. Business or commercial waste is not allowed. Trailers will be limited to no longer than ten (10) feet, and participants will be required to unload their own vehicle. Items not accepted will include: tires, refrigerators, oversized auto parts, and any type of hazardous waste.

The next clean-up event is scheduled for Saturday, April 17, 2021, as approved by the City Council at its March 2, 2021, meeting. This event will be from 8:00 a.m. until 2:00 p.m. As in the past, the events are open to all residents receiving City residential refuse service. Cost for this event is funded through the Solid Waste Operating Budget. This event will be conducted in compliance with local, state, and Federal COVID-19 related guidelines.

RECOMMENDATION: Information Only

ATTACHMENTS:

1. Spring 2021 Clean Up Event Flyer
2. Spring 2021 Clean Up Event Flyer Spanish

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: Patrice Hildreth, Deputy City Manager

SPRING 2021

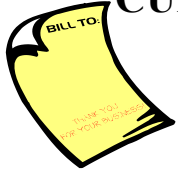
FREE COMMUNITY CLEAN-UP & DISPOSAL EVENT



FOR MORE INFORMATION CALL 559-782-7513 OR VISIT WWW.CI.PORTERVILLE.CA.US



SATURDAY, APRIL 17, 2021
FROM 8:00 AM to 2:00 PM
555 N. PROSPECT ST., PORTERVILLE, CA 93257



CURRENT CITY OF PORTERVILLE REFUSE BILL IS REQUIRED

Trailers will be limited up to 10 feet.

Participants will be required to unload their own vehicle.

PLEASE NOTE: Residential customers only. No business or commercial waste allowed.

NO CHILDREN OR PETS ALLOWED OUTSIDE OF YOUR VEHICLE

ACCEPTABLE ITEMS:

Greenwaste: Tree Limbs, Branches, Yardwaste (Not to exceed 10 feet)

Household Waste: Household Trash, Furniture, Scrap Metal, Mattress/Box Springs

E-Waste: Computers, Laptops, Monitors, Televisions, Cell Phones, Etc.

Construction & Demolition: Concrete, Dirt, Wood

UNACCEPTABLE ITEMS:

Household Hazardous Waste (Batteries, Paint, Oil, Oil Filters, Fluorescent Bulbs),
Tires, Refrigerators, Oversized Auto Parts (Cab, truck bed, etc.)



UNDER STATE MANDATE
FACE COVERING WILL BE REQUIRED
AT ALL TIMES
IT PROTECTS YOU AND ME
COVID.19.CA.GOV

PRIMAVERA

GRATIS

2021

EVENTO COMUNITARIO DE LIMPIEZA Y ELIMINACIÓN



PARA MAS INFORMACION LLAME AL 559-782-7513 O VISITE WWW.CI.PORTERVILLE.CA.US



SÁBADO, ABRIL 17, 2021

DE 8:00 AM a 2:00 PM

555 N. PROSPECT ST., PORTERVILLE, CA 93257



SE REQUIERE FACTURA DE BASURA ACTUAL DE LA CIUDAD DE PORTERVILLE

Los trailers estarán limitados a 10 pies.

Los participantes deben descargar su propio vehículo.

TENGA EN CUENTA: Solo clientes residenciales. No se permiten residuos de negocios o comerciales.

NO SE ADMITEN NIÑOS O MASCOTAS FUERA DE SU VEHÍCULO

ARTÍCULOS ACEPTABLES:

Basura: Ramas de árboles, Ramas, Desechos de Jardín (No exceder 10 pies)

Desechos Domésticos: Basura Doméstica, Muebles, Chatarra, Colchones/Canapés

Residuos Electrónicos: Computadoras, Portátiles, Monitores, Televisores, Celulares, Etc.

Construcción y Demolición: Cemento, Tierra, Madera

ARTÍCULOS INACEPTABLES:

Residuos Peligrosos Del Hogar (Anticongelante, Pilas, Lámparas Fluorescentes, Pinturas de Látex, Aceite y Filtros de Aceite), Llantas, Refrigeradores, Partes de autos de gran tamaño (Cabina, Cama de camión, etc.)



BAJO MANDATO ESTATAL

SE REQUIERE CUBRIMIENTO FACIAL

EN TODO MOMENTO

TE PROTÉGÉ A TI Y A MI

COVID.19.CA.GOV



CITY COUNCIL AGENDA – APRIL 6, 2021

SUBJECT: Tulare County Regional Transit Agency (TCRTA) Update

SOURCE: Public Works

COMMENT: On August 11, 2020, the Joint Powers Agreement was approved creating the Tulare County Regional Transit Agency (TCRTA). TCRTA is comprised of member agencies from the Cities of Dinuba, Exeter, Farmersville, Porterville, Tulare, Woodlake and the County of Tulare.

The following activities have been performed over the past three months:

January 2021

-Authorized staff to submit a project application for Congestion Management and Air Quality (CMAQ) funding for the purpose of operating on-demand (microtransit) service in the cities of Dinuba, Exeter, Farmersville, Lindsay and Woodlake. The project also includes the purchase of battery-electric vans to support the on-demand service. The estimated project cost is \$1.6 million over three years.

-Drafted an interim Fiscal Year 2020-2021 Budget, which includes funding for the development and design of the agencies branding and marketing, contracted labor from the City of Porterville and Tulare County Association of Governments (TCAG), and professional services for transit consulting.

-Approved the Executive Director job description and salary range. It was determined that the position would be housed under the County of Tulare and administered from the TCAG Office in Visalia.

February 2021

-Approved its Drug and Alcohol Policy, a requirement of the FTA.

-Partnered with TCAG to prepare and submit a Caltrans Sustainable Transportation Planning grant for the Agency's short range transit plan, zero-emission bus rollout plan, and transit service design plan. The short range transit plan will provide a financial, operation, and capital plan for the next five years.

-Completed the draft Board Member Handbook, which offers a discussion on board member's roles and responsibilities, public transportation funding and terms, mobility management, safety, and strategic planning.

-Approved member agency Tulare County Area Transit (TCaT) Low Carbon Transit Operations Program (LCTOP) project that will provide free transit rides for passengers 18 years and younger. The program began March 1, 2021 and will be offered for approximately one year, depending on funding availability.

March 2021

-Fiscal Year 2020-2021 Interim Budget was approved

-Fiscal Year 2021 FTA Certifications and Assurances were approved

-A Resolution was passed authorizing TCRTA as the Designated Recipient to apply for Urbanized Area Program funding with the FTA

-A Letter of Intent was approved to participate in the Caltrans Integrated Mobility Program. The two primary goals of the Integrated Mobility Program are (1) standardization of trip planning information systems on the Real Time General Transit Feed Specification (GTFS-RT) and (2) standardization of payment on EMV contactless payment acceptance for all transportation providers in California.

-Authorized member agencies to transfer FY 2020-2021 Low Carbon Transit Operations Program (LCTOP) apportionments to Tulare County Area Transit (TCaT) to expand the 18 and Younger Fare Free Program to all TCRTA member agencies, except for the Cities of Exeter and Farmersville who utilize LCTOP funding to pay for transit services operated by Visalia Transit. It is expected that the program will start July 1, 2021. Participating member agencies will be reimbursed based on ridership data.

-Authorized the Free Fares to Vaccination Appointments beginning March 16, 2021

-Drafted a Memorandum of Understanding (MOU) for Transit Services for the purpose of assuming or transferring transit administration and operations over to the TCRTA. TCRTA is currently working with the Cities of Dinuba, Tulare, and Woodlake on MOU's and the expected transfer of services by July 1, 2021. MOU's with the County of Tulare and the City of Porterville will begin in April 2021.

-Submitted a federal appropriation "Community Project" for the purchase of fifteen (15) battery-electric buses and the construction of a regional super-charging facility supporting both personal vehicles and public/private truck and bus fleets.

Expected April 2021 Activities

-TCRTA consultants will present initial findings for a Free Fare Analysis

-On-Demand and Non-Emergency Medical Transportation Services will be discussed, evaluated, planned, and recommended in Sub-Committee Meetings

-Member Agency Transit Service MOU's will continue to be drafted in an effort to transfer operations by July 1, 2021

-Fiscal Year 2021-2022 Budget will be drafted, based on the expected transfer of services from member agencies to the TCRTA

-Executive Director interviews will begin in late April, with a potential hire in

June.

RECOMMENDATION: Informational Only

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – APRIL 6, 2021

SUBJECT: Authorization to Purchase Second Year Licensing with ViriCiti

SOURCE: Public Works

COMMENT: At its meeting on August 20, 2019, the City Council approved the purchase of twelve (12) battery-electric Lightning System vans as well as various related equipment and services. One of the related equipment and services approved were two proposals from ViriCiti for telematics equipment, services, and licensing for both the battery-electric buses and vans respectively.

ViriCiti proposed to provide the City with vehicle and operator monitoring, telematics and smart charging capabilities. To date, ViriCiti has fulfilled its obligation and staff has been pleased with the product.

The staff report of August 20, 2019, inadvertently requested authorization to purchase the ViriCiti services at a cost not to exceed \$49,092.58 for bus telematics, and at a cost not to exceed \$44,504.08 for van telematics. These expenses, while accurate, only represent the cost of the equipment and the first year of licensing. However, both proposals included the following contract terms and conditions:

1. The license comes with a two-year contract. After this timeframe the license will automatically be renewed every year with the applicable party;
2. Half a year before the end of the license period it will be renewed automatically, if the contract has not been terminated, and;
3. Three months after DataHub delivery the license will be activated automatically, if not activated before.

Staff is requesting authorization to renew the licensing for the second year to comply with the contract terms. The cost for the second year of ViriCiti licensing for the twelve (12) battery-electric vans is at a cost not to exceed \$23,760. The cost for the second year of ViriCiti licensing for the ten (10) battery-electric buses is at a cost not to exceed \$22,620.

This project qualifies as transit operational expenses and is fully-funded by the City's Federal Transit Administrations (FTA) grant.

RECOMMENDATION: That the City Council:

1. Authorize the second year of ViriCiti licensing for battery-electric buses at a cost not to exceed \$22,620; and
2. Authorize the second year of ViriCiti licensing for battery-electric vans at a cost not to exceed \$23,760.

ATTACHMENTS:

1. August 20, 2019 Staff Report
2. ViriCiti Ebus Telematics and Smart Charging Proposal
3. ViriCiti Van Telematics and Smart Charging Proposal

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – AUGUST 20, 2019

SUBJECT: Consideration to Purchase Twelve (12) Electric Transit Passenger Vans and Associated Equipment

SOURCE: Public Works

COMMENT : The City of Porterville operates a comprehensive schedule of transit services, including both local fixed route service, complementary paratransit service, and future On-Demand "Micro Transit" service, with maximum service levels operated during the morning and evening commute hours (peak service).

The City currently operates a fleet of 29 vehicles for use in its Transit Division. The local fixed route service utilizes 24 of those vehicles and the complementary paratransit utilizes 5 vehicles. Staff has prepared a comprehensive replacement schedule for the City's existing fleet, based on the current age, condition, federal useful life, and future expansion needs. This information allows the City to develop a long term sustainable Fleet Management Plan that includes an optimal replacement schedule. This plan provides staff with the time necessary to identify, apply for and secure funding for replacement of these vehicles as they become functionally obsolete.

The following table represents the number of vehicles that are scheduled to be replaced or the need for new service:

<u>Service</u>	<u># of Vehicles</u>	<u>Replacement/New Service</u>
Paratransit	4	Replacement
Micro Transit	8	New Service

The proposed On-Demand micro transit service will supplement low-performing local fixed routes, low-performing evening fixed route service, and new service areas, such as, Strathmore and the Sports Complex that don't meet the demand for a fixed route.

Staff determined vehicle specifications, to suit the needs of the desired service, and requested quotes from all available electric vehicle dealers. The following table represents the response and net price, including all available incentives, with a minimum order of 12 vehicles from each responsive dealer:

<u>Dealer</u>	<u>Responsiveness</u>	<u>Base Price</u>	<u>HVIP Voucher</u>	<u>Air District Incentive</u>	<u>Net Price</u>
Zenith Motors	Not Responsive				
NorCal Van	Responsive	\$171,316.95	(\$80,000)	(\$8,333.33)	\$82,983.62
Diamond Coach	Responsive	\$171,829.33	(\$80,000)	\$0	\$91,829.33
GreenPower Motor	Responsive	\$208,893.25	(\$90,000)	\$0	\$118,893.25
Creative Bus	Responsive	\$268,975.76	(\$80,000)	\$0	\$188,975.76

Electric Vehicle Vendor Analysis

Zenith Motors

Zenith Motors has been unresponsive to this bid, staff sent numerous emails to the regional sales manager requesting a proposal. Zenith Motors has delivered three vehicles to Fresno County Transit. The Zenith Motors vehicle is eligible for HVIP and Air District Incentive funding.

NorCal Van / Lighting Systems

NorCal Van proposed a Ford Transit 3500HD chassis with a Lightning System electric powertrain. Chassis maintenance and service is performed by Ford QVM partners and Ford Dealers, electric powertrain and battery maintenance and service is performed by Lightning Systems at their facility in Loveland, Colorado. The battery capacity is 86kWh, with a 120 mile range. Level 2 and Level 3 charging compatible. Rear ADA wheelchair lift and securement system. 8 year / 100,000 mile powertrain and battery warranty. This is the second generation vehicle of the Lightning Systems electric powertrain. Lightning Systems has delivered over 50 vehicles. Lightning System is eligible for HVIP and Air District funding.

Diamond Coach / ZeroNox

ZeroNox proposed the Diamond Coach VIP 2200 model, Ford E450 chassis with a ZeroNox/EVT electric powertrain. Chassis maintenance and service is performed by Ford QVM partners and Ford Dealers, electric powertrain and battery maintenance and service is performed by ZeroNox/EVT at their Porterville facility. The battery capacity is 106kWh, with a 175 mile range. Level 2 and Level 3 charging compatible. Rear ADA wheelchair lift and securement system. 5 year / 60,000 mile powertrain and battery warranty. This would be the first delivery of this vehicle type for ZeroNox. ZeroNox is not eligible for Air District funding due to the vehicle weight. As of August 12, 2019, both Diamond Coach and ZeroNox are in the process of being eligible vendors for HVIP funding. Award of project is contingent on Diamond Coach or ZeroNox being eligible HVIP funding vendors.

GreenPower Motor Company

Greenpower proposed the EV Star model, which has a purpose built chassis, but is

similar to a Ford Transit 3500HD chassis, and GreenPower electric powertrain. Maintenance and service is performed by GreenPower at their Porterville facility. The battery capacity is 118kWh, with a 200 mile range. Level 2 and Level 3 charging compatible. Rear ADA wheelchair lift and securement system. 5 year / 60,000 mile powertrain and battery warranty. GreenPower has delivered over 40 EV Star vehicles. GreenPower's EV Start is eligible for HVIP funding, but not eligible for Air District funding due to the vehicle weight.

Creative Bus Sales / Phoenix Motorcars

Creative Bus Sales proposed the Phoenix Motorcar Zeus model, Ford E450 chassis and Phoenix Motorcar electric powertrain. Chassis maintenance and service is performed by Ford QVM partners and Ford Dealers, electric powertrain and battery maintenance and service is performed by Phoenix Motorcar at their Ontario facility. The battery capacity is 105kWh, with a 110 mile range. Level 2 and Level 3 charging compatible. Rear ADA wheelchair lift and securement system. 5 year / 60,000 mile powertrain and battery warranty. Phoenix Motorcar has delivered over 75 vehicles. Phoenix Motorcar is eligible for HVIP funding, but not eligible for Air District funding due to the vehicle weight.

Additional Equipment Required

The following additional equipment is required for each vehicle to properly function in revenue service. Rethought Reborn, the City's Advertising Contractor, will design and wrap the new vehicle. ViriCiti is a CARB approved vendor who is the only vendor capable of providing vehicle and charging station monitoring and smart charging technology in a single application. Cooks Communication was the low bid to provide 2-way radio equipment for the vehicle. Staff received proposals from the following items:

<u>Vendor</u>	<u>Description</u>	<u>Cost</u>
Rethought Reborn Media	Vehicle Wrap	\$64,347.23
ViriCiti	Passenger Van Telematics	\$44,504.08
ViriCiti	Transit Bus Telematics	\$49,092.58
Cooks Communication	2-Way Radio	\$8,659.27
		Total \$166,603.16

Project Cost Analysis

The following table represents the total cost for the project, which includes vehicles and additional equipment, from each vendor:

<u>Vendor</u>	<u>Project Cost</u>
NorCal Van	\$1,345,256.56
Diamond Coach	\$1,348,555.15
GreenPower	\$1,781,363.16
Creative Bus	\$2,514,312.28

Funding

A menu of funding sources have been planned and programmed to fully fund the project. The City of Porterville has \$600,000 in Measure R funding available for the purchase of transit vehicles. For the past three fiscal years, staff has been programming SB1/State of Good Repair (SGR) funding (FY 2017/18 to 2019/20) for the purpose of purchasing battery-electric passenger vans totaling \$255,806. The San Joaquin Valley Air Pollution Control District's New Alternative Fuel Vehicle Purchase Program provides up to \$20,000 per vehicle, with a limit of \$100,000 per agency per year for the purchase of new alternative fueled vehicles. The NorCal Van electric passenger van is the only vehicle that qualifies for this program due to Gross Vehicle Weight Rating (GVWR) less than or equal to 14,000 pounds. The CARB Agreement (G14-LCTI-10) will provide funding for the purchase of one vehicle, without the HVIP voucher, additional equipment for the vehicle, and Transit Bus Telematics from ViriCiti. The actual amount is contingent on Councils vendor selection. HVIP EVSE Incentive Voucher funding is available in the amount of \$9,240 for the charging station monitoring and smart charging software provided by ViriCiti. The remaining balance of the project will be funded by LTF funding that has been budgeted for fiscal year 2019-2020. This project is contingent on the availability of HVIP Vehicle Voucher funding, which is currently oversubscribed, but the program will be refunded in the next couple of months. It is important that Council provide staff a recommended vendor so the vendor can submit a project for funding. Once the project is funded by HVIP, staff will proceed with a purchase order.

The following table represents the funding sources and the amounts based on each vendor:

	<u>NorCal Van</u>	<u>Diamond Coach</u>	<u>GreenPower</u>	<u>Creative</u>
Project Cost	\$ 1,345,256.56	\$ 1,348,555.15	\$ 1,781,363.16	\$ 2,514,312.28
Measure R	\$ 600,000.00	\$ 600,000.00	\$ 600,000.00	\$ 600,000.00
SB1/SGR	\$ 255,806.00	\$ 255,806.00	\$ 255,806.00	\$ 255,806.00
Air District	\$ 100,000.00	\$ -	\$ -	\$ -
CARB	\$ 231,715.70	\$ 229,378.08	\$ 254,483.00	\$ 326,524.51
HVIP EVSE	\$ 9,240.00	\$ 9,240.00	\$ 9,240.00	\$ 9,240.00
LTF	\$ 148,494.86	\$ 254,131.07	\$ 661,834.16	\$ 1,322,741.77
Total Funding	\$ 1,345,256.56	\$ 1,348,555.15	\$ 1,781,363.16	\$ 2,514,312.28

Funding Analysis

Staff has determined that the NorCal Van proposal to be responsive, lowest cost, and requires the least amount of local transportation funds (LTF). NorCal Van's proposed model is also the only vehicle that qualifies for \$100,000 in funding from the San Joaquin Valley Air Pollution Control District's New Alternative Fuel Vehicle Purchase Program. The Diamond Coach proposal requires an additional \$105,637 in LTF funds

and the GreenPower proposal requires an additional \$513,339 in LTF funds. Should the Council elect to use a significant amount of LTF funding, local street and road funding will be affected. The City's CARB Grant does provide enough funding for the NorCal Van, Diamond Coach, and GreenPower proposals. The Creative Bus Proposal exceeds the amount of CARB and LTF funding available, a reduction in the number of vehicles would be required to meet the City's budget.

Conclusion

It is staff's recommendation to award the project to NorCal Van's, based on responsiveness, lowest overall cost, and the least amount of local transportation funding for the purchase of twelve electric passenger vans. Because staff received proposals from two local dealers, staff is requesting Council's direction on the selection of the award.

RECOMMENDATION: That the City Council provide staff direction on the purchase of twelve electric passenger vans and associated equipment.

ATTACHMENTS:

1. NorCal Van Lightning System Proposal 1 Van
2. NorCal Van Lightning System Proposal 11 Vans
3. ZeroNox Diamond Coach VIP 2200 Proposal
4. GreenPower EV Star Proposal
5. Creative Bus Sales Phoenix Motorcar Proposal
6. Rethought Reborn Media - Vehicle Wrap Proposal
7. ViriCiti Van Telematics and Smart Charging Proposal
8. ViriCiti Ebus Telematics and Smart Charging Proposal
9. Cooks Communications Proposal
10. B&J Proposal

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Deputy Public Works Director/Field Services Manager

Final Approver:

Porterville Ebus Telematics and Smart Charging Proposal

201700383

To:
Richard Tree
City of Porterville

Prepared by:
Joel Torr
ViriCiti

Date:
August 12, 2019

Offer

Current Situation

Since you are an existing customer of ViriCiti, we have summarised your purchases so far with us. Based on these purchases, your volume discount is adapted on this new offer below.

Items	Amount	Start Date
DataHub	x	-
License Operator	x	1st of April 2017

Integration costs

Initial development costs include the integration of the vehicle CAN database, or charger communication protocol, to the ViriCiti framework, set up of servers, and development of a customized front-end. For City of Porterville, these costs will be set to **40 hours**.

DataHub

Every asset that is connected with the ViriCiti platform needs to be equipped with a DataHub. The DataHub is collecting, filtering and sending all the data to the ViriCiti server.



Pricing for the DataHub is shown below:

Amount of assets	1-49	50-199	200+
------------------	------	--------	------

Price per DataHub	\$ 999	\$ 949	\$ 899
-------------------	--------	--------	--------

Licenses - Bus Operators

Each connected system requires a software license for data access. Within this license, ViriCiti covers all costs for data transfer, data storage, updates, administration and future developments. ViriCiti offers the following licenses for Operators:



Vehicle

Basic package

Basic

- + Vehicle Statistics
- + Route Energy Statistics
- + Management Reports
- + Faults & Warnings
- + Incident Reporter

Optional packages

Driver Behavior

- + Driver Statistics
- + Regenerative braking profile
- + Summary reports

Maintenance

- + Remote Diagnostics
- + Battery Statistics



Charging station

Basic

- + Real-time overview of charging processes
- + Charger status, speed and efficiency
- + Charge session reports

Smart Charging

- + Load balance between chargers
- + Set maximum peak load
- + Prioritize chargers

Pricing for Operator Licenses are shown below:

Amount of assets	1-49	50-199	200+
Basic - vehicle	\$ 65	\$ 50	\$ 40
Driver behavior	\$ 14	\$ 10	\$ 8
Maintenance	\$ 16	\$ 13	\$ 10
Basic - charging station	\$ 25	\$ 20	\$ 15
Smart charging	\$ 45	\$ 35	\$ 30

Prices in the table are per asset per price/month

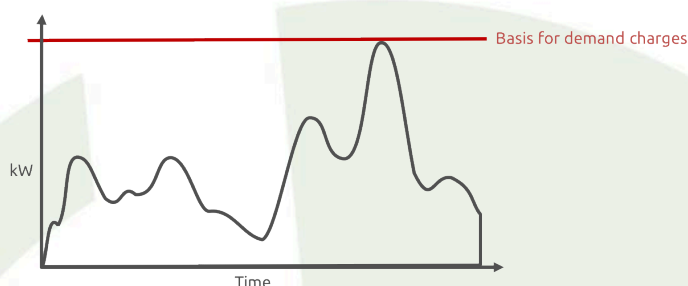
Smart charging

Smart charging can save on energy costs

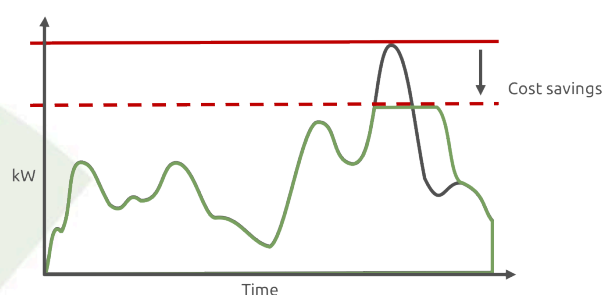
When the number of buses and chargers increases, the energy consumption and peak power demands follow suit. This increase consists of 3 main parts:

- **Grid upgrade costs** for the installation required for the higher peak power demand
- **Time of Use rates** for the charged energy during on- and off-peak times and seasons
- **Demand Charges** based on the peak power demand per month

Normal charging

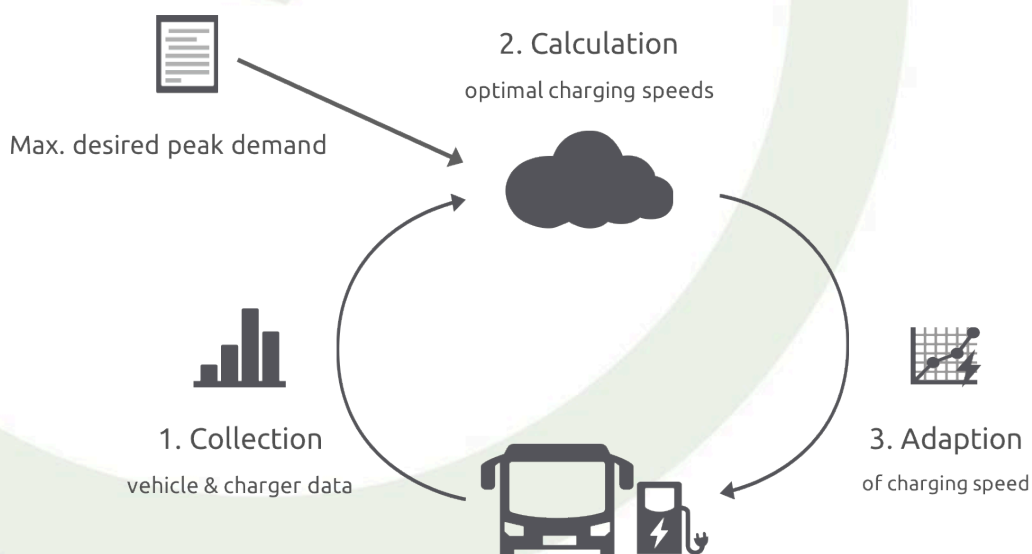


Smart charging



How our smart charging solution works

The ViriCiti smart charging solution manages the individual chargers from the cloud. Using specific parameters from the transit authority it creates and maintains an optimal charging strategy. This ensures that all the right vehicles will have sufficient battery range to run their routes without concern.



Offer overview

The offer from above is summarised within this table:

Name	Quantity	Price	Total
Integration costs	40	\$95 / hour	\$3,800
*integration costs for the Green Power transit bus			
Hardware			
Datahub DH_REV_5	11	\$999	\$10,989
Aftermarket Installation kit DH_CONN_001, QTY 01 DH_PINN_002, QTY 10 DH_GPSEA_001, QTY 01 DH_CA_001, QTY 01	11	\$49	\$539
Licenses - Vehicle			
Basic Electric	11	\$780 / year	\$8,580
☒ Smart Drive	11	\$168 / year	\$1,848
☒ Maintenance	11	\$192 / year	\$2,112
Licenses - Charging Station			
Monitoring	12	\$300 / year	\$3,600
☒ Smart Charging	12	\$540 / year	\$6,480
Installation			
☒ 1st system	1	\$999 / each	\$999
☒ additional systems	10	\$499 / each	\$4,990
Training			
☒ Onsite training	1	\$999 / each	\$999
☒ Remote training	1	\$0 / each	\$0
Total			\$44,936

Terms & Conditions

Licenses

- The license comes with a two-year contract. After this timeframe the license will automatically be renewed every year with the applicable party;
- Half a year before the end of the license period it will be renewed automatically, if the contract has not been terminated;
- Three months after DataHub delivery the license will be activated automatically, if not activated before.

Hardware

- Standard warranty given for the hardware is 2 years after shipment;
- Alternative to purchasing, leasing plans for the hardware are available. Please contact sales for further information;

Payment conditions

- Payment terms: 30 days after invoice date;
- At acceptance of the offer, the initial engineering costs and hardware costs are invoiced;
- After integration and delivery of the full system, the annual license fee will be charged;
- The license fee is charged every year in advance;
- Offer is drafted excluding shipping costs, import costs and is excluding sales tax;
- Applicable sales tax will be included in hardware invoicing;

Delivery agreements

- After contract signature and delivery of CAN Matrix, it takes 4-6 weeks for product delivery;
- FOB Destination, Freight Prepaid & Add
- Installation of the hardware needs to be performed by OEM or operator and cannot be charged on ViriCiti's account;

Cellular services

- ViriCiti supplies the cellular services for the following countries:
 - In Europe: Andorra, Belgium, Bulgaria, Cyprus (Greece), Denmark, Germany, Estonia, Finland, France (and the overseas territories), Greece, Hungary, Ireland, Iceland, Italy, Croatia, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Austria, Poland, Portugal, Romania, San Marino, Slovenia, Slovakia, Spain, Czech Republic, Vatican City, United Kingdom and Sweden;
 - In North America: United States of America, Canada, Mexico;
- Any usage outside of the above listed countries will cause severe extra costs which will be invoiced to customer;

Data ownership and usage

- Data produced by the assets will remain property of customer;
- ViriCiti performs frequent anonymous analysis on system data to improve its products. Outcome of these analyses will become part of the ViriCiti system and are only accessible by ViriCiti staff;
- Results of analyzed data is property of ViriCiti also after the cooperation has ended. This data can be published anonymously;
- At any time, customer may request the removal of asset data. ViriCiti will immediately follow-up on this request;
- Data will be stored for one full year of operation. On request, ViriCiti will perform data exports beyond this time-frame;
- Above all, data is always handled and stored with the highest security protocols;

General Terms & conditions

In addition to these descriptions, the following terms and conditions apply:

- General terms and conditions of ViriCiti, supplied on <https://www.viriciti.com/terms-conditions-LLC>
- Service level agreement, supplied on <https://www.viriciti.com/SLA-service-level-agreement.pdf>

Order of preference

The documents included or referred to in this document shall, in case of a conflict between two or more of the documents, be applied in the following order of priority:

- This (cover) document
- ViriCiti's General terms and conditions
- ViriCiti's brochure



Porterville electric passenger van proposal

201700523

To:
Richard Tree
City of Porterville

Prepared by:
Joel Torr
ViriCiti

Date:
August 12, 2019

Offer

Integration costs

Initial development costs include the integration of the vehicle CAN database, or charger communication protocol, to the ViriCiti framework, set up of servers, and development of a customized front-end. For City of Porterville, these costs will be set to **40 hours**.

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Smart charging	\$ 45	\$ 35	\$ 30

Prices in the table are per asset per price/month

Offer overview

The offer from above is summarised within this table:

Name	Quantity	Price	Total
☒ Integration costs	40	\$95 / hour	\$3,800
*This cost may not be required depending on the final selection of van if the Make/Model exist in the Viriciti framework			

Name	Quantity	Price	Total
Hardware			
Datahub DH_REV_5	12	\$999	\$11,988
OEM Installation kit DH_CONN_001, QTY 01 DH_PINN_002, QTY 10 DH_OEMA_001, QTY 01	12	\$99	\$1,188
Licenses - Vehicle			
Basic Electric	12	\$780 / year	\$9,360
Smart Drive	12	\$168 / year	\$2,016
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Licenses - Charging Station			
Monitoring	12	\$300 / year	\$3,600
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Total			\$40,736

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CITY COUNCIL AGENDA – APRIL 6, 2021

SUBJECT: Authorization to Purchase Three 35-foot New Flyer Battery Electric Buses

SOURCE: Public Works

COMMENT: At its meeting on November 4, 2014, the City Council approved Resolution No. 76-2014 authorizing staff to apply for financial assistance from the San Joaquin Valley Air Pollution Control District for the purchase of the City's first battery-electric transit buses. Since 2014, the City has been awarded over \$12 million in grant funding to assist in transitioning its transit fleet to 100% zero-emission.

To date, Porterville Transit operates ten (10) heavy-duty battery-electric buses in fixed route revenue service and twelve (12) medium-duty battery-electric vans in paratransit (Dial-A-Ride) and on-demand (microtransit) revenue service. The current battery-electric fleet builds upon seven years of electric vehicle experience that gives the City of Porterville the distinction as a pioneering agency in zero-emission adoption.

As an early adopter, the City's procurement of zero-emission vehicles is no longer discretionary. On December 14, 2018, the California Air Resources Board (CARB) adopted the Innovative Clean Transit (ICT) regulation mandating a statewide zero-emission transit system by 2040, with specific zero-emission bus acquisition thresholds within 2030. The procurement of three 35-foot battery-electric buses will aid the City in meeting its obligations under the ICT regulation.

The three battery-electric buses will replace three compressed natural gas (CNG) buses that have exceeded their useful life. The Federal Transit Administration (FTA) has set a default Useful Life Benchmark for transit buses at fourteen (14) years. The three 2007 El Dorado buses selected for replacement (units 8168, 8169, 8170) have met the benchmark, and combined, have accumulated 1.2 million road miles.

The project is included in the FY 2020-2021 Federal Transportation Improvement Program (FTIP) for bus acquisitions totaling \$2,748,000, which is comprised of \$2,055,000 in Congestion Management and Air Quality (CMAQ) funds and \$693,000 in matching Local Transportation Funds (LTF).

The CARB Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project (HVIP) is a grant opportunity that will provide up to \$120,000 per bus; staff has already begun the application process for this grant. HVIP anticipates accepting new voucher requests this year, when FY 2021 funding becomes

available. Should funds become available, HVIP monies would account for \$360,000 (52%) of the \$693,000 local match requirement.

Staff has identified the California Department of General Services (DGS) for the procurement of the three battery-electric buses. DGS manages all major business services for the State of California. An important function of the agency is the procurement of goods and services. DGS conducts formal solicitation activities that result in cooperative agreements with favorable pricing. The DGS' methodology is thorough and comprehensive, which enables most state and government agencies in California to fulfill internal procurement policies and purchase from the DGS' cooperative agreements. This method significantly reduces the procurement time and resources necessary for acquiring the needed equipment or services that require a formal solicitation; there is an added benefit of volume pricing.

In 2019, DGS carried out a solicitation for the purchase of transit buses on behalf of all public transit providers in the state. DGS received six proposals that were evaluated on technical specifications, cost, customer references, environmental and quality standards, battery leasing, and energy storage warranties. New Flyer of America and Proterra were awarded contracts in the 35-foot Standard Low Floor Battery-Electric Bus segment. Their proposals were evaluated alongside proposals from Creative Bus Sales (El Dorado National), Creative Bus Sales (GreenPower Motor Company), BYD Motors LLC, and Gillig LLC.

Staff reviewed the procurement documents and procedures from the DGS solicitation for heavy-duty vehicles and found them to be in conformance with City and FTA requirements.

Comparison to a valid independent cost estimate (ICE) is one of the six price analysis techniques listed in the Pricing Guide for FTA Grantees. While DGS performed a price analysis prior to contract award, staff also compared the pricing from the City's 2017 battery-electric acquisition and determined the DGS contracts (New Flyer and Proterra) to be fair and reasonable.

<u>Battery-Electric Bus</u>	<u>Cost Per Bus</u>
2017 GreenPower Purchase Price	\$825,640
New Flyer DGS Contract Price	\$775,599
Proterra DGS Contract Price	\$789,000

Staff recommends that the City Council authorize the City Manager to execute an agreement with New Flyer of America Inc. (New Flyer), in an amount not to exceed \$2,748,000, to procure three 35-foot, low-floor, battery-electric buses, with extended warranty and accessories using the California Department of General Services (DGS) Contract 1-19-23-17B. Such purchase is contingent upon award of the City's FTA CMAQ grant application and FTA mandated Pre-Award Buy America Audit report. With Council's approval, the order will be added to New Flyer's production queue. Current estimates from New Flyer

indicate that the three buses will be manufactured in Q2 2022.

RECOMMENDATION: That the City Council authorize the City Manager to execute an agreement with New Flyer of America, Inc. (New Flyer), in an amount not to exceed \$2,748,000 to procure three 35-foot, low floor, battery-electric buses, with extended warranties and accessories utilizing the California Department of General Services (DGS) Contract 1-19-23-17B.

ATTACHMENTS:

1. State Contract Bulletin K-35-19 Zero Emission Transit Buses
2. Porterville CMAQ FTA Request to Transfer
3. FTA CMAQ Application - 6260-2021-1
4. 2019 FTIP Updated
5. Proterra DGS Contract Pricing
6. New Flyer DGS Contract Pricing

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager



Department of General Services

Procurement Division

707 Third Street, Second Floor, West Sacramento, CA 95605

(916) 375-4400 (800) 559-5529

Broadcast Date: December 20, 2019

Bulletin #: K-35-19

**TO: Purchasing Authority Contacts (PACs)
Procurement and Contracting Officers (PCOs)**

RE: Zero Emission Transit Buses



The Department of General Services, Procurement Division (DGS-PD) is pleased to announce the award of the new Statewide Contracts (SC) for Zero Emission Transit Buses. The SCs are as follows:

Contract No.	Contractor Name
1-19-23-17B	New Flyer of America, Inc.
1-19-23-17C	Proterra, Inc.

User Instructions and Contract Pricing are available on Cal eProcure. Click on the contract numbers above to access contract details.

These SCs are considered an Environmentally Preferable Purchasing (EPP) or “green” contracts. Zero emission buses translate into cleaner air for all of us. They dramatically reduce tailpipe pollution from buses and also reduce energy consumption and greenhouse gases. Visit the [DGS Buying Green Website](#) for additional EPP information.

If you have any questions regarding this notification, please contact:

Erica Seghesio-Groves

Erica.Seghesiogroves@dgs.ca.gov

(916) 376-3802



**EXHIBIT 3-J REQUEST FOR TRANSFER OF FEDERAL FUNDS TO THE FEDERAL
TRANSIT ADMINISTRATION (FTA)**
[Place this form on Local Agency Letterhead]

To: Sam Katich Date: 03/22/2021
District Local Assistance Engineer FTIP/FSTIP ID(s): 215-0000-0741
CALTRANS, Office of Local Assistance Federal Project Number:
1352 W. Olive Avenue Project Description(s): Purchase three electric buses
Fresno, CA 93728

Dear

We have received notification of pending grant application approval for this public transit project and request that you transfer these federal funds to the Federal Transit Administration for project administration. The amount(s) requested do not exceed the funds provided to this agency in the current approved Federal Statewide Transportation Improvement Program (FSTIP).

Request for FTA Transfer Documentation

Attached is information/documentation in support of this request to transfer federal funds to the FTA:

- ☒ Pending FTA Grant Number: 6260-2021-1
- ☒ Copy of Approved FSTIP pages
- ☒ Copy of Grant Application (Section 5307 projects only)
- ☐ Copy of Caltrans Notification Letter (Section 5311 & 5310 projects only)
- ☒ Please transfer the following federal funds to the FTA:

<u>Fund Type</u>	<u>Programmed FSTIP Funds</u>	<u>Fiscal Year Programmed</u>	<u>Federal Funds To be transferred</u>
CMAQ	\$2,055,000	2020/2021	\$2,055,000
Local Match	\$693,000	2020/2021	\$0
Total			\$2,055,000

I understand that the invoices for payment of federal funds will be processed by FTA (Section 5307), or Caltrans (Sections 5311 and 5310—refer to *Division of Mass Transportation*, Section 5311 “Handbook and Guide,” for invoicing procedures and format)

Prior to payment of State Transportation Improvement Program (STIP) match funds: 1) California Transportation Commission (CTC) must allocate the funds, 2) Master Administering Agency–State Agreement for State Funded Projects and project specific Program Supplement Agreement (PSA) must be executed, 3) Applicant Agency must prepare and sign a project specific Finance Letter, and 4) Applicant Agency must submit evidence that payment of federal funds has been invoiced/received. Invoice procedures and format must adhere to Chapter 5, “Accounting/Invoices,” of *Local Assistance Procedures Manual (LAPM)* (available at <http://www.dot.ca.gov/hq/LocalPrograms/>). * Please note that STIP match funds may ONLY be used for purposes eligible under Article XIX of the California State Constitution.



Check which of following applies:

- ☒ This project does not qualify for STIP match funds.
- ☐ This project is programmed to receive STIP match funds. I have attached the completed:
- 1) Request for STIP Fund Allocation
 - 2) Funding Allocation Checklist, and
 - 3) Finance Letter
- ☐ A request for allocation of STIP match funds will be made at a future date as permitted by Government Code Section 14529.17

Toll Credit Usage

- ☐ This project will use Toll Credit. It is fully funded.
- ☒ This project will NOT use Toll Credit.

CERTIFICATION

I certify that the facts and statements in this "Request for Transfer of Federal to the Federal Transit Administration" are accurate and correct. Following the transfer of funds to the FTA, this agency agrees to comply with the applicable terms and conditions set forth in Title 49, USC, Chapter 53 "Mass Transportation" and the policies and procedures promulgated the FTA relative to the above-designated project.



Signature of Local Agency Representative
Richard I. Tree

Print Name
Field Services Manager

Title
City of Porterville

Agency

Distribution: Local Agency

DOT

FTA

U.S. Department of Transportation

Federal Transit Administration

Application

Federal Award Identification Number (FAIN)	6260-2021-1
Temporary Application Number	6260-2021-1
Application Name	CA-2021 CMAQ and 5307 Purchase Electric Buses
Application Status	Transmitted / Ready for FTA Review
Application Budget Number	0

Period of Performance Start Date	N/A
Original Period of Performance End Date	3/31/2023
Current Period of Performance End Date	N/A Revision #: N/A

Part 1: Recipient Information

Name: Porterville, City Of

Recipient ID	Recipient OST Type	Recipient Alias	Recipient DUNS
6260	City	Porterville, City Of	030969406

Location Type	Address	City	State	Zip
Headquarters	291 N Main St	Porterville	CA	93257
Physical Address	291 N MAIN ST	PORTERVILLE	CA	93257
Mailing Address	291 NORTH MAIN STREET	PORTERVILLE	CA	93257

Union Information

Union Name	OPERATING ENGINEERS LOCAL UNION NO. 3
Address 1	4856 N. Cedar
Address 2	
City	Fresno
State	California

Zipcode	93627
Contact Name	Doug Gorman
Telephone	5592294083
Fax	5592294825
E-mail	dgorman@oe3.org
Website	

Part 2: Application Information

Title: CA-2021 | CMAQ and 5307 | Purchase Electric Buses

FAIN	Application Status	Application Type	Date Created	Last Updated Date	From TEAM?
6260-2021-1	Transmitted / Ready for FTA Review	Grant	1/21/2021	1/21/2021	No

Application Executive Summary

This project will use \$2,055,000 of Federal FY 2020 CMAQ funds that have been transferred to FTA Section 5307, and \$693,000 of local transportation funds, for a total project cost of \$2,748,000 for the purchase of three 35', low floor, battery-electric buses, accessories, and warranty.

Frequency of Milestone Progress Reports (MPR)

No Selection Made

Frequency of Federal Financial Reports (FFR)

No Selection Made

Does this application include funds for research and/or development activities?

This award does not include research and development activities.

Pre-Award Authority

This award is using Pre-Award Authority.

Does this application include suballocation funds?

Recipient organization is directly allocated these funds and is eligible to apply for and receive these funds directly.

Will this Grant be using Lapsing Funds?

No Selection Made

Will indirect costs be applied to this application?

This award does not include an indirect cost rate.

Indirect Rate Details: N/A

Requires E.O. 12372 Review

No, this application does not require E.O. 12372 Review.

Delinquent Federal Debt

No, my organization does not have delinquent federal debt.

Application Point of Contact Information

First Name	Last Name	Title	E-mail Address	Phone
Richard	Tree	Transit Manager	rtree@ci.porterville.ca.us	5597827448

Application Budget Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
FHWA Transfer to 5307 Urbanized Area Formula Grants	5307-3	20507	\$2,055,000
Local			\$693,000
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$2,748,000

Application Budget

Project Number	Budget Item	FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
6260-2021-1-P1	111-00 (111-) BUS - ROLLING STOCK	\$2,055,000.00	\$693,000.00	\$2,748,000.00	3
6260-2021-1-P1	11.12.03 BUY REPLACEMENT Battery Electric 35-FT BUS	\$2,055,000.00	\$693,000.00	\$2,748,000.00	3

Discretionary Allocations

This application does not contain discretionary allocations.

Sources of Federal Financial Assistance

This application does not contain any sources of federal financial assistance.

Part 3: Project Information

Project Title: Purchase Three Electric Transit Buses

Project Number	Temporary Project Number	Date Created	Start Date	End Date
6260-2021-1-P1	6260-2021-1-P1	1/21/2021	4/20/2021	9/6/2022

Project Description

The City of Porterville will purchase three (3) 35', low floor, battery-electric buses and accessories using the California Department of General Services (DGS) Contract. Such purchase is contingent upon receipt of a Pre-Award Buy America Audit. These transit buses will replace existing transit buses that have reached their useful life.

Project Benefits

The following project benefits is expected: 1) Reduce Greenhouse Gas (GHG) Emissions improving air quality for all residents; 2) Replace existing transit buses that have reached their useful life reducing maintenance expenses and improving reliability; 3) Battery-electric buses are quite compared to traditional transit buses allowing passengers to relax and easily have conversations.

Additional Information

On December 20, 2019, the Department of General Services, Procurement Division (DGS-PD) announced the award of the new Statewide Contract (SC) for Zero Emission Transit Buses. The SCs are as follows: 1-19-23-17B (New Flyer) and 1-19-23-17C (Proterra).

This project will use \$2,055,000 of Federal FY 2020 CMAQ funds that have been transferred to FTA Section 5307, and \$693,000 of local transportation funds, for a total project cost of \$2,748,000 for the purchase of three 35', low floor, battery-electric buses, accessories, and warranty.

Location Description

This project is located at the City of Porterville Corporation Yard, 555 North Prospect, Porterville, California 93257

Project Location (Urbanized Areas)

UZA Code	Area Name
060000	California
064090	Porterville, CA

Congressional District Information

State	District	Representative
California	23	Kevin McCarthy
California	22	Devin Nunes
California	21	TJ Cox

Program Plan Information

STIP/TIP

Date: 4/23/2020

Description: Tulare County Association of Governments (TCAG) 2019 FTIP CTIPS ID: 215-0000-0741

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UPWP

Date: N/A

Description: N/A

Long Range Plan

Date: N/A

Description: N/A

Project Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
FHWA Transfer to 5307 Urbanized Area Formula Grants	5307-3	20507	\$2,055,000
Local			\$693,000
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$2,748,000

Project Budget

Project Number	Budget Item	FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
6260-2021-1-P1	111-00 (111-) BUS - ROLLING STOCK	\$2,055,000.00	\$693,000.00	\$2,748,000.00	3
6260-2021-1-P1	11.12.03 BUY REPLACEMENT Battery Electric 35-FT BUS	\$2,055,000.00	\$693,000.00	\$2,748,000.00	3

Project Budget Activity Line Items

Budget Activity Line Item: 11.12.03 - BUY REPLACEMENT Battery Electric 35-FT BUS

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
BUS - ROLLING STOCK (111-00)	11.12.03	BUY REPLACEMENT 30-FT BUS	BUY REPLACEMENTS - CAPITAL BUS	3

Extended Budget Description

Purchase three (3) battery electric transit buses and accessories from the California Department of General Services Contract.

Will 3rd Party contractors be used to fulfill this activity line item?

No, 3rd Party Contractors will not be used for this line item.

Propulsion	Fuel Type	Vehicle Condition	Vehicle Size (ft.)
N/A	Battery Power	New	35'

Funding Source	Section of Statute	CFDA Number	Amount
FHWA Transfer to 5307 Urbanized Area Formula Grants	5307-3	20507	\$2,055,000
Local			\$693,000
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$2,748,000

Milestone Name	Est. Completion Date	Description
Council Authorize Agreement	4/20/2021	Staff will recommend that the City Council authorize staff to execute an agreement with New Flyer or Proterra to procure three 35' low floor, battery-electric buses and accessories using the California Department of General Services Contract.
Bus Delivery	6/30/2022	Contractor will deliver all three battery electric buses
Bus Acceptance	8/1/2022	Transit staff will inspect all aspects of each vehicle and perform required testing prior to acceptance.
Contract Completion Date	9/6/2022	City Council to accept project completion and issue payment to contractor.

Project Environmental Findings**Finding: Class II(c) - Categorical Exclusions (C-List)**

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 07: Acquisition, installation, rehabilitation, replacement, and maintenance of vehicles or equipment, within or accommodated by existing facilities, that does not result in a change in functional use of the facilities, such as: equipment to be located within existing facilities and with no substantial off-site impacts; and vehicles, including buses, rail cars, trolley cars, ferry boats and people movers that can be accommodated by existing facilities or by new facilities that qualify for a categorical exclusion.

Date Description	Date
Class IIc CE Approved	4/6/2021

Part 4: Fleet Details

Fleet Type: Fixed Route

Fleet Comments

9 Fixed Routes operated by 10 Vehicles

Primary Fleet is 10 Battery Electric 40' Buses

Spares Fleet is 13 CNG Buses

5 CNG Buses will be disposed

		Current Value
I.	Active Fleet	
	A. Peak Requirement	10
	B. Spares	13
	C. Total (A+B)	23
	D. Spare Ratio (B/A)	130%
II.	Inactive Fleet	
	A. Other	0
	B. Pending Disposal	5
	C. Total (A+B)	5
III.	Total (I.C and II.C)	28

Fleet Type: Paratransit

Fleet Comments

Current Fleet - 9 Braun Minivans
Spares - 3 El Dorado EZ Street

		Current Value
I.	Active Fleet	
	A. Peak Requirement	9
	B. Spares	3
	C. Total (A+B)	12
	D. Spare Ratio (B/A)	33.33%
II.	Inactive Fleet	
	A. Other	0
	B. Pending Disposal	4
	C. Total (A+B)	4
III.	Total (I.C and II.C)	16

Fleet Type: Other

Fleet Comments

Battery electric vans operating on-demand service.

		Current Value
I.	Active Fleet	
	A. Peak Requirement	8
	B. Spares	4
	C. Total (A+B)	12
	D. Spare Ratio (B/A)	50%
II.	Inactive Fleet	
	A. Other	0
	B. Pending Disposal	0
	C. Total (A+B)	0
III.	Total (I.C and II.C)	12

Part 5: FTA Review Comments

There are no review comments to display at this time.

Part 6: Agreement

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION

FEDERAL TRANSIT ADMINISTRATION

GRANT AGREEMENT (FTA G-28, February 9, 2021)

On the date the authorized U.S. Department of Transportation, Federal Transit Administration (FTA) official signs this Grant Agreement, FTA has obligated and awarded federal assistance as provided below. Upon execution of this Grant Agreement by the Recipient named below, the Recipient affirms this FTA Award, enters into this Grant Agreement with FTA, and binds its compliance with the terms of this Grant Agreement.

The following documents are incorporated by reference and made part of this Grant Agreement:

- (1) "Federal Transit Administration Master Agreement," FTA MA(28), February 9, 2021, <http://www.transit.dot.gov>,
- (2) The Certifications and Assurances applicable to the FTA Award that the Recipient has selected and provided to FTA, and
- (3) Any Award notification containing special conditions or requirements, if issued.

WHEN THE TERM "FTA AWARD" OR "AWARD" IS USED, EITHER IN THIS GRANT AGREEMENT OR THE APPLICABLE MASTER AGREEMENT, "AWARD" ALSO INCLUDES ALL TERMS AND CONDITIONS SET FORTH IN THIS GRANT AGREEMENT.

FTA OR THE FEDERAL GOVERNMENT MAY WITHDRAW ITS OBLIGATION TO PROVIDE FEDERAL ASSISTANCE IF THE RECIPIENT DOES NOT EXECUTE THIS GRANT AGREEMENT WITHIN 90 DAYS FOLLOWING FTA's AWARD DATE SET FORTH HEREIN.

FTA AWARD

Federal Transit Administration (FTA) hereby awards a Federal Grant as follows:

Recipient Information

Recipient Name: Porterville, City Of

Recipient ID: 6260

DUNS No: 030969406

Application Information

Federal Award Identification Number: 6260-2021-1

Application Name: CA-2021 | CMAQ and 5307 | Purchase Electric Buses

Application Start Date: N/A

Original Award End Date: 3/31/2023

Current Award End Date: N/A

Application Executive Summary: This project will use \$2,055,000 of Federal FY 2020 CMAQ funds that have been transferred to FTA Section 5307, and \$693,000 of local transportation funds, for a total project

cost of \$2,748,000 for the purchase of three 35', low floor, battery-electric buses, accessories, and warranty.

Research and Development: This award does not include research and development activities.

Indirect Costs: This award does not include an indirect cost rate.

Suballocation Funds: Recipient organization is directly allocated these funds and is eligible to apply for and receive these funds directly.

Pre-Award Authority: This award is using Pre-Award Authority.

Application Budget

Total Application Budget: \$2,748,000.00

Amount of Federal Assistance Obligated for This FTA Action (in U.S. Dollars): \$2,055,000.00

Amount of Non-Federal Funds Committed to This FTA Action (in U.S. Dollars): \$693,000.00

Total FTA Amount Awarded and Obligated (in U.S. Dollars): \$2,055,000.00

Total Non-Federal Funds Committed to the Overall Award (in U.S. Dollars): \$693,000.00

Application Budget Control Totals

(The Budget includes the individual Project Budgets (Scopes and Activity Line Items) or as attached)

Funding Source	Section of Statute	CFDA Number	Amount
FHWA Transfer to 5307 Urbanized Area Formula Grants	5307-3	20507	\$2,055,000
Local			\$693,000
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$2,748,000

(The Transportation Development Credits are not added to the amount of the Total Award Budget.)

U.S. Department of Labor Certification of Public Transportation Employee Protective Arrangements:

Original Certification Date:

Special Conditions

There are no special conditions.

FINDINGS AND DETERMINATIONS

By signing this Award on behalf of FTA, I am making all the determinations and findings required by federal law and regulations before this Award may be made.

FTA AWARD OF THE GRANT AGREEMENT

Awarded By:

FEDERAL TRANSIT ADMINISTRATION
U.S. DEPARTMENT OF TRANSPORTATION
Contact Info:
Award Date:

EXECUTION OF THE GRANT AGREEMENT

Upon full execution of this Grant Agreement by the Recipient, the Effective Date will be the date FTA or the Federal Government awarded Federal assistance for this Grant Agreement.

By executing this Grant Agreement, the Recipient intends to enter into a legally binding agreement in which the Recipient:

- (1) Affirms this FTA Award,
- (2) Adopts and ratifies all of the following information it has submitted to FTA:
 - (a) Statements,
 - (b) Representations,
 - (c) Warranties,
 - (d) Covenants, and
 - (e) Materials,
- (3) Consents to comply with the requirements of this FTA Award, and
- (4) Agrees to all terms and conditions set forth in this Grant Agreement.

Executed By:

Porterville, City Of

Tulare County Association of Governments (TCAG)
2019 FTIP

Grouped Projects for Purchase of
New Buses and Rail Cars to
Replace Existing Vehicles or for
Minor Expansions of the Fleet (using toll credits)

(CTIPS ID: 215-0000-0741)

Agency	Project Title	Project Description	Fund Source	Amounts in \$1,000's					Total Project Cost
				Funds Programmed "Prior"	FY 18/19	FY 19/20	FY 20/21	FY 21/22	
Dinuba	Dinuba City Transit Bus Purchases	Purchase of four (4) new buses to replace existing Dinuba City Transit buses. Purchase one replacement bus each federal fiscal year during the four-year period of 2017 FTIP	FTA 5339	\$0	\$118	\$118	\$118	\$118	\$556
			Local City Funds	\$0	\$21	\$21	\$21	\$21	
Visalia	Visalia City Transit Bus Purchases	Purchase of four (4) new buses to replace existing Visalia City Transit buses	FTA 5339	\$0	\$379	\$379	\$379	\$379	\$2,474
			FTA 5339(b)	\$0	\$570	\$0	\$0	\$0	
			Local City Funds	\$0	\$97	\$97	\$97	\$97	
Tulare	Tulare City Transit Bus Purchases	Purchase of new buses to replace existing Tulare City Transit buses	FTA 5339	\$0	\$124	\$124	\$124	\$124	\$1,020
			Local City Funds	\$0	\$131	\$131	\$131	\$131	
Tulare County	TCAT Transit Bus Purchases	Purchase two (2) new CNG buses for Tulare County Area Transit	CMAQ	\$0	\$929	\$0	\$0	\$0	\$1,050
			Local County Funds	\$0	\$121	\$0	\$0	\$0	
Visalia	Visalia City Transit Electric Bus and Charger Purchase	Purchase one (1) new electric bus and charger for Visalia City Transit	CMAQ	\$0	\$876	\$0	\$0	\$0	\$1,031
			Local City Funds	\$0	\$155	\$0	\$0	\$0	
Porterville	Porterville City Transit Bus Purchases	Purchase of three (3) new electric buses for Porterville City Transit	CMAQ	\$0	\$0	\$0	\$2,055	\$0	\$2,748
			Local City Funds	\$0	\$0	\$0	\$693	\$0	
Visalia	Visalia City Transit Bus Purchases (4 electric buses)	Purchase of 4 electric buses for Visalia City Transit	CMAQ	\$0	\$0	\$0	\$0	\$1,316	\$3,302
			Local City Funds	\$0	\$0	\$0	\$0	\$1,986	

Projects are consistent with 40 CFR Part 93.126 Exempt Tables 2 and Table 3 categories - Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of the fleet.

Group 2 - 35 Foot Standard Low Floor Battery Electric Bus

Contractor	Proterra
Manufacturer	Proterra
Model	Catalyst XR

BASE BUS		
Contract Line Item # (CLIN)	Description	Contract Unit Price
2.1	35 Foot Standard Low Floor Battery Electric Bus, 220 kWh battery pack with an operating range up to 124 miles*, meeting Attachment B, Technical Specification 2310-4399R2, dated 4/19/2019. Base warranty of 6yrs/250k miles on Energy Storage System (ESS).	\$ 689,000.00
2.2	Additional 220 kWh battery pack (operating range up to 227 miles*)	\$ 100,000.00
2.3	Optional Extended Warranty 220 kWh ESS 6yrs/250K miles (total of 12yrs/500K miles)	\$ 75,000.00

OPTIONS		
Contract Line Item # (CLIN)	Description	Contract Mark-Up %
n/a	Options, (cost plus)	3%

SPARE PARTS		
Contract Line Item # (CLIN)	Description	Contract Unit Price
2.4	Set Wiper Motors	\$ 239.00
2.5	Windshields (Standard Transit), per side	\$ 779.00
2.6	Set of Lower Panels	\$ 1,300.00
2.7	Set of Front Doors	\$ 4,596.00
2.8	Set of Rear Doors	\$ 4,871.00
2.9	Door Motor	\$ 2,500.00
2.10	Rear Bumper	\$ 1,100.00
2.11	Front Bumper	\$ 1,200.00
2.12	Traction Motor	\$ 9,000.00
2.13	Traction Motor Controller	\$ 8,500.00
2.14	Disk Brake Pad Set for one wheel	\$ 1,000.00
2.15	Disk Brake Rotor	\$ 900.00

SUPPORT		
Contract Line Item # (CLIN)	Description	Contract Unit Price
2.16	Operator Training (per hour as indicated in Attachment F-Training Requirements, total 56 hours)	\$ 218.75
2.17	BEB Technician Training (per hour as indicated in Attachment F-Training Requirements, total 304 hours)	\$ 218.75
2.18	Maintenance Packages Manual (per manual)	\$ 300.00
2.19	Preventative Maintenance and Procedure Manual (per manual)	\$ 300.00
2.20	Parts Manual (per manual)	\$ 200.00
2.21	Operator's Manual (per manual)	\$ 100.00

*Operating range approximated, and will vary with route conditions, weather, vehicle configuration and driver behavior.

Group 2 - 35 Foot Standard Low Floor Battery Electric Bus

Contractor	New Flyer of America Inc.
Manufacturer	New Flyer of America Inc.
Model	XE35

BASE BUS		
Contract Line Item # (CLIN)	Description	Contract Unit Price
2.1	35 Foot Standard Low Floor Battery Electric Bus, 311 kWh battery pack with an operating range up to 150 miles*, meeting Attachment B, Technical Specification 2310-4399R2 dated 4/19/2019. Base warranty of 6 yrs/300k miles on Energy Storage System (ESS).	\$ 732,618.00
2.2	Volume Discount, bus order quantity 5 - 9	\$ 730,618.66
2.3	Volume Discount, bus order quantity 10 - 24	\$ 728,618.66
2.4	Volume Discount, bus order quantity greater than 24	\$ 723,618.66
2.5	Change to provide ESS 160 kWh battery pack (operating range up to 70 miles*)	\$ (48,011.69)
2.6	Change to provide ESS 213 kWh battery pack (operating range up to 85 miles*)	\$ (12,600.00)
2.7	Change to provide ESS 388 kWh battery pack (operating range up to 190 miles*)	\$ 42,976.75
2.8	Optional Extended Warranty Propulsion System 3yrs/200K miles (total of 5 yrs/300K miles)	\$ 15,641.94
2.9	Optional Extended Warranty Propulsion System 4yrs/200K miles (total of 6 yrs/300K miles)	\$ 17,009.94
2.10	Optional Extended Warranty Propulsion System 10yrs/400K miles (total of 12yrs/500K miles)	\$ 32,012.34
2.11	Optional Extended Warranty 311 kWh ESS 6yrs/200K miles (total of 12yrs/500K miles)	\$ 40,718.52
2.12	Optional Extended Warranty 388 kWh ESS 6yrs/200K miles (total of 12yrs/500K miles)	\$ 50,834.88

OPTIONS		
Contract Line Item # (CLIN)	Description	Contract Mark-Up %
n/a	Options, (cost plus)	0%

SPARE PARTS		
Contract Line Item # (CLIN)	Description	Contract Unit Price
2.13	Set Wiper Motors	\$ 232.99
2.14	Windshields (Standard Transit), per side	\$ 176.40
2.15	Set of Lower Panels	\$ 3,426.97
2.16	Set of Front Doors	\$ 3,255.87
2.17	Set of Rear Doors	\$ 2,792.26
2.18	Door Motor	\$ 1,854.06
2.19	Rear Bumper	\$ 773.71
2.20	Front Bumper	\$ 761.31
2.21	Traction Motor	\$ 12,272.31
2.22	Traction Motor Controller	\$ 7,279.93
2.23	Disk Brake Pad Set for one wheel	\$ 1,813.53
2.24	Disk Brake Rotor	\$ 228.12

SUPPORT		
Contract Line Item # (CLIN)	Description	Contract Unit Price
2.25	Operator Training (per hour as indicated in Attachment F-Training Requirements, total 56 hours)	\$ 208.34
2.26	BEB Technician Training (per hour as indicated in Attachment F-Training Requirements, total 304 hours)	\$ 351.98
2.27	Maintenance Packages Manual (per manual)	\$ 741.00
2.28	Preventative Maintenance and Procedure Manual (per manual)	\$ 298.15
2.29	Parts Manual (per manual)	\$ 153.46
2.30	Operator's Manual (per manual)	\$ 87.69

*Operating range approximated, and will vary with route conditions, weather, vehicle configuration and driver behavior.



CITY COUNCIL AGENDA – APRIL 6, 2021

SUBJECT: Authorization for the Purchase and Installation of Bus Advertising from Rethought Reborn Media

SOURCE: Public Works

COMMENT: At its meeting on December 15, 2020, the City Council approved a one-year agreement with Uber Technologies Inc. to provide software-as-a-service for on-demand mobility operated by the City's TransPORT service. TransPORT services will be available on the Uber mobile application beginning May 1, 2021.

To assist with advertising the new on-demand service, staff determined that a full bus wrap advertisement, on three transit buses, would assist in effectively promoting the Agency brand as well as provide creative advertising for community awareness. Staff will also be advertising the new on-demand service by Uber at fifteen (15) bus stop shelters throughout the community, on social media, and in the Porterville Recorder.

Staff requested pricing from available and experienced transit advertising vendors for the installation of a full bus wrap on three transit buses. The design concept was performed by the City's advertising contractor Rethought Reborn Media.

The City received the following quotes:

Rethought Reborn Media	\$27,340
Royal Wrapz	\$34,969

Staff determined that the quote from Rethought Reborn Media was fair and reasonable, and has provided bus advertising services for the City for the past seven years. Funding for this project is available in the transit operating budget and fully funded by the City's FTA operating grant.

RECOMMENDATION: That the City Council authorize the purchase and installation of three full bus wrap advertising from Rethought Reborn Media at a cost not to exceed \$27,340.

ATTACHMENTS:

1. TransPort EV350 Full Wrap Design Proof
2. Rethought Reborn Media Quote
3. Royal Wrapz Quote

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager

design proof [TRANSPORT]



KING OPTION 1



KING OPTION 2



QUEEN



TAIL



BUS
SHELTER

RETHOUGHT REBORN MEDIA
 PO Box 6260
 Arnold, CA 95223
 559-783-9545
 jenna@rethoughtreborn.com
 www.transit-advertising.com

Estimate 1006



ADDRESS	DATE	TOTAL
Richard Tree City of Porterville Porterville Transit 15 E. Thurman Ave. Porterville, CA 93257	03/15/2021	\$27,339.05

ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
PTZFW	Production of full wrap ad on Avery 1105 Premium high-gloss cast film with 1360z Gloss Laminate, and Solvex 50/50 perforated vinyl with 1360z Laminate for window coverage. PT's 8200 series (35ft GreenPower).	3	5,722.46	17,167.38T
inPTZFW	Installation of full wrap ad on PT's 8200 series (35ft GreenPower).	3	2,861.23	8,583.69
CREATIVE	Creative/graphic design adaptation of existing design for full bus wrap	1	300.00	300.00
CLNTDISC	Creative/graphic design adaptation waived	1	-300.00	-300.00
Campaign: TransPort available May 1 on Uber		SUBTOTAL		25,751.07
		TAX		1,587.98
TOTAL			\$27,339.05	

THANK YOU.

Accepted By

Accepted Date

Royal Wrapz
32193 RD 160
Ivanhoe, CA 93235 US
(559)731-9368
royalwrapz@gmail.com



Estimate

ADDRESS

Richard Tree
City of Porterville - Transit
Manager

ESTIMATE # 1458

DATE 03/15/2021

	QTY	RATE	AMOUNT
Print Avery 1105 Print on Avery 1105 with 1360 Lamination for the body. Print on Solvex 50/50 perf with 1360 Lamination for the windows. Full Wrap on Green Power bus with Transport Graphics. Both sides full coverage including windows, Front all black, Back is full coverage including rear spoiler.	3	7,803.36	23,410.08T
Installation Installation of Graphics Full Wrap on Green Power bus with Transport Graphics. Both sides full coverage including windows, Front all black, Back is full coverage including rear spoiler.	3	3,034.64	9,103.92
Design Service Design Wrap for full coverage on Green Power bus	8	80.00	640.00
SUBTOTAL			33,154.00
TAX			1,814.28
TOTAL			\$34,968.28

Accepted By

Accepted Date



CITY COUNCIL AGENDA – APRIL 6, 2021

SUBJECT: Authorization to Repair Electronic Message Board

SOURCE: Parks and Leisure Services

COMMENT: The City purchased the electronic message board that is located on Prospect Street within Veterans Park in 2009. The sign is used not only to display Parks and Leisure Services activities, but also information for other City Departments, as well as other important messages that need to be displayed for the benefit of the community (e.g. COVID-19 safety reminders).

The electronic message board has stopped functioning and is in need of repair. Signworks, the company that installed the sign in 2009 at the cost of \$48,000, was contacted in the attempt to make necessary repairs. It was determined that the LED display boards will not illuminate anymore and the outdated software to operate the sign is non-operable. The cost to get the sign fully operational is \$29,719.96 and is proposed to be paid from the General Fund Facility Deferred Maintenance / Equipment Replacement Designated Fund.

RECOMMENDATION: That the City Council:

1. Adopt the draft Resolution authorizing the appropriation of \$29,720 from the General Fund Facility Deferred Maintenance / Equipment Replacement Designated Fund for the repair of the City's electronic message board; and
2. Approve the repair of the City's electronic message board by SignWorks for \$29,719.96.

ATTACHMENTS:

1. SignWorks Estimate
2. Draft Resolution

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

Estimate



SignWorks

109 E. 5th Street
Hanford, CA 93230
ph. (559) 583-1175
fax (559) 583-1824
email: info@signworksworld.com

Prepared For: Donnie Moore
City of Porterville - Parks & Leisure
15 E. Thurman Ave.
Porterville, CA 93257

ph: (559) 333-0143

fax:

Estimate: No:	31011
Date:	11/20/2020 3:22:33PM
Terms:	Net 30
Due Date	0 day(s) from order
Salesperson:	Brianna Garcia

Description: New LED Message Boards - 20mm Full Color

Dear Donnie:

Thank you for considering SignWorks for your sign needs.
If you have any questions, please don't hesitate to call me at 583-1175

>>> PLEASE CONTACT US SO WE CAN PROCEED WITH THIS ORDER, THANK YOU. <<<

Sincerely,

Brianna Garcia
Sales Rep.

Qty	Product	Sides	Size	Unit Cost	Install	Item Total
2	Custom Sign	*	1	1 x 1	\$13,016.00	\$0.00
Description	20mm Full Colors Boards					\$26,032.00
1	Installation	1	1 x 1	\$1,280.00	\$0.00	\$1,280.00
Description	Installation					

Notes:

* THIS PRICE INCLUDES INSTALLATION
* PLEASE SIGN AND DATE ESTIMATE, IF YOU WOULD LIKE TO PROCEED WITH THIS JOB.

* REQUIRES 50% DEPOSIT TO START JOB.

Line Item Total:	\$27,312.00
Tax Exempt Amt:	\$1,280.00
Subtotal:	\$27,312.00
Taxes:	\$2,407.96
Total:	\$29,719.96

Deposit Required: \$14,859.98

Accepted By (signature required)

Date

Fax Confirmation to (559) 583-1824

RESOLUTION NO. ____-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE FACILITY
DEFERRED MAINTENANCE / EQUIPMENT REPLACEMENT DESIGNATED FUND
FOR THE REPAIR OF THE CITY'S ELECTRONIC MESSAGE BOARD

WHEREAS: The City of Porterville has an electronic message board located on Prospect Street within Veteran's Park;

WHEREAS: The electronic message board is used to display Parks and Leisure Services activities, safety reminders and other important messages for the community;

WHEREAS: The electronic message board which was installed in 2009, has stopped functioning and is in need of repairs and replacement of the LED display boards and outdated software;

WHEREAS: The City of Porterville Municipal Code Section 2-31.3, established the Facility Deferred Maintenance / Equipment Replacement Designated Fund for the exclusive purpose of providing funds to support one-time City facility deferred maintenance and / or equipment replacement costs.

NOW, THEREFORE, BE IT RESOLVED:

1. That the City Council of the City of Porterville make a finding that the repair of the City's electronic message board is within the intent and purpose of the Facility Deferred Maintenance / Equipment Replacement Designated Fund; and
2. That the City Council of the City of Porterville does hereby approve and authorize the appropriation of \$29,720 from the Facility Deferred Maintenance / Equipment Replacement Designated Fund for the immediate repair of the electronic message board.

PASSED, APPROVED AND ADOPTED this 6th day of April, 2021.

Adrian Monte Reyes, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – APRIL 6, 2021

SUBJECT: Authorization to Repair Fire Aerial Ladder Truck

SOURCE: Public Works

COMMENT: Ladder Truck #T73, City Equipment #2195, is an active Fire Apparatus and is the City's only aerial ladder truck. The truck is in need of repair of fluid leaks from the engine and power steering system, and should be repaired by a certified Cummins repair facility.

Staff is requesting authorization to utilize E. M. Tharp, which is the nearest certified Cummins repair facility, to perform the required repairs at an estimated cost not to exceed \$14,472 (inclusive of all parts, taxes, labor, and a 10% contingency). Funds are available in the Fire Department's Equipment Replacement account.

RECOMMENDATION: That the City Council:

1. Authorize fire aerial ladder truck repair by E. M. Tharp at a cost not to exceed \$14,472 (inclusive of all parts, taxes, labor, and a 10% contingency); and
2. Authorize payment of up to 100% of the authorized amount upon receipt of invoice approved by the Public Works Director.

ATTACHMENTS: 1. E.M. Tharp, Inc. Repair Estimate

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager



Golden State Peterbilt - Porterville

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



Case Number: 8232113 - Repair Order Number: 2555
Purchase Order Number: n/a
Service Writer: Santiago, *Ruby - Case Date: 03/12/21 02:13 pm PST

City Of Porterville	Unit #: 2195	
Address: 291 NORTH MAIN STREET PORTERVILLE, CA 93257	Asset: 2006 HME FIRE TRUCK Miles 23,149	 5WZ20712
Phone: (559) 782-7456	Serial #: 5WZ20712	
Fax:	VIN: 44KFT42865WZ20712	
Cust #: 2992	Engine: CUMMINS	
	Engine Hours: 2549	

Complaint:

OIL LEAKS, COOLANT LEAKS, POWER STEERING LEAKS

Operation	Operation	Labor	Parts	Core Charge	Total
1	Miscellaneous Check and Advise Parts: (1.0) FREIGHT, (1.0) TURBO GASKET, (1.0) TURBOCHARGER, HEPRE07VG HD Core: \$872.85 Complaint: OIL LEAK AT WASTE GATE NEAR TURBO	\$775.00	\$3,794.52	\$0.00	\$4,569.52
2	Engine Check and Advise Parts: (1.0) SEAL Complaint: OIL LEAK NEAR DIPSTICK TUBE	\$46.50	\$20.00	\$0.00	\$66.50
3	Cooling System Check and Advise Parts: (1.0) ELBOW-RUBBER SILICONE 90D, (1.0) FREIGHT, (1.0) HOSE, PLAIN, (1.0) HOSE-COOL 2-1/2"SIL BLUE, (1.0) HOSE-SILICONE 2.5", (1.0) SUBLET RADIATOR REPAIR, (12.0) Coolant H, (2.0) CLAMPS, (2.0) SHELL ELC 50/50 RED Complaint: COOLANT LEAK, CHECK & ADVISE	\$2,015.00	\$725.26	\$0.00	\$2,740.26
4	Engine Check and Advise Parts: (1.0) Elect Cln, (1.0) GASKET, EXH GAS RCN VALVE, (1.0) GASKET, EXH GAS RCN VALVE, (1.0) GASKET-RKR LEVER HOUSING, (1.0) HARNESS, ETR CNT MDL WRG, (1.0) SEAL, O RING, (1.0) SEAL, O RING, (1.0) VALVE COVER GASKET, (2.0) " Anaerobic Gasket Maker, (4.0) SEAL, O RING, (6.0) Celect In, (6.0) SEAL, O RING, (6.0) SEAL, O RING Complaint: OIL LEAK AT VALVE COVER	\$1,705.00	\$589.41	\$0.00	\$2,294.41
5	Steering Check and Advise Parts: (1.0) GASKET, HYDRAULIC PUMP, (1.0) O RINGS Complaint: POWER STEERING LEAK, CHECK & ADVISE	\$775.00	\$10.51	\$0.00	\$785.51
6	Engine Check and Advise Parts: (1.0) FILTER LUBE OIL, (1.0) OIL PAN GASKET, (12.0) 15W/40 Complaint: LEAK AT OIL PAN, CHECK & ADVISE	\$310.00	\$369.02	\$0.00	\$679.02
7	Engine Repair Parts: (1.0) AIR FILTER	\$46.50	\$250.00	\$0.00	\$296.50

	Complaint: REPLACE AIR FILTER				
8	HVAC Check and Advise Complaint: AC LINES LEAKING OIL, CK AND ADVISE	\$620.00	\$0.00	\$0.00	\$620.00

Notes: [3/17/2021 at 11:10 am PDT] - Unit 2195 was checked in at Golden State Peterbilt - Porterville, arrival time: 3/12/2021 at 02:15 pm PST.
Repair status set to Checked-in.

[3/17/2021 at 11:30 am PDT] - Approval Requested for the estimate version 1, total \$1,916.27. [View the estimate.](#)
Repair status set to Hold (auth).

[3/24/2021 at 03:38 pm PDT] - INCOMING CALL FROM MIKE HILDRETH, HES AT THE FIRE DEPT. AND WANTED A STATUS. TOLD HIM WE ARE PENDING PARTS SO WE CAN GENERATE AN ESTIMATE & GET THE ESTIMATE TO COUNCIL. HE SAID IF WE CAN ALSO KEEP THEM UPDATED. NUMBERS GIVEN WERE MIKE HILDRETH 559-359-6357, AARON BRUNELLE 559-786-7071.

[3/24/2021 at 04:17 pm PDT] - Yes, please keep me informed when you have an estimate prepared. Thank you, Russell

[3/26/2021 at 07:57 am PDT] - Approval Requested for the estimate version 2, total \$13,155.65. [View the estimate.](#) NOTE: GOOD MORNING, WE FOUND THIS UNIT HAS A FAILED TURBO, MULTIPLE OIL LEAKS, IT DOES NEED NEW INJECTOR O-RINGS, THE EGR COOLER NEEDS NEW O-RINGS, POWER STEERING FITTINGS NEED TO BE RESEALED, THE OIL PAN IS LEAKING AT THE GASKET, THERE IS OIL FROM THE AC LINES ON THE COMPRESSOR, AND THE RADIATOR NEEDS TO BE REPAIRED AS IT IS LEAKING AS WELL. PLEASE REVIEW THE ESTIMATE AND LET US KNOW HOW YOU WOULD LIKE TO MOVE FORWARD W/REPAIRS. THANKS, RUBY
Repair status set to Hold (auth).

Parts:	\$5,758.72
Labor:	\$6,293.00
Core:	\$0.00
Haz. Waste:	\$25.00
Shop:	\$500.00
Freight:	\$0.00
Tax:	\$578.93
TOTAL:	\$13,155.65

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

DATE: ____/____/____



CITY COUNCIL AGENDA – APRIL 6, 2021

SUBJECT: Authorization to Execute a Contract with Penny Hummel Consulting to Perform a Library Needs Assessment

SOURCE: Parks and Leisure Services

COMMENT: At its meeting on December 15, 2020, the City Council authorized staff to hire a consultant to perform a library needs assessment. The consultant will be working with the Library Facility Planning Committee, and will document the Committee process, findings and recommendations in a written report. The findings and recommendations in the report will inform and guide the Committee's next steps. As part of its budget adoption process, the Council approved \$75,000 for this new library facility needs assessment.

At its meeting on February 2, 2021, the Council authorized distribution of Requests for Proposals to obtain a consultant to develop a library needs assessment. Penny Hummel Consulting was the firm that scored the highest through the screening and interview process. The firm is based out of Portland, Oregon, and are partnering on this project with Carson Block Consulting, Inc. out of Fort Collins, Colorado. Both consulting firms are familiar with Porterville and have performed work associated with the San Joaquin Valley Library System, of which the Porterville Library is a member. The firm was asked to submit a scope of work and accompanying fee. The scope of work includes a sixteen (16) week timeline that will entail such duties as multiple meetings with the Library Facility Planning Committee, data gathering and analysis, focus groups, and develop and conduct surveys. The proposed fee from Penny Hummel Consulting is \$47,600.

It is anticipated that all meetings with the consulting firm will be held virtually. However, staff is proposing to allocate some funding to cover travel expenses should the need arise for the firm's staff to visit Porterville. In addition, some of the contingency funding built into the recommendation would cover the Library Facility Planning Committee's in-state same day travel expense to visit libraries should the need arise, and it be deemed safe to do so.

RECOMMENDATION: That the City Council authorize Penny Hummel Consulting to perform the Library Needs Assessment in the amount not to exceed \$52,000 from library insurance proceeds.

ATTACHMENTS: 1. Penny Hummel Consulting

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

PENNY HUMMEL CONSULTING

Porterville Public Library Facilities Needs Assessment

Week(s)	Project Team Activities	Meetings of the Library Facility Planning Committee	Penny Hummel (\$175/hr)	Penny Total	Carson Block (\$175/hr)	Carson Total	Total	Notes
1 through 16	Project Management		20 \$	3,500		\$0	\$3,500	Carson Block hours include contributions of his assistant, Bonnie Nichols
	Start work meeting with city and library leadership		2 \$	350	2	\$350	\$700	All meeting hours include prep, meeting and notes
1		Meeting #1: overview, discuss focus groups, comm. survey	2 \$	350	2	\$350	\$700	
2	Meeting/check in with leadership team		2 \$	350	2	\$350	\$700	
2, 3	(Staff technology survey)		\$	-	4	\$700	\$700	
2, 3, 4	Data gathering and analysis		12 \$	2,100	8	\$1,400	\$3,500	
2, 3, 4	Focus group scheduling		4 \$	700	2	\$350	\$1,050	
2, 3, 4, 5	Survey development		4 \$	700	8	\$1,400	\$2,100	
3		Meeting #2: SOAR exercise	3 \$	525	3	\$525	\$1,050	Does not include translation
4	Meeting/check in with leadership team		1 \$	175	1	\$175	\$350	
5		Meeting #3: demographics, tech staff survey results and needs, final review of survey	3 \$	525	3	\$525	\$1,050	
5, 6, 7, 8, 9	Focus groups (including documentation)		14 \$	2,450	8	\$1,400	\$3,850	
7, 8, 9, 10, 11, 12	(Survey is live)		6 \$	1,050	40	\$7,000	\$8,050	Survey management; coding, interpretation, report
7	Meeting/check in with leadership team		1 \$	175	1	\$175	\$350	
9	Meeting/check in with leadership team		1 \$	175	1	\$175	\$350	
10		Meeting #4: preliminary tech recommendations, survey and focus group results	3 \$	525	3	\$525	\$1,050	
10, 11, 12	Develop preliminary program		20 \$	3,500	0	\$0	\$3,500	
10, 11, 12	Develop technology recs.		\$	-	20	\$3,500	\$3,500	
12	Meeting/check in with leadership team		1 \$	175	1	\$175	\$350	
13		Meeting #5: preliminary program, final tech recommendations	3 \$	525	3	\$525	\$1,050	
14, 15	Develop final program, written		30 \$	5,250	20	\$3,500	\$8,750	
	Meeting/check in with leadership		1 \$	175	1	\$175	\$350	
16		Meeting #6: presentation of final report	3 \$	525	3	\$525	\$1,050	
TOTAL			136 \$	23,800	136	\$23,800	\$47,600	



CITY COUNCIL AGENDA – APRIL 6, 2021

SUBJECT: Authorization to Award Cleaning and Dewatering of Anaerobic Digester #2

SOURCE: Public Works

COMMENT: The Wastewater Treatment Facility is seeking authorization to clean and dewater digester #2. Digester #2 is scheduled for repairs this fiscal year and must be cleaned internally prior to performing the needed repairs. The contents of the digester will be pumped to specialized equipment which concentrates the solids to reduce the volume and odors of the anaerobic sludge.

Staff contacted three reputable digester cleaning companies for quotes to clean and dewater the digester. Of the three companies that were contacted only one, Wastewater Solids Management Company, submitted a quote for the project. The quotes are as follows:

Wastewater Solids Management Company - \$39,960

Synagro - Declined to Quote

Merrell Brother Incorporated - Declined to Quote

Wastewater Solids Management Company has been identified as the lowest bidder, therefore securing the cleaning and dewatering of digester #2 for a total project amount not to exceed \$43,956; inclusive of prevailing wage and a ten percent (10%) contingency. Expenditure for the project is to be funded from the Wastewater Treatment Facility Reserve Fund.

RECOMMENDATION: That City Council:

1. Award the cleaning and dewatering of digester #2 to Wastewater Solids Management Company for a total project amount not to exceed \$43,956, which includes a ten percent (10%) contingency; and
2. Direct the Finance Director to initiate a Purchase Order to Wastewater Solids Management Company for a not to exceed amount of \$43,956, which includes a ten percent (10%) contingency; and
3. Direct the Finance Director to make payment to Wastewater Solids Management Company upon receipt of invoice approved by the Public Works Director.

ATTACHMENTS:

1. Wastewater Solids Management Quote
2. Merle Brothers Inc - Decline to Quote

3. Synagro - Decline to Quote

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager

City of Porterville
Request for Estimate
City of Porterville – Digester #2 Dewatering

ESTIMATION DATE: DECEMBER 14, 2020

Mobilization/Demobilization:	\$ 7,520.00
Digester Dewatering Operations:	\$ 32,440.00
Project Total:	\$ 39,960.00

Description:

Wastewater Solids Management Co., Inc. will remove all sludge, grit, sand, rags, plastics, grease and other miscellaneous debris from the digester structure. Prior to turning over the primary digester for cleaning operations, City of Porterville personnel will drain the digester below the side hatch entryway. There will be approximately 90,000 gallons of material remaining in place (7'). The sludge material will be screened to a 3/16" capture rate. The screenings will be deposited in roll-off bins or other receptacle for end disposal by City of Porterville personnel. The screened sludge will be transferred to a mixing type tank and fed to a mobile belt press unit. The material will be dewatered with the filtrate being discharged back to the plant at a point designated by plant personnel. The dewatered sludge cake will be deposited in end dump trailers or stockpiled onsite for end disposal by City of Porterville personnel. WWSMC will hydro-wash the interior of the digester at the City of Porterville Wastewater Treatment Plant utilizing high volume water (300 gpm, 80 psi). Hydro-washing services will remove sludge and other material from the interior surfaces of the digester structure, however, some closely adhered materials may remain upon completion. (Struvite, vivianite, etc.). Wastewater Solids Management Co., Inc. will provide these services with the following provisions:

- Ⓢ Digester Dimensions: D: 40'; SWD: 29'; Solids Depth: 7'
- Ⓢ Maximum volume: 62,000 gallons (estimated)
- Ⓢ ≤ 8% solids concentration
- Ⓢ Coned bottom surface
- Ⓢ Minimum top access: 30"; Minimum side access: 30"
- Ⓢ ≤ 1,000 ft. to staging, processing and filtrate return point
- Ⓢ Min. Filtrate Return: 200 gpm; Max Filtrate Conc. 500 mg/L
- Ⓢ Prevailing wage determinations included

This will include all labor and materials except as listed below.

City of Porterville will provide the following:

- Ⓢ 150 amps; 480 V; 3-phase power available
- Ⓢ Water available: 300 gpm, 80 psi (1 1/2" connection or other)
- Ⓢ Remove & replace access hatch covers
- Ⓢ Roll-off bins for transport and disposal of screenings
- Ⓢ Sufficient storage space for sludge solids
- Ⓢ Sufficient staging area for WWSM, Inc. Equipment
- Ⓢ Equipment for the unloading and placement of WWSM, Inc. equipment (backhoe or other).

Fwd: City of Porterville digester cleaning request for quote

Daniel Harris <dhharris@ci.porterville.ca.us>

Mon 2/1/2021 4:18 PM

To: Robert Alvarez <ralvarez@ci.porterville.ca.us>

Sent from my iPhone

Begin forwarded message:

From: Dustin Smith <dustin@merrellbros.com>
Date: February 1, 2021 at 12:57:46 PM PST
To: Daniel Harris <dhharris@ci.porterville.ca.us>
Cc: Lori Jackson <lori@merrellbros.com>, Tim Stewart <tim@merrellbros.com>
Subject: Re: City of Porterville digester cleaning request for quote

Caution! This message was sent from outside your organization.

[Block sender](#)

Daniel,

We have decided not to bid. The notice to proceed date for your project will be mid summer. Our team and equipment will be finished with a digester cleaning project in Las Vegas in March/April. We were hoping to mobilize with that same crew and equipment if we are the successful bidder. Unfortunately, the timing will not work out and given the size of your project, we can not leave our equipment set waiting on this project to start.

Thanks

Dustin Smith
Chief Business Development Officer
Merrell Bros. Inc
8811 W. 500 N.
Kokomo, IN 46901
Office: 1-800-663-8830

Direct: 574-699-1006
Cell: 765-438-3152

www.merrellbros.com

Whatever you do, work at it with all your heart, as working for the Lord, not for men. Colossians 3:23

On Feb 1, 2021, at 11:07 AM, Daniel Harris <dhharris@ci.porterville.ca.us> wrote:

Good Morning All,

Just wanted to check and see if you are going to bid on this project?

Thanks,

Daniel Harris
City of Porterville, WWTF
1333 W Grand Ave
Porterville, Ca 93257
(559)333-6619

From: Dustin Smith
Sent: Wednesday, January 13, 2021 7:59 AM
To: Daniel Harris
Subject: Re: City of Porterville digester cleaning request for quote

Thank you Daniel. We are very interested in this project. I'll review the details and begin to prepare a bid.

Have a blessed day

Fw: City of Porterville digester cleaning request for quote

Daniel Harris <dharris@ci.porterville.ca.us>

Tue 2/9/2021 7:30 AM

To: Robert Alvarez <ralvarez@ci.porterville.ca.us>

Daniel Harris
City of Porterville, WWTF
1333 W Grand Ave
Porterville, Ca 93257
(559)333-6619

From: Emil Kneis <ekneis@SYNAGRO.com>

Sent: Tuesday, February 9, 2021 7:25 AM

To: Daniel Harris <dharris@ci.porterville.ca.us>; Jim Henderson <jhenderson@SYNAGRO.com>

Subject: RE: City of Porterville digester cleaning request for quote

Warning! This message was sent from outside your organization and we are unable to verify the sender.

[Allow sender](#) | [Block sender](#)

Hello Daniel,

Sorry that you hadn't heard back from anyone. I thought the CA team was going to reach out to you. I was told that we will not be quoting on the digester cleaning.

Thank you for reaching out.

Regards,

Emil Kneis
410-688-4438

From: Daniel Harris <dharris@ci.porterville.ca.us>

Sent: Tuesday, February 9, 2021 10:11 AM

To: Emil Kneis <ekneis@SYNAGRO.com>; Jim Henderson <jhenderson@SYNAGRO.com>

Subject: Re: City of Porterville digester cleaning request for quote

Good Morning,

Are you interested in submitting a bid on this project? Please let me know.

Thanks,

Daniel Harris
City of Porterville, WWTF
1333 W Grand Ave
Porterville, Ca 93257
(559)333-6619



CITY COUNCIL AGENDA – APRIL 6, 2021

SUBJECT: Renewal of Airport Lease Agreement between the City of Porterville and UNAVCO, Inc.

SOURCE: Finance

COMMENT: UNAVCO, Inc. is the current leaseholder of a portion of land, approximately 550 sq. ft., at the Porterville Municipal Airport. The lease terms allow for the option to renew the lease agreement at the end of the stipulated time period. The City has received a request from James Downing, Senior Contracts and Permitting Manager of UNAVCO, Inc., dated February 12, 2021, to renew the Lease Agreement for an additional fifteen (15) years, expiring November 15, 2035. The portion of land will rent for a rate of \$4,260 for the 15-year period. The subject property will be utilized to operate, maintain and service Global Navigation Satellite System monuments, Global Positioning System monuments and other related earth monitoring instrumentation which measure ground shifts caused by earthquakes and slow fault slip between earthquakes.

RECOMMENDATION: That the City Council:

1. Approve the Lease Agreement between the City of Porterville and UNAVCO, Inc. of Boulder, CO, for a portion of land at the Porterville Municipal Airport, expiring on November 15, 2035, for the lease amount of \$4,260; and
2. Authorize the Mayor to sign the Lease Agreement on behalf of the City.

ATTACHMENTS:

1. Letter of Request
2. Draft Lease Agreement
3. Locator Map
4. Photograph of existing AWOS tower with a GPS unit

Appropriated/Funded:

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager



6350 Nautilus Drive T 303.381.7500
Boulder, Colorado F 303.381.7501
80301-5553 www.unavco.org
support@unavco.org

February 12, 2021

Janie Rodriguez
Administrative Analyst I
Finance Department
City of Porterville

RE: UNAVCO Agreement Renewal Request

Dear Ms. Rodriguez:

This letter is the formal agreement renewal request by UNAVCO, Inc. for renewal of UNAVCO's agreement for site P056 for another 15-year term. The GPS station was originally built November 16, 2005, and with written approval from Mayor Kelly West.

The GPS site is located at the following coordinates (Latitude/Longitude WGS84):

P056: 36.02744, -119.06287

This instrument continues to provide high quality and valuable data to the scientific community. In addition to interseismic monitoring, this station served as important nodes for detection of the M7.2 El Mayor-Cucapah, M9 Tohoku and other large earthquakes. More recently, this station collected valuable data during the Ridgecrest earthquake sequence of July 2019. The data continue to be analyzed by researchers at the USGS, earthquake scientific community and applied to earthquake early warning projects. The continued operation is critical to understanding earthquake processes associated with the Garlock fault and Eastern California shear zone as well as hydrothermal and volcanic activity. The data acquired through this site provides valuable insights into plate dynamics that benefit the local communities as well as the scientific community in general. We are grateful for the continued cooperation by the City of Porterville.

UNAVCO's current agreement expired on November 15, 2020, and this letter serves as UNAVCO's official request to renew our agreement.

Feel free to contact us with any further questions, comments, or inquiries regarding this agreement. We look forward to working with you throughout the duration of our project.

Best Regards,

DocuSigned by:

6710F796F1D6430...

James Downing
Senior Contracts and Permitting Manager
UNAVCO, Inc.
6350 Nautilus Drive
Suite B/C
Boulder, CO 80301
303-381-7559
downing@unavco.org

NOTA Site #P056
NOTA Representative:
Walls, Mann
NOTA Region: Southwest

Site Contact Info

Contact Name: Maria Bemis
Mailing Address:
291 N. Main Street
Porterville, CA 93257
Email: mbemis@ci.porterville.ca.us
Phone: (559) 782-7435



Geodetic Monitoring Station Land Use Lease Agreement

THIS Geodetic Monitoring Station Land Use Lease Agreement (hereinafter "Lease"), is entered into as of November 16, 2020, by and between **City of Porterville**, together with its successors and assigns (hereinafter "Lessor"), and **UNAVCO, Inc., a Colorado Nonprofit Corporation, with its principal office located at 6350 Nautilus Drive, Boulder CO 80301, together with its successors, assigns, and scientific collaborators** (hereinafter "Lessee" or "UNAVCO"), for the purpose to install, operate, maintain, and service Global Navigation Satellite System (GNSS) monuments, Global Positioning System (GPS) monuments, and other related earth monitoring instrumentation which measure ground shifts caused by earthquakes and slow fault slip between earthquakes at the location specified below and in attached images and maps (if required):

County: Tulare City: Porterville State: CA Address: 1893 S. Newcomb St

Latitude: 36.02744 Longitude: -119.06287

IT IS HEREBY AGREED AS FOLLOWS:

1. This Lease is valid for a period of fifteen (15) years, commencing on the 16th of November, 2020, and shall expire on the 15th day of November, 2035.
2. The Lessor reserves the right to terminate this Lease at any time, with or without cause, upon submitting written notice to the Lessee. The termination will take effect thirty (30) days from the date Lessee receives the written notice from Lessor.
3. Lessee shall pay to Lessor four thousand two hundred sixty dollars (\$4,260) as consideration for this Lease.
4. The Lessee will give the Lessor or Lessor's agent reasonable notification, as specified in additional stipulations, prior to entry for any maintenance visits, if such visits are required.
5. The Lessee accepts the premises in an "as is" condition and, upon completion of the Lease, Lessee agrees to restore the premises as reasonably as possible to the condition at the start of the Lease.
6. The Lessee agrees to maintain the premises in a safe manner.
7. The Lessee shall install and maintain the GNSS/GPS monument, instruments, and ancillary equipment on the lands of the Lessor with reasonable diligence and precaution to avoid damage to the land, property, or personnel.
8. Lessee shall indemnify, defend, hold harmless, and release Lessor from any liability, action, claim, suit, loss, property damage, or personal injury of whatever kind relating to or arising from any act of commission or omission by itself, its agents, employees, or authorized representatives, or related to or arising from the exercise of the rights or privileges granted by this Lease. The Lessor will not be held responsible for loss of, or damage to, any of Lessee's equipment on the property.
9. The Lessor has the right and authority to enter into this Lease.

10. The Lessor may call 1-866-381-7507 or 303-381-7559 for any questions, comments, concerns, or inquiries related to this Lease.
11. The laws of the State of California shall govern any action arising out of or relating to this Lease.
12. This Lease constitutes the entire agreement between Lessor and Lessee.
13. Additional Stipulations:

Prior to receiving any form of payment from Lessee, the Lessor shall submit a W-9 and a Lessor Certification and Representation form to Lessee.

Lessor shall receive a copy of Lessee's insurance policy, with "City of Porterville" named as an additional insured.

Lessee shall comply with all future FAA requirements at no cost to the City of Porterville.

UNAVCO:

Lessor:

Signature

Date

James Downing
Sr. Contracts and Permitting Manager

Signatures

Date

Adrian Monte Reyes
Mayor

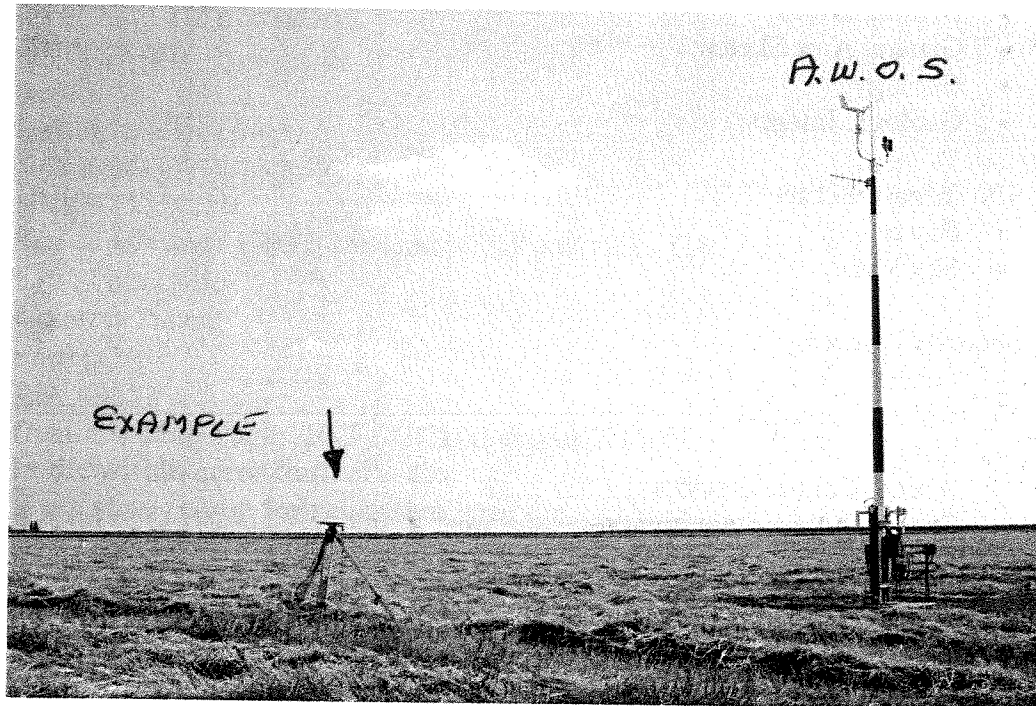
NOTA Site# P056: Porterville Airport



UNAVCO
PBO

GPS Station Reconnaissance Report

UNAVCO, INC.
PLATE BOUNDARY OBSERVATORY



Site Name: PAIR
PBO Site Name: P056
Recon Number: 01
Submitted By: J. Sklar
Organization: UNAVCO, PBO
Date of Reconnaissance: 25 April 2005

Table of Contents



CITY COUNCIL AGENDA – APRIL 6, 2021

SUBJECT: Intent to Set a Public Hearing to Transition to Phase III of the City's Water Conservation Plan

SOURCE: Public Works

COMMENT: The City's Water Conservation Plan is structured in an effort to provide conservation results, reducing the overall residential consumption and continuing to provide uninterrupted services to the community without compromising the operation of the City water distribution system. The City has been operating through the winter months in Phase IV of the City's Water Conservation Plan. As part of the Phase IV implementation, the City reduced watering days through the winter months, to a one day per week watering schedule, based on address. If an address ends with an "odd" number, the watering day is Saturday; if an address ends with an "even" number, the watering day is Sunday. Watering is prohibited between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m., with no watering allowed Monday, Tuesday, Wednesday, Thursday or Friday.

Conservation reduction guidelines presented in past State Governor Executive Orders and subsequent regulations adopted by the State Water Resources Control Board encourage conservation as a way of life. Taking into consideration the State Waterboards Self-Certification criteria for the City of Porterville, the City Council approved maintaining the current imposed conservation standard of 26% less than the production of 2013. The continuation of the current conservation goal keeps a standardized message that the City has worked to develop in public outreach, provides resiliency and capacity to ensure three 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 in meeting the requirements of the Sustainable Groundwater Management Act (SGMA).

In response, the City of Porterville has developed a Conservation Plan that has been effective while still allowing some flexibility throughout the community. The City's Conservation Plan is an Odd/Even watering schedule composed of Five Phases; Phase I, is Voluntary 3-Day Watering week Schedule; Phase II, is Mandatory 3-Day Watering week Schedule; Phase III, is Mandatory 2-Day Watering week Schedule; Phase IV, is Mandatory 1-Day Watering week Schedule; and Phase V, is a No Outdoor Watering schedule.

Through the implementation of mandatory conservation, the City of Porterville has been able to maintain a cumulative conservation total reduction of 25.2%

Gallons Per Capita Per Day (June 2015 through March 2021). In order to maintain conservation reductions, while providing flexibility to our residents, it is staff's recommendation to evaluate seasonal changes in temperature and the need to transition from Phase IV to Phase III of the City's Water Conservation Plan. Staff recommends Council consider setting a Public Hearing for April 20, 2021, to determine the transition to Phase III of the City's Water Conservation Plan (Phase III is a Mandatory odd/even 2-day watering week schedule). Odd addresses would be allowed to water on Tuesday & Saturday and even addresses on Wednesday & Sunday. The City's Water Conservation Plan applies to all water users within the City's service area.

RECOMMENDATION: That City Council direct the City Clerk to notice a Public Hearing to discuss the transition from Phase IV to Phase III of the Water Conservation Plan at its meeting of April 20, 2021.

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

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager



DROUGHT RESPONSE Phase III

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

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

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

Excessive water runoff is prohibited.

The washing of sidewalks and driveways is prohibited.

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

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

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

DROUGHT RESPONSE PHASE III

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

Mandatory Odd/Even Watering Schedule

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

Odd Address
 Even Address

ODD NUMBER ADDRESSES

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

OR

EVEN NUMBER ADDRESSES

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

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

**Mandatory
Odd/Even Watering
Schedule**

**Excessive water
runoff prohibited**

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

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

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

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

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



DROUGHT RESPONSE Phase IV

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

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

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

Excessive water runoff is prohibited.

The washing of sidewalks and driveways is prohibited.

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

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

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

DROUGHT RESPONSE PHASE IV

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

Mandatory Odd/Even Watering Schedule

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

- Odd Address
- Even Address
- Outdoor Watering is Prohibited

ODD NUMBER ADDRESSES

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

OR

EVEN NUMBER ADDRESSES

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

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

**Mandatory
Odd/Even Watering
Schedule**

**Excessive water
runoff prohibited**

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

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

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

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

**NO WATERING
MONDAY THROUGH
FRIDAY.**



CITY COUNCIL AGENDA – APRIL 6, 2021

SUBJECT: Community Cleanup Event Volunteer Guidelines

SOURCE: City Manager's Office

COMMENT: At its meeting on March 2, 2021, the City Council approved Vice Mayor Flores' request that the Council consider draft guidelines for community cleanup event volunteers as a Scheduled Matter at its meeting of March 16, 2021.

At its meeting of March 16, 2021, the Council provided direction that it was supportive of the draft guidelines as presented, with Council Member comments reflective that the guidelines would be scalable and supportive of both small- and large-scale cleanup events, and that City staff assist either in the placement and collection of a waste bin, receiving collected waste at the Corporation Yard and/or coordinating the disposal of collected waste at the Teapot Dome Landfill.

RECOMMENDATION: That the City Council consider approval of draft Guidelines for community cleanup event volunteers.

ATTACHMENTS: 1. Draft Guidelines for Cleanup Event Coordinators

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

Guidelines for Cleanup Event Coordinators



A step by step guide for making a successful Cleanup Event in our community.

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Introduction

Organizing a Cleanup

The City of Porterville can assist you in organizing a cleanup event in our community. This guide will outline a step-by-step process you can follow to make your event a success. City Public Works Department staff can also be contacted directly at (559)782-7514 to assist you during your planning stages.

Step 1 – Survey the Cleanup Site

Assess the area being cleaned to estimate the number of volunteers and additional support needed. Obtain prior authorization from the owner if the area is private property. City staff can assist cleanup organizer/organization obtain authorization from the property owner. When assessing the area, please note and document the following:

- Amount and types of trash
- Situations requiring special tools or equipment
- Safety concerns
- Hazardous waste (see Appendix A)
- Estimate the number of volunteers needed
- Precise location where cleanup will take place
- Take photos of site before cleanup

Step 2 – Organize a Group of Volunteers

Find volunteers in the community that value a clean and healthy environment. Share the information gathered with community members. Emphasize the importance of working together to keep the community clean. Outreach to community businesses and government agencies for additional assistance. After establishing a group of volunteers choose a cleanup date and time. We recommend organizing cleanup's between the months of April through October to avoid rain and cold weather. Consider more than one cleanup attempt if the site being cleaned is a large area.

Step 3 – Obtain Permission to Enter the Property

Prior to cleanup, permission must be obtained from owner to enter private property. The owner must sign a form prior to cleanup that authorizes entrance into the premises. Owners must be willing to sign proper authorization forms for cleanup to be approved. The property owner is not obligated to grant additional cleanup dates if cleanup is not successfully completed in one day.

Step 4 – Assess the Site for Cleanup

Setup an appointment with the property owner to assess the area with the owner. Walk with the owner through the area and note any special tools or equipment needed to remove waste. Take photos of site before cleanup and note any safety concerns. Coordinate with City Public Works Department staff to identify recycling opportunities and contact a local scrap hauler to get an estimate of debris that can be diverted from landfill disposal.

Estimate the amount of waste that will be collected to ensure the right size dumpster is obtained for the cleanup. Locate an accessible area where the dumpster can be placed and easily removed.

The safety of the volunteers should always be a priority. If cleaning is taking place next to an open road, ensure the safety of volunteers. Identify safe parking areas for volunteers prior to the cleanup.

Step 5 – Secure Waste Disposal Coupon if applicable

Ensure that all waste collected from the cleanup site is properly removed and disposed of according to its classification (e.g. Green Waste, Recyclables, General Refuse). When organizing the cleanup contact City Public Works Department staff at (559)782-7514, who can provide additional information of proper waste disposal that follow local guidelines and state regulations.

Step 6 – Obtain Cleanup Supplies

Seek donations from volunteers and local businesses to assist with cleanup efforts. Consider having the following supplies available at cleanup site:

- Heavy duty work gloves – These gloves will protect from broken glass, sharp objects, grime, and weeds.
- Non-Latex gloves – Ideal for wet and muddy cleanup areas.
- Hand Sanitizer – Sanitizer should be available for anyone volunteering at the site.
- Safety vest – Makes volunteers visible and identifiable to the public.
- Safety signs – Signs that direct vehicles entering the cleanup site. Safety signs that make the public aware of hazards.
- First aid kit – In case of a minor injury a first aid kit should be available at site.
- Cell phone – In case of any unforeseen event a phone should be available to communicate with emergency services.
- Shovel, rake, and pitchfork – Facilitates the cleanup of broken items such as glass and drywall.
- Ropes and straps – Useful for pulling and tying large items.
- Buckets – Facilitates the transportation of broken items and reduces the amount of plastic bags used.
- Large trash bags – The ideal trash bag should be sturdy and holds more than 30 lbs.
- Caution tape – Ideal for marking restricted and dangerous areas.
- Water bottles for volunteers.

Step 7 – The Day of the Cleanup

Pre Cleanup Responsibilities

- Place signs around the cleanup site.
- Mark restricted or hazardous areas with caution tape.
- Identify and mark loading areas.
- Assign job duties to volunteers according to their capabilities.
- Identify trash, recyclables, and hazardous materials prior to cleanup.
- Make sure all volunteers sign release of liability waiver (see Appendix E).
- Review cleanup strategy with volunteers.
- Answer any questions from volunteers regarding cleanup strategy.
- Make sure all volunteers sign-in (see Appendix G).
- Inform volunteers where first aid kit, cell phone, water, and other items are located.
- If minors are volunteering, parents must sign Guardian's release of liability form (see Appendix F).
- Distribute safety vest, gloves, and trash bags or buckets.

Cleanup Wrap-up

- Complete the cleanup event on time.
- Gather volunteers and thank them.
- Verify that volunteers vacate site, if working on private property. - Account for all volunteers, if working on public property - Announce if additional cleaning dates will be necessary.
- Collect signs and supplies.

- Inspect for any stray items.
- Take pictures of area after cleanup.

Step 8 – Post Cleanup

The following should be done post cleanup

- Verify that the waste has been hauled or picked up from site.
- Return any supplies borrowed.
- Keep information of volunteers for future cleanup events.
- Thank donors and volunteers for their support and help.
- Return Copy of Disposal Coupon to City Public Works Department (555 N. Prospect Street) for processing and record of efforts.

Appendices

Appendix A: Hazardous Waste

Porterville Household Hazardous Waste Collection

Location: 555 N. Prospect Street

Phone: 559-782-7514

Hours of Operation: 3rd Saturday of each Month; 8:00 A.M. – 12:00 P.M.

Accepts the Following materials:

- Antifreeze
- Batteries
- Latex Paint
- Oil and Oil Filters
- Fluorescent Lamps
- E-Waste

Appendix B: Sample Disposal Coupon

SAMPLE

DISPOSAL COUPON Coupon # D01-040621

This Coupon authorizes the **free disposal of materials collected and delivered** to the Tulare County Teapot Dome Landfill located at 21063 Avenue 128 in Porterville during normal facility hours. **The coupon is valid for one load only.**

Name/Organization: _____

Estimated Date of Clean-up: _____ Estimated Tonnage: _____ Ton

Description of Waste: _____

Location of Clean-up: _____

Anticipated Disposal Site: _____

City Staff Issuing Coupon: _____

Signature: _____ Issue Date: _____

LEGAL STATEMENT: *I/We certify that this disposal coupon has been redeemed in accordance with all rules and regulations listed above as well as all policies and procedures governing the Disposal Coupon Program not listed. If it is determined by the City of Porterville that this coupon has been redeemed under pretenses not in line with the Disposal Coupon Rules, I/We, by signing below, accept full financial responsibility for reimbursing the Tulare County Landfill for any or all disposal costs associated with improper redemption of this coupon.*

Signature of Authorized Representative: _____

Name of Individual or Organization: _____

Address: _____

City: _____ State _____ Zip: _____ Email: _____

Contact Person: _____ Phone Number: _____

ID# _____ License Plate#: _____

EXAMPLE OF COUPON WOULD GO ON THIS PAGE

Coupon Number:

D01-040621

Valid for fifteen (15) days from date of issue

Appendix C: Disposal Coupon Rules

The City of Porterville and the Tulare County Teapot Dome Landfill reserve the right to refuse acceptance of this coupon at any time.

Disposal Coupon Rules

- Coupons can only be used for the following purposes: Pre-Authorized Porterville community clean up events.
- Coupons expire fifteen (15) calendar days after date of issue.
- Coupon recipients are limited to a maximum of two (2) coupons per cleanup site/event
- Disposal coupon(s) may be issued to a particular location only once per year (organizations can conduct multiple clean-up events but the same site can only receive coupon(s) one (1) time per year).
- All coupon recipients must not infringe upon the franchise rights of any solid waste hauler.
- Disposal coupons are not redeemable by franchise waste haulers or other commercial haulers.
- Areas served by the “Adopt-A-Highway” or “Adopt-A-Road” are not eligible for disposal coupon(s).

Disposal Coupon Recipient Responsibilities

- Recipients of disposal coupons must redeem coupon(s) at Tulare County Landfill
- Recipients must adhere to covering/tarpping requirements.
- Recipients must complete the bottom portion of the disposal coupon form including:
 - * Signature of authorized representative accepting provisions of legal statement
 - * Printed name of individual or organization
 - * Address of individual or organization
 - * Contact name of individual or organization
 - * Phone number, including area code, of contact
 - * Identification information, either driver’s license or other government issued, of contact
 - * License plate number of vehicle used to transport waste to disposal site
 - * Return copy of processed Disposal Coupon to City Public Works Department (555 N. Prospect Street)
- Recipient must surrender coupon to landfill attendance at time of redemption

Appendix D: Sample Release of Liability Form

Community Cleanup Event

Date: _____, 20__

Place: _____

Hold Harmless & Release Agreement

With full knowledge, comprehension and understanding I voluntarily accept and assume all risk involved in the participation in this community cleanup event on [date_____,place_____]. In consideration of our respective acceptance of my participation, I do hereby hold harmless and release and forever discharge the CITY OF PORTERVILLE, its supervisors, officers, employees, agents, volunteers and event participants connected with community cleanup event activities, from all liabilities arising from any and all injuries or any damages whatsoever.

Name of Participant

Date

Signature

Date

Emergency Contact

Phone Number

Appendix E: Sample Guardian's Release of Liability Form

Community Cleanup Event

Date: _____, 20____

Place: _____

Guardian's Release and Hold Harmless Agreement

In consideration of being allowed to participate in the community cleanup program and/or permitted to enter for any purpose any restricted area (defined as any area where admittance to the general public is prohibited) I, _____, the parent(s) and/or legal guardian(s) of the minor named below, agree to assume all risk of any kind of injury or damage my child, _____, may receive or sustain as a result of participation, including property loss, property damage, personal injury or death.

By my signature below, I acknowledge my understanding of this Release and Hold Harmless and Agreement and confirm that:

1. As the parent(s) and/or legal guardian(s), it is my responsibility to instruct the minor participant if he or she believes anything is unsafe, the participant should immediately advise the officials of such condition and refuse to participate.
2. The above-named minor may, during the course of the program participate in the following activities; fundamental cleaning, sweeping, picking up, painting, washing, trash disposal, lifting, pulling, walking, bending, general improvements of grounds, grass, shrubs, sand, gravel, walls, signs buildings, pavement etc.
3. I grant permission for the above-named minor to receive medical treatment for any injuries and illnesses sustained or experienced during his/her participation in community cleanup program activities, included but not limited to emergency first aid, emergency transport to a medical facility, and emergency treatment by medical personnel onsite or at a medical facility.

I KNOWINGLY AND FREELY ASSUME ALL RISKS, BOTH KNOWN AND UNKNOWN, AND HEREBY RELEASE, INDEMNIFY, AND HOLD HARMLESS, FOR MYSELF, THE ABOVE NAMED MINOR AND OUR HEIRS, ASSIGNS AND NEXT OF KIN, THE CITY OF PORTERVILLE AND EACH OF THEIR SUPERVISORS, DIRECTORS, TRUSTEES, OFFICERS, EMPLOYEES AND VOLUNTEERS WITH RESPECT TO ANY AND ALL INJURY, DISABILITY, DEATH, OR LOSS OR DAMAGE, WHETHER ARISING FROM THE NEGLIGENCE OF THE RELEASE OR OTHERWISE, TO THE FULLEST EXTENT PERMITTED BY LAW.

I/We have read, understand and agree to the above:

Name of Minor

(Date)

Parent(s) and/or Legal Guardian(s) of above Minor

(Date)

Emergency Contact

Phone Number

Appendix F: Sample Volunteer Sign-In Sheet

Event: _____ Date: _____ Coordinator: _____ Event Hours: _____

CITY OF PORTERVILLE SPECIAL EVENT SIGN-IN FORM

ALL VOLUNTEERS—PLEASE READ THE FOLLOWING PARAGRAPH BEFORE SIGNING YOUR NAME AND PROVIDING THE REQUESTED INFORMATION. THANK YOU!

As a volunteer, I agree to perform the tasks outlined for this special event assignment, to the best of my ability; to accept supervision and maintain confidentiality; to observe safety guidelines and other rules and policies of the City of Porterville; to strive to help the City meet its goals and objectives. I understand and acknowledge that I am not an employee of the City of Porterville and as such, am ineligible for salary benefits or any other type of compensation from the City arising from the services I am voluntarily providing. It is understood that this agreement is made at mutual convenience and may be ended at any time by either the volunteer or the City. I further agree to hold the City, its agents, officers, and employees harmless from and against any and all costs, expenses or liabilities incurred as a result of any claim, suit, lien or other legal proceeding (including attorney's fees) against the City resulting from my activities at this event.

PRINTED NAME	ADDRESS, CITY, ZIP	PHONE#	EMAIL	EMERGENCY CONTACT INFO (NAME AND PHONE #)
--------------	--------------------	--------	-------	---

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____



CITY COUNCIL AGENDA – APRIL 6, 2021

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 meeting on March 16, 2021, 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

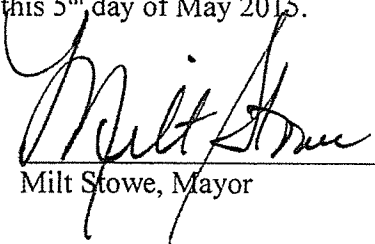
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

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

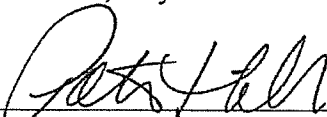
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance,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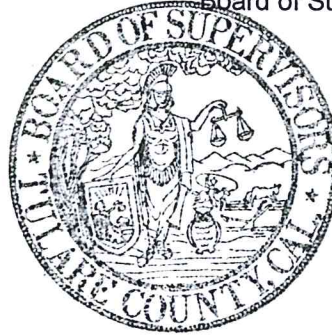
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THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

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

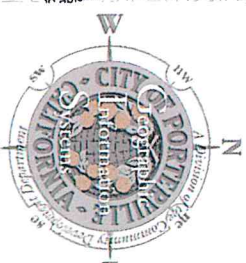
ATTEST:
City Clerk of the City of Porterville

BY J. L. Lolis
John Lolis, City Manager

Approved as to Form

BY [Signature]
City Attorney

EXHIBIT 'A'



 East Porterville Project Boundary

CityLimits

UDB

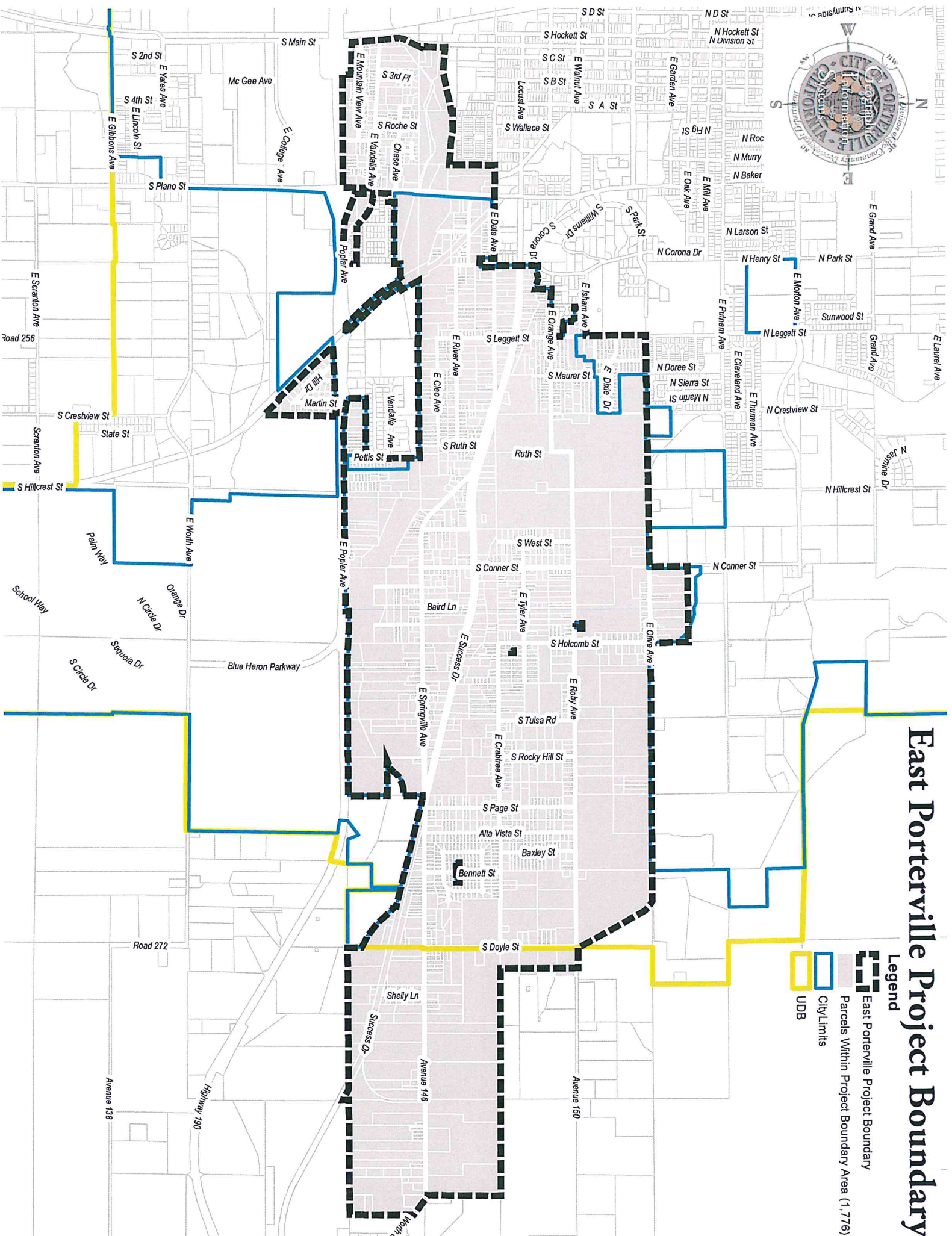


EXHIBIT 'B'

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:

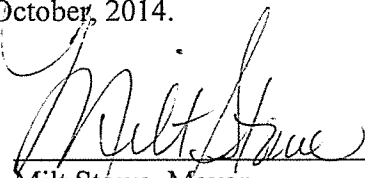
1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city,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

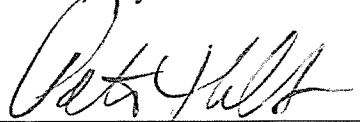
2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville,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

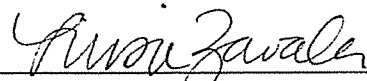
PASSED, APPROVED AND ADOPTED this 19th day of April, 2016.



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.

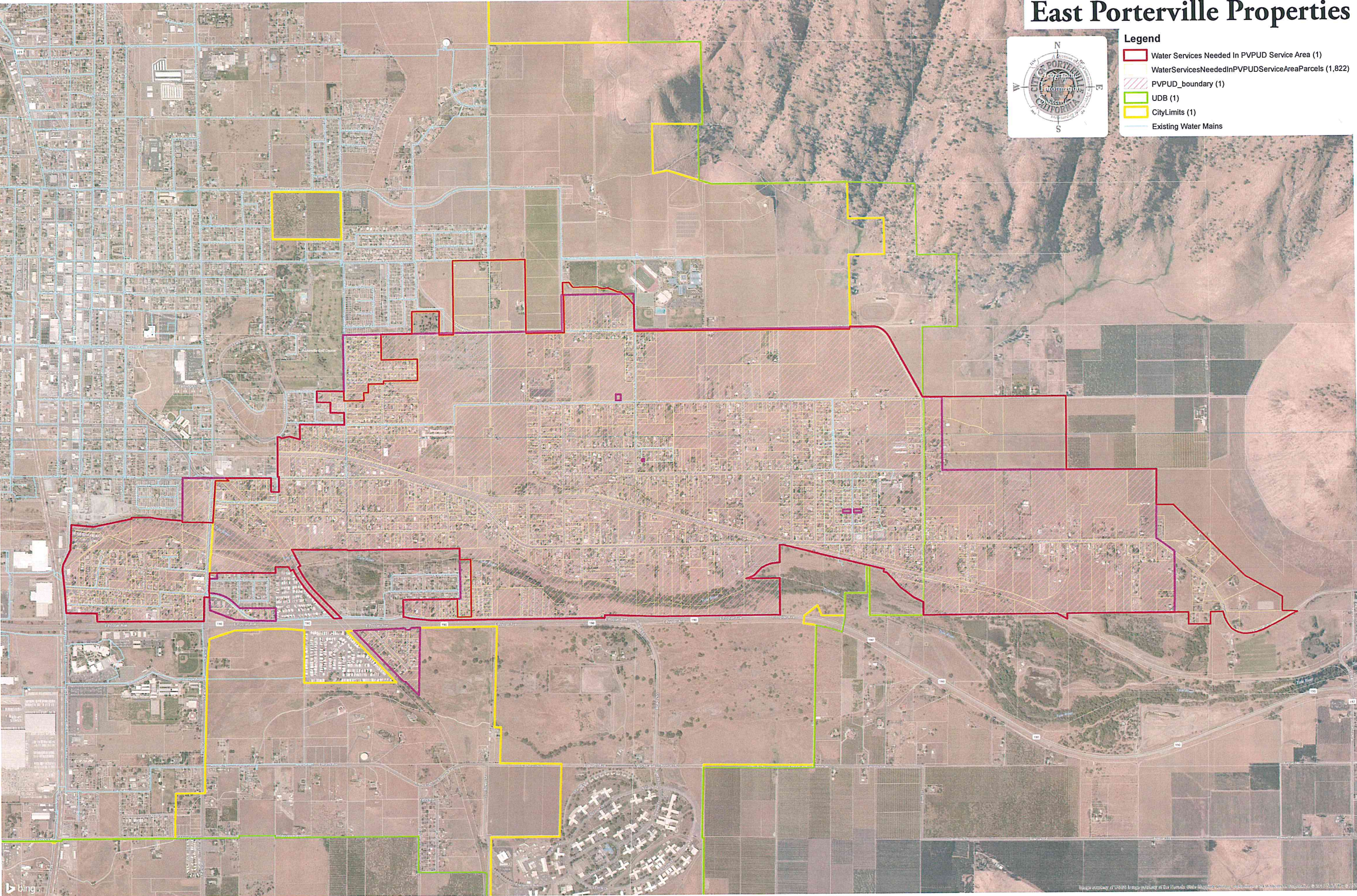
3. PROPERTIES WITHIN THE EAST PORTERVILLE FEASIBILITY STUDY PROJECT AREA: The California State Water Resources Control Board, in coordination with the Department of Water Resources Drought Task Force, is charged with preparing a feasibility study to define a long-term solution to the water related issues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



- Legend**
- Water Services Needed In PVPUD Service Area (1)
 - WaterServicesNeededInPVPUDServiceAreaParcels (1,822)
 - PVPUD_boundary (1)
 - UDB (1)
 - CityLimits (1)
 - Existing Water Mains



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

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at regular meeting of the Porterville City Council duly called and held on the 19th day of April, 2016.

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

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

JOHN D. LOLLIS, City Clerk


By: Luisa Zavala, Deputy City Clerk

EXHIBIT 'C'



EXHIBIT 'D'

Scope of Work

Task	Description	Cost
1.2	Prepare Well Drilling Plans, Specifications, and Estimates	\$468.00
3.2	Prepare Well Equipping Plans, Specifications, and Estimates	\$1,526.00
5	Ph. 1 Preconstruction Meeting	\$1,357.43
Total:		\$3,351.43

Consulting Engineering work will be reimbursed directly to Dee Jaspar & Associates under Tulare County Agreement No. 1276, including the following Tasks:

Task 4.1	Project Evaluations and Field Surveying	\$58,326.00
Task 4.2	Prepare Well Equipping Plans, Specifications, and Estimates	\$30,000.00
Task 4.3	Prepare and Assist with SCE Application & Telephone Service	\$5,000.00
Task 4.4	SCE Costs	\$15,000.00
Total:		\$108,326.00

Discussion Draft

Subject to Additional Review and Modification by the Parties

Porterville MOU
Draft 2
June 15, 2016
PortervilleEmergencyMOU061516



Memorandum of Understanding (MOU)

Regarding the Provisions of Emergency Water Supplies to East Porterville

by the California Department of Water Resources (DWR), California Office of Emergency

Service (OES), the State Water Resources Control Board (SWRCB),

the County of Tulare (County), and City of Porterville (Porterville),

which are collectively known as the “Parties”

Recitals

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

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

Whereas, Governor Edmund G. Brown Junior signed Assembly Bill 685 in 2012, adding Water Code section 106.3, which recognizes that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes, and which requires all relevant state agencies to consider this right when revising, adopting, or establishing pertinent policies, regulations, and grant criteria;

Whereas, the Parties have provided emergency water supplies to some residents of East Porterville that are without an adequate household water supply;

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

Whereas, East Porterville is located east and adjacent to Porterville, which has an existing municipal water system that serves residents within the incorporated area of Porterville;

Whereas, some of the residents of East Porterville without an adequate household water supply could be connected to Porterville's municipal water system provided certain arrangements and projects are carried out by the Parties;

Whereas, Vandalia is a neighborhood located within Porterville, and some Vandalia residents lack adequate household water supply and these households could be connected to Porterville's municipal water system;

Whereas, the Parties have met and have discussed alternative plans and projects that would provide an emergency water supply from Porterville to some residents of East Porterville and Vandalia in an expeditious manner;

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

Whereas, the SWRCB has also provided funding for Well C1, as reflected in the agreement between the SWRCB and the County attached as Exhibit 2;

Whereas, the County and Porterville intend to execute an agreement, a draft of which is attached as Exhibit 3, that will connect Well C1 to Porterville's municipal water system and that will provide for an adequate household water supply for some residents of East Porterville; and

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

Understanding

A. Description of Emergency Project and Long-Term Plan

1. The purpose of this MOU is to set forth in writing the intentions of the Parties of how best to move forward with plans to complete an emergency water supply project (Project) to some residents in the East Porterville and Vandalia areas, which are represented in Exhibit 4. (Map showing East Porterville and Porterville). The goal of the Project is to provide an adequate household water supply to some of the residents and properties in these areas that do not have one presently, and to end the need of the Parties to provide temporary water supplies to those residents through tanks and bottles.

2. The Parties intend to develop the Project in two phases. Phase 1 will make municipal water connections to the properties in East Porterville that have dry wells and are adjacent to Porterville's existing municipal water distribution system. It is estimated that this phase will serve 40 properties with dry wells that are currently receiving temporary household water supplies.

3. The Parties intend that Phase 2 of the Project will provide municipal water supply to approximately 500 properties in East Porterville and in Vandalia that have dry wells or otherwise lack an adequate source of water and have not been connected by Phase 1. In order to complete Phase 2, the residents of these properties will likewise need to connect to Porterville's municipal water system.

4. As soon as possible, Porterville and DWR will undertake Phase 1 of the Project and connect the properties in East Porterville that are adjacent to Porterville's existing municipal water distribution system. These connections will be accomplished as described in Water Installation Diagram attached as Exhibit 5 and based on the cost estimate, which is attached as Exhibit 6. In order to make these connections, a property owner desiring to receive public water supply will need to execute the Extraterritorial Service Agreement, a sample of which is attached as Exhibit 7, and the SWRCB's Water Connection Agreement, a sample of which is attached as Exhibit 8. Necessary signatures and agreements with property owners will be sought through SWRCB's outreach carried out with the assistance of all Parties to this MOU.

5. The Parties intend that Well C1 will be used to provide the emergency water supply in Phase 2 to about 500 properties without adequate household water supplies. The Parties presently understand that there are about 423 properties in East Porterville and approximately 80 properties in Vandalia where connections may be needed to provide emergency water supplies.

6. The Parties have created a Technical Workgroup consisting of engineers and planners, which work cooperatively on the technical issues described in this MOU. Based on recommendations of the Technical Workgroup, the Parties intend to provide the emergency water supply contemplated by this MOU.

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

8. The Parties intend to use best efforts to complete both phases of the Project by December 31, 2016. The completion date of the Long-Term Plan is dependent on the completion of the Feasibility Study carried out by Technical Workgroup and on Porterville and/or the County applying for and securing sufficient funding from the SWRCB or from other sources. The Parties desire to complete the Long-Term Plan as expeditiously as possible.

B. Project Contributions of the Parties

9. Working in cooperation with the other Parties and the Technical Workgroup, DWR will prepare all environmental compliance for the Project, and design and construct the Project, both Phases 1 and 2. DWR will provide funding for Phases 1 and 2 of the Project through Emergency Drought Funding. DWR intends to serve as California Environmental Quality Act (CEQA) lead agency for the Long-Term Plan and will prepare any necessary CEQA documentation and any other necessary environmental review documents, unless the Feasibility Study recommends another lead agency.

10. SWRCB will provide the community outreach to assist in obtaining necessary property owner acceptance before proceeding with Project. SWRCB will also work with Porterville and/or County to secure funding of the Long-Term Plan. SWRCB will provide certain reviews and approvals for the permitting of the Project and the Long-Term Plan.

11. OES will coordinate all of the State's efforts under the Governor's Drought Task Force in the Project area and will be provided at no cost by Porterville up to 3,000,000 gallons of emergency water per month as needed as a result of this MOU and the agreement that Porterville and the County are in the process of considering for execution, a draft of which is attached as Exhibit 3, with regard to the Well C1.

12. Porterville will provide the needed water service to the residents of East Porterville without an adequate household water supply after they are connected to Porterville's municipal water system as described in the Project. The water service will be accomplished per the Extraterritorial Service Agreement, which requires that property owners served pay the monthly water bill. DWR is funding the residents' connection to the Project, and as a result, some of the normal connection fees will be waived provided that connection is made during Phase 1 or Phase 2. Porterville will install the water meters for each connection, which will be paid for by DWR.

13. The County intends to execute an agreement with Porterville that is consistent with this MOU and Exhibit 3, which will allow Well C1 to serve as a water supply for the Project. The County will inspect the work of the Project and the property connections at no cost to the residents.

14. The Parties to the MOU will cause the removal of all temporary water tanks from the properties upon completion of the Project and the appurtenances necessary for the receipt of municipal water service. The work for removing the water tanks will be carried out by the County under an agreement between the County and OES.

C. General Provisions

15. The Parties intend to use their best efforts to carry out this MOU. This MOU is not a binding agreement, and is not intended to create contractual rights and remedies among the Parties. However, the Parties have entered into and intend to enter into certain binding agreements in the future necessary to develop and complete the Project and the Long-Term Plan.

16. This MOU will become effective upon the signature of the all Parties. The MOU will terminate on December 31, 2016, unless extended by all of the Parties in writing.

[Signatures on following page]

This MOU has been executed by:

California Department of Water Resources

State Water Resources Control Board

California Office of Emergency Services

County of Tulare

City of Porterville

List of Exhibits

1. DWR and Tulare County Executed Well C1 Agreement
2. SWRCB and County Executed Well C1 Agreement (Water Board Grant #D-15-11-902)
3. ~~County and~~County and Porterville Draft Well Agreement
4. Map of East Porterville
5. Household Water Service Installation Diagram
6. Household Water Service Cost Estimate
7. Sample Extraterritorial Service Agreement
8. Sample SWRCB Water Connection Agreement
9. Draft Emergency Project Feasibility Study



Amendment No. 1

To the East Porterville Water Supply Project

Memorandum of Understanding (MOU)

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

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

Recitals

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This MOU has been executed by:

California Department of Water Resources

State Water Resources Control Board

California Office of Emergency Services

County of Tulare

City of Porterville



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

NOV 29 2017

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

RECEIVED

DEC 04

CITY OF PORTERVILLE
CITY MANAGER

Dear Mayor Stowe:

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

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

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

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

Sincerely,


James Maughan, Assistant Deputy Director
Division of Financial Assistance

cc: See next page

DEPARTMENT OF WATER RESOURCES

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



January 18, 2018

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

RECEIVED

JAN 22 2018

City of Porterville
Public Works Dept

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

Dear Mr. Reed:

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

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

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

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

Sincerely,

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

Kevin Faulkenberry, Chief
South Central Region Office

Executive Department

State of California

EXECUTIVE ORDER B-40-17

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

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

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

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

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

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

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

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

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

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

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

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

I FURTHER ORDER THAT:

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

MAINTAINING CONSERVATION AS A WAY OF LIFE

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

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

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

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

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

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

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

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

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


EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State





CITY COUNCIL AGENDA – APRIL 6, 2021

SUBJECT: Conditional Use Permit to Allow the Re-establishment of a Non-conforming Use, an Automobile Dealership, at 70 South Main Street

SOURCE: Community Development

COMMENT: The applicant, Dealers Choice, is requesting the approval of a Conditional Use Permit (CUP) to re-establish the use of a used auto dealership located at 70 South Main Street. A non-conforming use of a legally established structure may be reestablished via CUP.

The subject site is located on the northeast corner of the Vine Avenue and Main Street intersection. The present land use designation for the subject site is DR-S (Downtown Retail-South of Olive). Land uses surrounding the project area are primarily commercial to the north, south and west of the property with low density residential to the east of the project.

The proposed project, if approved, will occupy the former “Hill Top” auto dealership facility located on 70 South Main Street. The applicant is proposing to utilize the existing building and car lot. An expansion to the existing structures is not planned. The applicant is proposing to make minor modifications, repairs, and aesthetic improvements to the facility.

The Porterville Development Ordinance in Chapter 307.10 outlines required specific findings for approval of the re-establishment of a non-conforming use. First, that the structure cannot be used for any conforming use because of its original design or because of legal structural changes made for a previous nonconforming use. The structure should also be reasonably expected to remain in active use for a period of twenty (20) years without requiring repairs or maintenance in excess of fifty percent (50%) of the replacement cost of the structure, as defined in the Development Code, within any five year period. The final mandatory finding is that the continuation of the use or structure will not be incompatible with or detrimental to surrounding conforming uses. Based on review of the project by the Project Review Committee, these findings can be met for this project.

The applicant is proposing exterior colors and finish that will be of warm and natural color tones consistent with Porterville’s Downtown Design Guidelines. Signage installed throughout the site will only be permitted in compliance with the Porterville Development Ordinance Section 303 Signs. Additionally, parkway trees in accordance with PDO Section 300.11 public improvements standards, will be installed along the frontage on Main Street.

On February 10, 2021, the Environmental Coordinator made a preliminary determination that the project is exempt from California Environmental Quality Act pursuant to 15301 Existing Facilities in that there is no proposed expansion to the existing building.

RECOMMENDATION: That the City Council adopt the draft Resolution approving Conditional Use Permit (PRC 2020-004-C) subject to conditions of approval.

ATTACHMENTS:

1. Locator Map
2. Zoning Map
3. Draft Resolution

Appropriated/Funded:

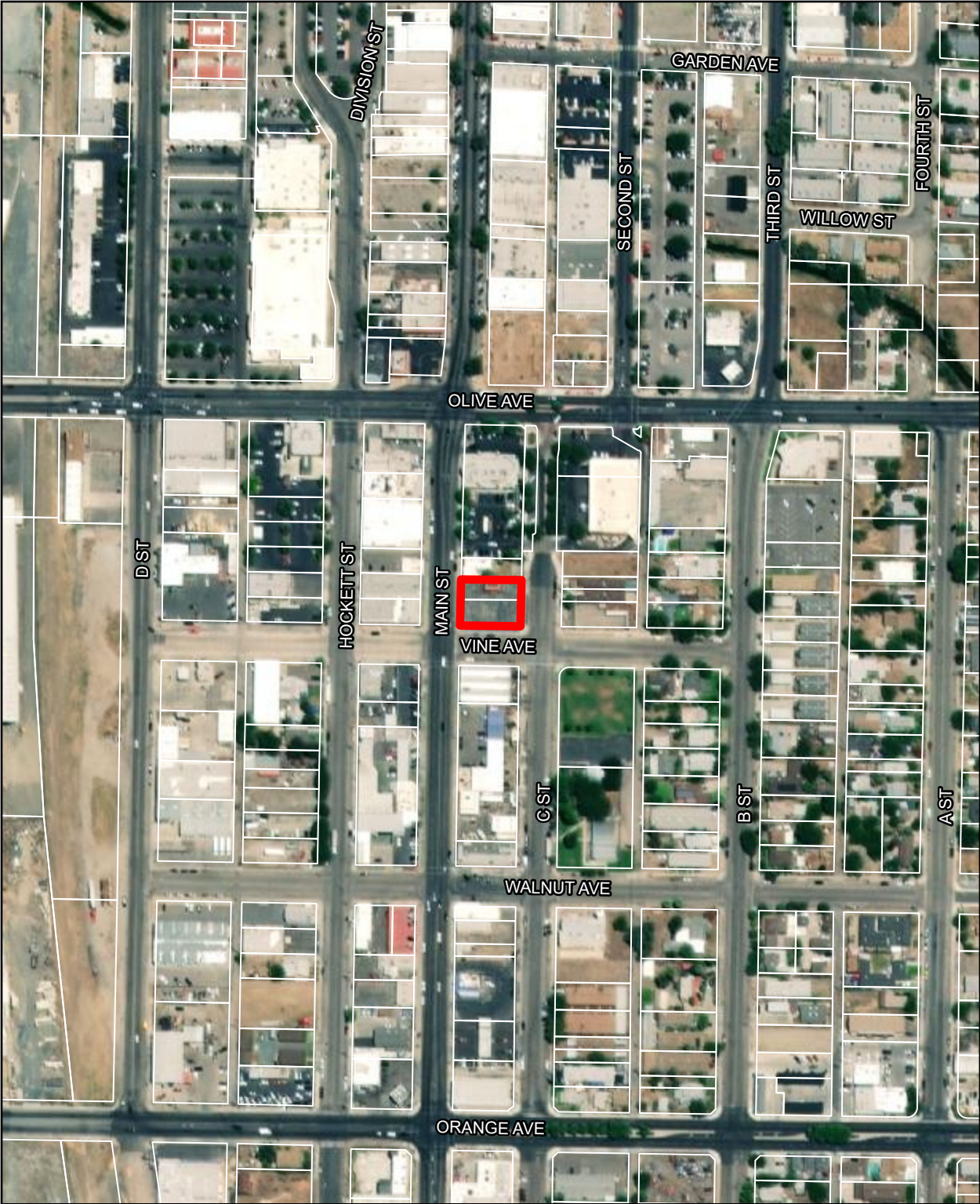
Review By:

Department Director:

Jason Ridenour, Interim Community Development Director

Final Approver: John Lollis, City Manager

Locator Map
PRC 2021-004



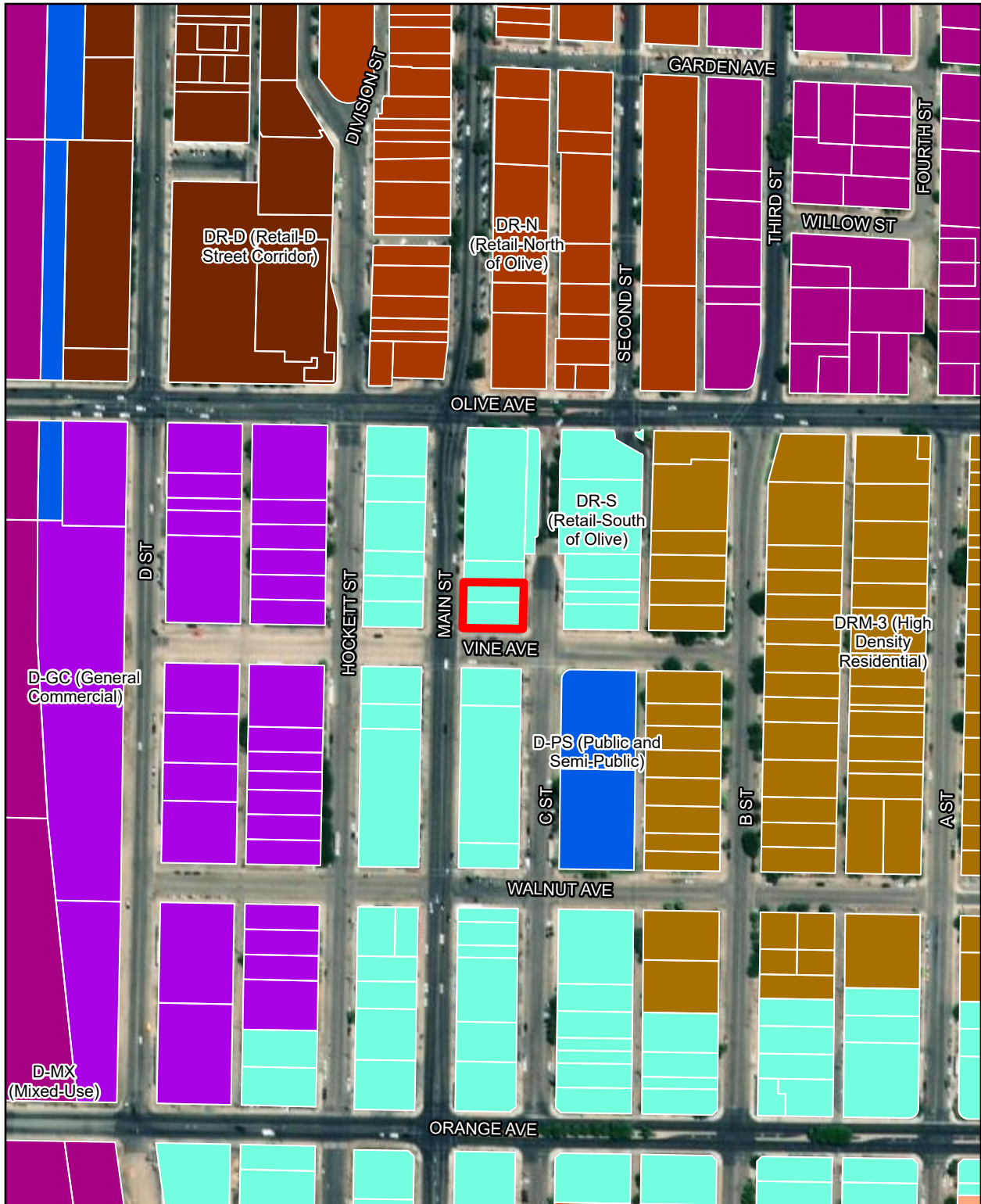
CUP Auto Sales
70 S Main St.

 Project Location

1 in = 300 feet



Zoning PRC 2020-000



**CUP Auto Sales
70 S Main St.**

 Project Location

1 in = 300 feet



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A CONDITIONAL USE
PERMIT (PRC 2021-004-C) TO ALLOW THE RE-ESTABLISHMENT OF AN AUTO
DEALERSHIP FOR DEALER'S CHOICE AUTO
LOCATED ON 70 SOUTH MAIN STREET

WHEREAS: On February 10, 2021, the Project Review Committee met with the applicant to discuss a proposed car dealership at the former site of "Hilltop Motors" on a 10,890± square foot site at 70 South Main Street; and

WHEREAS: On February 10, 2021, the Environmental Coordinator made a preliminary determination that the project is exempt from California Environmental Quality Act pursuant to 15301 Existing Facilities in that there is no proposed expansion to the existing building; and

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of April 6, 2021, conducted a public hearing to consider a Conditional Use (Permit 2021-004-C) to allow the re-establishment of an auto dealership; and

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

WHEREAS: The City Council made the following findings with respect to the subject project:

1. That the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted. The project 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-2 Ensure that new developments pays for the public facilities and infrastructure improvements required to meet the demands resulting from that growth.

2. That the site is physically suitable for the type of development proposed. The site is generally flat on well-draining soils, and proximate to major regional transportation routes.
3. In accordance with Section 307.10 of the Development Code, the City Council finds the following to be true:
 - a. The structure cannot be used for any conforming use because of its original design or because of legal structural changes made for a previous nonconforming use;

- b. The structure can be reasonably expected to remain in active use for a period of twenty (20) years without requiring repairs or maintenance in excess of fifty percent (50%) of the replacement cost of the structure, as defined in this article, within any five (5) year period; and
- c. The continuation of the use or structure will not be incompatible with or detrimental to surrounding conforming uses.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit (PRC 2021-004-C) subject to the following conditions:

1. Any modifications to the existing development shall comply with the Porterville Downtown Design Guidelines.
 - Business branding themes such as company colors outside of the acceptable downtown color palettes shall be limited to 10% of the overall site appearance.
2. All signage, permanent and temporary shall comply with Sections 303 of the Porterville Development Ordinance.
3. The applicant shall comply with PDO Section 300.11. Public improvements shall be provided in compliance with the following standards to any property or lot where public improvements were never constructed or installed to city standards, or where such public improvements for whatever cause have deteriorated to a condition that they no longer adequately serve their intended purpose. An applicant for a conditional use permit or building permit shall be required to provide for said public improvements along the frontage of such property as follows:
 - Parkway Trees. Provide for the installation of parkway trees as required by the Director of Parks and Leisure Services in accordance with City standards pertaining to the type, size, spacing and placement of such trees; to the maintenance or extension of the street tree themes when applicable.
 - Parkway Trees shall be installed prior to issuance of a business license and maintained as required by Section 306.08 of the Development Code.
4. Upon approval of the conditional use permit, any future change in operation which substantially alters the conditions or nature of the subject business will require approval by the City Council.
5. The applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Section 601.10 of the Porterville Development Ordinance.

PASSED, APPROVED AND ADOPTED this 6th day of April, 2021.

Adrian Monte Reyes, Mayor

ATTEST:

John D. Lollis, City Clerk

By _____

Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – APRIL 6, 2021

SUBJECT: Modification of a Conditional Use Permit Allowing Establishment of a Religious Facility at 22213 Avenue 152

SOURCE: Community Development

COMMENT: The applicant is requesting a modification of the Conditional Use Permit (CUP) approved by the City Council (Resolution 26-2018) at its meeting on May 1, 2018, which approved a religious facility (The Temple of Praise Christian Fellowship) at 22213 Avenue 152. On December 9, 2020, City staff received a request from the applicant asking for accommodations as it relates to the required refuse enclosure and paved parking lot. The applicant requested use of residential bin service and that a gravel surface parking area allowed to be used for the first few years of occupancy to allow for additional donations and collections to be saved to make the conditioned improvements. Condition #2 of the CUP requires an amendment to alter the conditions of the subject facility.

The present land use designation for the subject site is RM-3 (High Density Residential). Land uses surrounding the project area are primarily commercial to the north with high density residential to the west, south and east of the project. The subject site is located near the southeast corner of the Olive Avenue and Elderwood Street intersection, and was annexed in the city as part of Annexation 478 in 2015. The proposed project will occupy the existing building on the property. The initial CUP for the approval for the religious facility included the condition for the facility to have a paved parking lot and require the installation of commercial refuse enclosures, as per City standards. In consideration of the letter received from the applicant, on December 23, 2020, the Project Review Committee reviewed the project to identify options to defer the requirement for the installation of required improvements and found that if the Council so determined, up to a five-year extension on the refuse and surfacing requirements for a project of this type and scale would not likely result in any significant issues.

The proposed modification, similar to the original project, is exempt from California Environmental Quality Act pursuant to 15301 Existing Facilities in that it does not propose an expansion to the existing building.

RECOMMENDATION: That the City Council consider adoption of the draft Resolution approving Modification #1 of the Temple of Praise Church

Conditional Use Permit, subject to conditions of approval.

ATTACHMENTS:

1. Locator Map
2. Zoning Map
3. Draft Resolution
4. Resolution 26-2018
5. Applicant Letter Requesting Accommodation - December 9, 2020

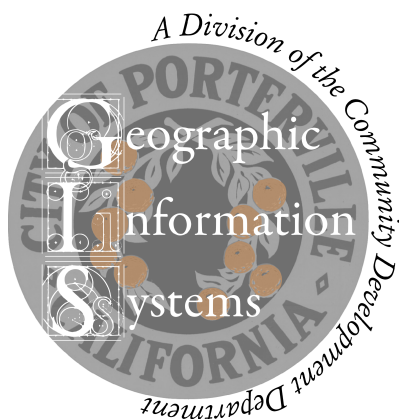
Appropriated/Funded:

Review By:

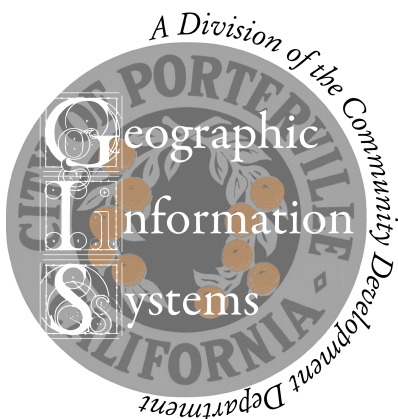
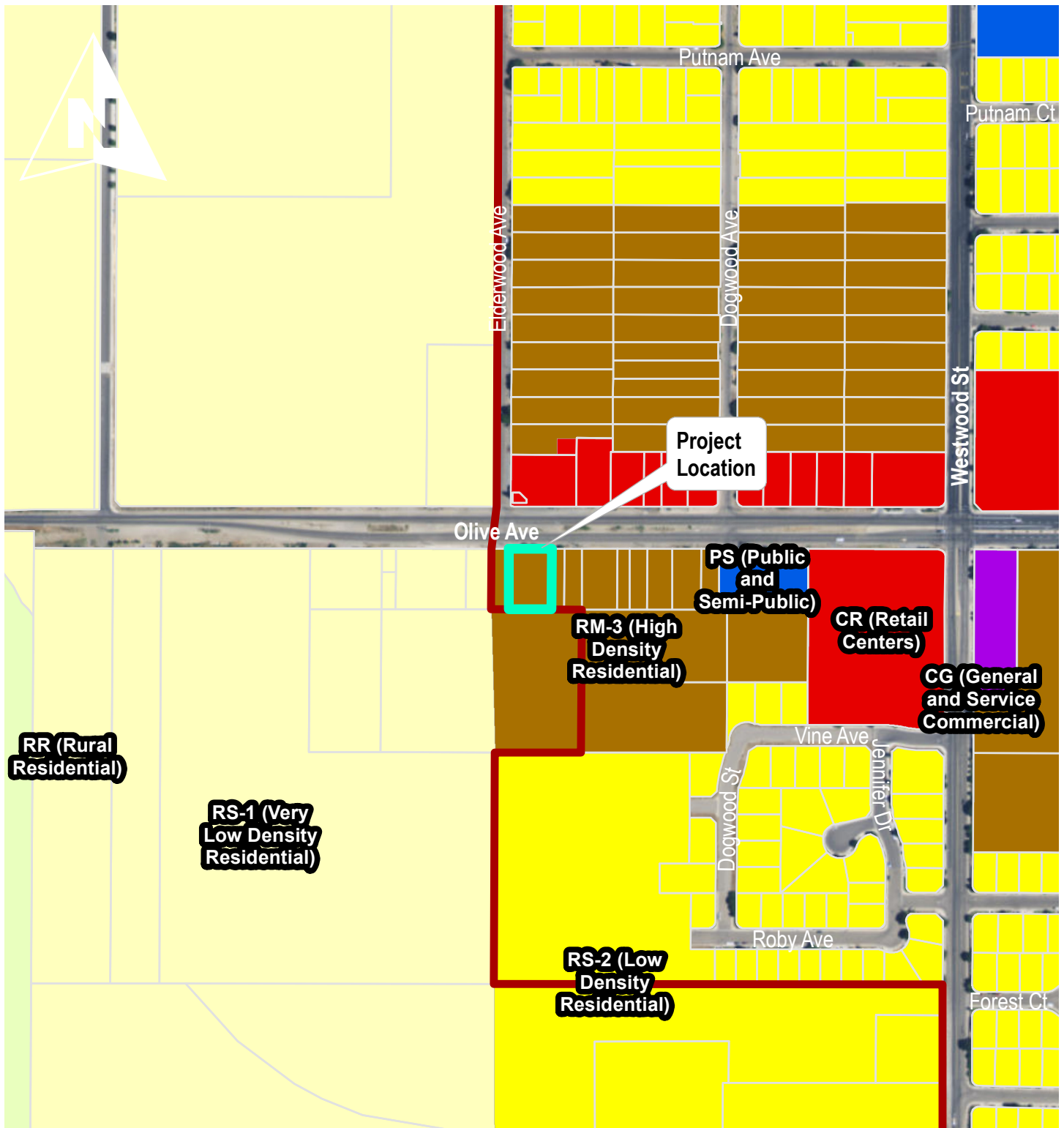
Department Director:

Jason Ridenour, Interim Community Development Director

Final Approver: John Lollis, City Manager



PRC 2017-060
Temple of Praise Christian Fellowship
Conditional Use Permit
@ 22213 Ave. 152
Project Locator Map
1" = 200ft



PRC 2017-060
 Temple of Praise Christian Fellowship
 Conditional Use Permit
 @ 22213 Ave. 152
 Zoning Land Use Map
 1" = 400 ft.

RESOLUTION NO. __-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF MODIFICATION TO
CONDITIONAL USE PERMIT (RESOLUTION 26-2018) TO ACCOMMODATE CERTAIN
REQUESTED ADJUSTMENTS FOR "THE TEMPLE OF PRAISE CHRISTIAN
FELLOWSHIP" RELIGIOUS FACILITY AT 22213 AVENUE 152

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of April 6, 2021, conducted a public hearing to consider Modification No. 1 to Conditional Use Permit (Resolution 26-2018) which approved the establishment of the religious facility "The Temple of Praise Christian Fellowship" at 22213 Avenue 152; and

WHEREAS: The subject site is currently zoned RM-3 (High Density Residential), with a corresponding General Plan land use designation of High Density Residential. Religious facilities are allowed in the RM-3 (High Density Residential) Zone District, subject to review and approval of a conditional use permit; and

WHEREAS: Initially on April 19, 2018, the Environmental Coordinator made a preliminary determination that the project is exempt from California Environmental Quality Act pursuant to 15301 Existing Facilities in that it does not involve an expansion of the existing use of the building. These findings hold true as related to the proposed changes; and

WHEREAS: The subject site 22213 Ave 152, (APN 240-320-011), was annexed into the Porterville City limits on April 7, 2015 as part of annexation 478; and

WHEREAS: On December 9, 2020, Staff received a request from church leadership asking for accommodations as it relates to the refuse enclosure and paved parking lot. The Church requested use of residential bin service and that a gravel surface parking area could be used for the first few years of occupancy to allow for additional donations and collections to be saved up to make the conditioned improvements.

WHEREAS: The City Council made the following findings in its review of the circumstance of the project:

1. That the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted. The 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-8: Promote infill development in existing neighborhoods

The project is consistent with the goals, policies, and land use designation of the Porterville 2030 General Plan, which designated the site as General and Service Commercial as supported by the current CG (General and Service Commercial) zoning.

2. That the location, size, design, 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 and with any other applicable plan adopted by the City Council.
 - a. The proposed project will comply with all standards of the Development Ordinance
 - b. The proposed location, size and operating characteristics of the religious facility are compatible with the surrounding land uses and conditions of approval are in place to protect the public's safety and interest. The religious facility does not propose to have outdoor amplifiers and any activity associated with the church shall be related to the organizations activities.
 - c. The project will not be detrimental to the health, safety, comfort, convenience, and general welfare and will be compatible with surrounding land uses. The project complies with the RM-3 (High Density Residential) designation of the City's Development Ordinance, with all applicable City codes, zoning provisions and regulations.
 - d. The location of the project and the conditions which it will be operated or remained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity. The project is conditioned to operate in compliance with the PDO Section 306.08 Maintenance.
3. That the project, as proposed, complies with all design standards of the Porterville Development Ordinance. Building permit review will assure all such standards are met.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Modification #1 to Conditional Use Permit (Resolution 21-2017) subject to the following conditions:

1. Unless otherwise expressly modified, all conditions of approval within the "The Temple of Praise Christian Fellowship" Conditional Use Permit (Resolution 26-2018) are to remain valid and are still in effect.
2. Landscaping shall be provided in accordance with Sections 303 and 304.10(i) of the Development Code and Chapter 25, Article I, Division 6 of the Municipal Code. In particular, landscaping shall be provided along all building facades that face onto a customer parking lot; such facades shall have one or more landscape planters installed along a minimum twenty percent of the building face. The minimum width of the planter shall be three feet.
3. A temporary parking area is hereby permitted until April 1, 2026, to allow the congregation to fund the installation of this improvement. To accommodate the temporary parking lot parking area, decompose granite or an aggregated base (6" minimum thickness) in all areas that will be accessed by vehicles.

4. The developer/applicant shall design the future parking lot in conformance with Chapter 304 of the Development Ordinance for On-Site Parking and Loading.
5. The use of residential refuse collection bins will be allowed until the development of the permanent parking area.
6. Upon approval of the Modification No. 1, any future changes or additions in operation which substantially alters the conditions or nature of the subject site will require approval by the City Council.
7. At all times, the commercial development shall be operated and maintained to comply with State Laws, the City of Porterville Zoning Ordinance, adopted Building Codes and all other applicable laws and ordinances.

PASSED, APPROVED AND ADOPTED this 6th day of April, 2021.

Adrian Monte Reyes, Mayor

ATTEST:

John D. Lollis, City Clerk

By _____

Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION NO. 26-2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF THE APPROVAL OF CONDITIONAL USE
PERMIT TO ALLOW THE ESTABLISHMENT OF A RELIGIOUS FACILITY,
THE TEMPLE OF PRAISE CHRISTIAN FELLOWSHIP AT 22213 AVE 152

WHEREAS: The subject site 22213 Ave. 152, (APN 240-320-011), was annexed into the Porterville City limits on April 7, 2015 as part of Annexation 478; and

WHEREAS: The subject site is currently zoned RM-3 (High Density Residential), with a corresponding General Plan land use designation of High Density Residential. Religious facilities are allowed in the RM-3 (High Density Residential) Zone District, subject to review and approval of a conditional use permit; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of May 1, 2018, conducted a public hearing to consider Conditional Use Permit (PRC 2017-060-C), to allow the establishment of The Temple of Praise Christian Fellowship Church as a religious facility at 22213 Ave. 152 in the RM-3 (High Density Residential) Zone District; and

WHEREAS: The City Council received testimony from all interested parties at its regularly scheduled meeting of May 1, 2018, related to the requested conditional use permit; and

WHEREAS: The City Council made the following findings:

1. That the 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-8) in that it will promote infill development in existing neighborhoods.

2. That the proposed location, size, design, 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 adopted by the City Council.

The proposed location, size and operating characteristics of the religious facility are compatible with the surrounding land uses and conditions of approval are in place to protect the public's safety and interest. The religious facility does not propose to have outdoor amplifiers and any activity associated with the church shall be related to the organization's activities.

3. On April 19, 2018, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act pursuant to Section 15301 of the California Code of Regulation (CEQA Guidelines).

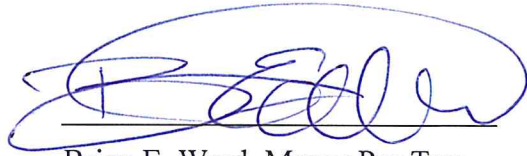
This project is Categorical Exempt pursuant to CEQA Guidelines §15301 Existing Facilities, because it does not involve an expansion of an existing use.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit (PRC 2017-060-C), subject to the following conditions:

1. The developer/applicant shall comply with Chapter 26, Article 1, Division 6, as it relates to water conservation and landscaping irrigation.
2. Upon approval of the conditional use permit, any future change in operation which substantially alters the conditions or nature of the subject business will require approval by the City Council pursuant to section 601.09 of the Porterville Development Ordinance.
3. The applicant shall operate the establishment in such a manner as to preserve the public safety health and welfare, to prevent the use from becoming a nuisance. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Section 601.10 of the Porterville Development Ordinance.
4. Pursuant to Section 601.10(d) The City Council may revoke the permit if it makes any of the following findings:
 - a. That approval was obtained by means of fraud or misrepresentation of a material fact;
 - b. That the use in question has ceased to exist or has been suspended for one year or more;
 - c. That there is or has been a violation of or failure to observe the terms or conditions of the permit or variance, or the use has been conducted in violation of the provisions of this ordinance, law or regulation; or
 - d. That the use to which the permit or variance applies has been conducted in a manner detrimental to the public safety, health and welfare or so as to be a nuisance.
5. Project shall comply with performance standards identified in Chapter 306 of the Porterville Development Ordinance.

6. Project shall comply with Project Review Committee letter dated December 13, 2017.

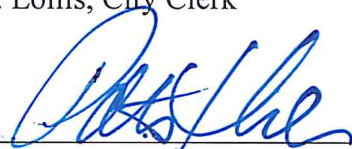
PASSED, APPROVED AND ADOPTED this 1st day of May 2018.

A handwritten signature in blue ink, appearing to read "B. Ward", is written over a horizontal line.

Brian E. Ward, Mayor Pro Tem

ATTEST:

John D. Lollis, City Clerk

By: 
Patrice Hildreth, Chief Deputy City Clerk

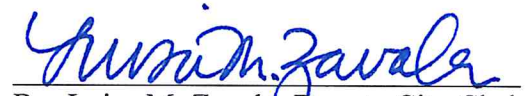
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a meeting of the Porterville City Council duly called and held on the May 1, 2018.

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

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

JOHN D. LOLLIS, City Clerk


By: Luisa M. Zavala, Deputy City Clerk

TEMPLE OF PRAISE CHRISTIAN FELLOWSHIP

**344 E. Morton Avenue
Porterville, CA 93257**

Community Development Department
City of Porterville
291 N. Main Street
Porterville, CA 93257

RE: Request for modification to the Conditional Use Permit "PRC 2017-060"

City of Porterville
Department Heads:
Mr. Javier Sanchez, Engineering and Project Manager
Mr. Daniel Cervantes, City Engineer
Mr. Clayton Dignam, Fire Marshall
Mr. Jason Ridenour, Interim Community Development Director
Ms. Julie Phillips, Community Development Manager
Mr. James Wickersham, Chief Building Inspector

Dear Sirs and Madams:

Greetings! May this communication finds you abounding with God's grace and good health.

The congregants and its representative, Pastor Wayne Picar, Sr., from Temple of Praise Christian Fellowship (TOPCF) would like to thank you for the dedication and service you provide daily for the residents of the City of Porterville. Also, we are thankful for the ongoing assistance and consideration you have been providing to our organization to help us meet city requirements for the building located at 22213 Avenue 152, Porterville, California.

Due to the recommendation of the City, the following were completed in order to meet requirements:

1. A fire hydrant was installed and was inspected by the Fire Department,
2. Renovation of the restrooms to meet ADA requirements and was inspected,
3. Changed light fixtures to LED,
4. Exit Analysis was completed and doors' "EXIT" signs illuminated,
5. Handicap ramp was cemented and hand rails installed and was inspected,
6. All EXIT doors with panic bars, and
7. Fire extinguishers with signs and exit signs with braille were installed ready to be inspected by the City.

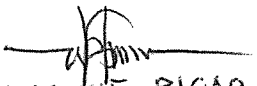
The congregation is composed of 30-40 members including children and adults. Presently, we're renting a facility from another religious organization. Due to the pandemic caused by the coronavirus, we have not been able to collect offering on a regular basis since March 2020. As a church, we are following the guidelines given by the state and CDC in order to foster harmony, promote safety, and health to the members and to the community. The decrease in membership attendance and offerings have placed the finances of our church very low. At this time, we are unable to meet some of the requirements specified on the plan submitted to the city, therefore, the congregants are asking for the following revisions with timeline:

1. Congregants of Temple of Praise Christian Fellowship requests from the City of Porterville permission to occupy the building;
2. TOPCF asks permission to utilize residential trash bin due to the number of members and frequency when the facility is used. The facility will be used for 2 hours on Fridays for Bible studies and attendees average between 10-15 members. The services held on Sundays last for 3 hours. Therefore, the facility will only be used for the total of 20 hours per month. Anticipated date of revision will be before occupancy on the property as permitted by the City of Porterville – January or February 2021; and
3. Paving of the parking lot – the estimates received from a few contractors ranged from \$70,000 - \$100,000. The church asks for the City's permission to allow members to park on the commercial-grade gravel and to permit the church an extension to save money in order to have the parking lot paved by July 2022 or sooner.

We are appealing for the consideration of the Project Review Committee and City Council for occupancy of the property.

Thank you for your consideration and assistance in this matter. Our congregation appreciates and will remember your devotion and dedication in improving the condition of this "All American City."

Sincerely,


WAYNE PICAR
Senior Pastor of TOPCF

12-9-20
Date



CITY COUNCIL AGENDA – APRIL 6, 2021

SUBJECT: Amendment to the Eastridge Plaza Specific Plan

SOURCE: Community Development

COMMENT: In August 2020, the Project Review Committee reviewed an application to develop an automated food court commercial building at the southeast corner of Eastridge Circle and Plano Street. The proposed development would require a modification to Conditional Use Permit 11-83 (Resolution 9900-1984) which approved the Eastridge Plaza Specific Plan on February 7, 1984. On November 3, 1984, City Council approved a modification to the original Conditional Use Permit allowing the development of the southern side of Eastridge Circle into a 28-unit apartment complex with a 3,000 square foot professional office (Resolution 133-87). The proposed commercial use in place of the approved professional office use necessitates a modification to Conditional Use Permit 11-83.

The present land use designation for the subject site is Neighborhood Commercial; however, the site is presently zoned Planned Development because of the Specific Plan in place. The proposed project is located in the last undeveloped lot of the greater commercial development, on the southeast corner of the Eastridge Circle and Plano Street intersection, and as such is surrounded by commercial, residential, and public land uses and zoning classifications. However, the CUP as a whole addresses the entire area bounded by Olive Avenue, the Porter Slough, Plano Street, and undeveloped City-owned parkland. Immediately surrounding the project site are a residential apartment complex, the Eastridge Plaza, and the Barn Theatre.

The initial entitlement approved a layout of a 28-unit apartment complex and a 3,000 square foot professional office. The developer is proposing to modify the existing site plan to allow for a commercial food retail business in place of the professional office. The updated design would feature a 5,000 square foot 24/7 self-automated convenience store. The new site plan will have outdoor landscaping and a seating area.

The proposed site plan meets City parking standards, and the building design, as proposed, is consistent with the Development Code and provides a welcomed addition to the existing development.

The colors and finish of the proposed development will be consistent with the existing design elements of the commercial center in color tones and materials.

Signs installed will be compatible with the Eastridge Master Sign Program. Additionally, landscaping in accordance with the General Plan and Development Ordinance will be installed along the buildings and throughout the parking lot.

The Development Ordinance requires neighborhood commercial developments to be pedestrian-oriented in design. The development will include landscaped street frontage with benches, trellised outdoor eating area, and shall have a welcoming façade. The buildings will be connected with pedestrian walkways providing access between the public rights of way, the proposed project, and the overall commercial development. The project is exempt from California Environmental Quality Act pursuant to 15332 Infill Development, in that the proposed project will complete the development of a Specific Planned area that meets the criteria for infill development.

RECOMMENDATION: That the City Council approve the Modification #5 to the Eastridge Plaza Specific Plan

ATTACHMENTS:

1. Locator Map
2. Draft Resolution
3. Resolution 133-87
4. Resolution 9900

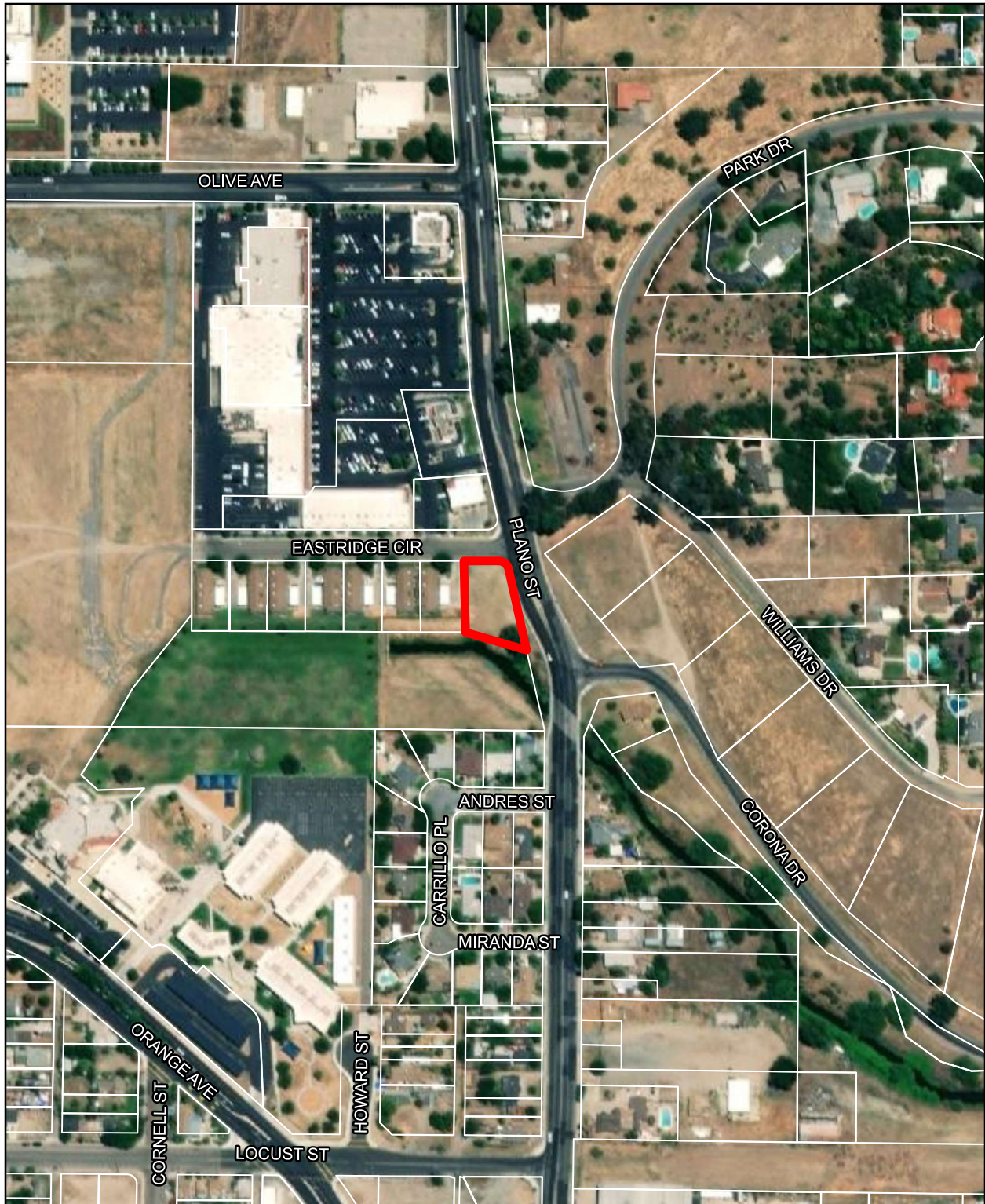
Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

Locator Map PRC 2020-025



**New 5000 sf food court
@ Plano and Eastridge**

 Project Location

1 in = 300 feet



Date Printed: 3/24/2021 by the Community Development Department

RESOLUTION NO. __-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING
FINDINGS AND CONDITIONS IN SUPPORT OF A MODIFICATION TO CONDITIONAL USE
PERMIT 11-83 TO ACCOMODATE THE ADDITION OF 5000 SQUARE COMMERCIAL
RETAIL SPACE AS PART OF EASTRIDGE PLAZA SPECIFIC PLAN

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of November 3, 1987, conducted a public hearing to consider Modification No. 4 to Conditional Use Permit 11-83 (Resolution 9900-1984), which approved the Eastridge Plaza Specific Plan. The initial project was conditioned to require an amendment to allow the development of a 28 unit apartment complex and 3,000 square foot professional office on the south side of Eastridge Circle; and

WHEREAS: The Environmental Coordinator determined the project to be exempt from California Environmental Quality Act pursuant to 15332 Infill Development, in that the proposed project will complete the development of a Specific Planned area that meets the criteria for infill development. No further environmental review is required; and

WHEREAS: The City Council made the following findings in its review of the circumstance of the project:

1. That the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted. The 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-11: Foster strong, visually attractive regional commercial centers with a mix of tenants to serve both local and regional needs.

LU-G-21: Attract and retain specialty retail and restaurant businesses that will enhance Porterville's unique character.

ED-G-7 Create an image for Porterville that will attract and retain economic activity.

The project is consistent with the goals, policies, and land use designation of the Porterville 2030 General Plan, which designated the site as Neighborhood Commercial as supported by the current PD (Planned Development) zoning.

2. That the location, size, design, 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 and with any other applicable plan adopted by the City Council.
 - a. The proposed project will comply with all standards of the Development Ordinance

- b. All structures on the site are consistent with the Porterville Development Ordinance (PDO) for commercial centers which includes building entrances, four-sided architecture, pad development, lighting, and pedestrian pathways.
 - c. The project will not be detrimental to the health, safety, comfort, convenience, and general welfare and will be compatible with surrounding land uses. The project complies with the Neighborhood Commercial (CN) designation of the City's Development Ordinance, with all applicable City codes, zoning provisions and regulations.
 - d. The location of the project and the conditions under which it will be operated or remained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity. The project is conditioned to operate in compliance with the PDO Section 306.08 Maintenance.
3. That the project, as proposed, complies with all design standards of the Porterville Development Ordinance, as well as maintaining compatibility with the architectural style of the Commercial Center. Building permit review will assure all such standards are met.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Modification #5 to Conditional Use Permit 11-84 (Resolution 9900-1984) subject to the following conditions:

1. Unless otherwise expressly modified, all conditions of approval within Eastridge Plaza Specific Plan Conditional Use Permit (Resolution 9900-1984) are to remain valid and are still in effect.
2. Landscaping shall be provided in accordance with Sections 303 and 304.10(i) of the Development Code and Chapter 25, Article I, Division 6 of the Municipal Code. In particular, landscaping shall be provided along all building facades that face onto a customer parking lot; such facades shall have one or more landscape planters installed along a minimum twenty percent of the building face. The minimum width of the planter shall be three feet.
3. Modification No. 4 called out 2 signs per street frontage with an aggregate size of 60 square feet, the new development shall abide by Section 305 of the Porterville Development Ordinance and with the Eastridge Master Sign Program (MSP-2011-001)
4. Upon approval of the Modification No. 5, any future changes or additions in operation which substantially alters the conditions or nature of the subject site will require approval by the City Council.
5. Outdoor seating abutting the westerly property line shall not exceed 5 tables or seating for 15 customers without a modification to the conditional use permit. The design of any barriers surrounding the outdoor seating area shall be approved by the Zoning Administrator prior to installation. The outdoor seating area shall not be utilized by customers after dusk.
6. The developer shall ensure that all on-site lighting conforms with Section 300.07 of the Porterville Development Ordinance to ensure artificial light does not pose a detrimental effect on enjoyment of the night sky by neighborhood residences.
7. At all times, the commercial development shall be operated and maintained to comply with State Laws, the City of Porterville Zoning Ordinance, adopted Building Codes and all other applicable laws and ordinances.

8. Upon approval of the conditional use permit, any future change in operation which substantially alters the conditions or nature of the subject business will require approval by the City Council. Further, any future violations of regulations of the codes relating to the sales or consumption of alcohol, and/or excessive service calls by the Police Department resulting from the sales of alcohol may result in revocation of the Conditional Use Permit.
9. The applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Section 601.10 of the Porterville Development Ordinance.

PASSED, APPROVED AND ADOPTED this 6th day of April, 2021.

Adrian Monte Reyes, Mayor

ATTEST:

John D. Lollis, City Clerk

By _____

Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION NO. 133-87

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL OF
CONDITIONAL USE PERMIT 11-83, AMENDMENT NO. 4, BEING A
SPECIFIC DEVELOPMENT PLAN, LOCATED ON THE SOUTHWEST CORNER OF
PLANO STREET AND EASTRIDGE CIRCLE

WHEREAS: The City Council of the City of Porterville at its regularly
~~scheduled meeting of November 3, 1987, conducted a public hearing to~~
consider Conditional Use Permit 11-83, Amendment No. 4, being a Specific
Development Plan to allow the development of a 28 unit apartment complex
and 3,000 square foot professional office located on the south side of
Eastridge Circle, west of Plano Street; and

WHEREAS: During the course of the public hearing the applicant
requested that a reduction in the number of covered residential parking
spaces be allowed from six per four-plex to four, resulting in one covered
and one half open parking spaces per unit in conformance with Section 2202
A(7) of the Zoning Ordinance; and

WHEREAS: The Council considered said request and noted that this
modification of the Specific Plan was in conformance with the requirements
of the codes of the City of Porterville and would not result in a condition
causing vehicular congestion or an unsightly residential parking lot; and

WHEREAS: The City Council received testimony from all interested
parties relative to said Conditional Use Permit/Specific Development Plan;
and

WHEREAS: The City Council made the following findings:

1. That the proposed project is consistent with the General Plan.
2. That the design and improvements of the proposed project is
consistent with the General Plan.

3. That the site is physically suitable for the type and density of development proposed.
4. That the design of the project or the proposed improvements are not likely to cause substantial environmental damage.
5. That a Negative Declaration in compliance with the California Environmental Quality Act was prepared for the project.
6. 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 vicinity.
7. That the standards of population density, site area dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.
8. That the standards of population density, site area dimensions, site coverage, yard spaces, height of structures, and distances between structures will be such that the development will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload utilities.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 11-83, Amendment No.

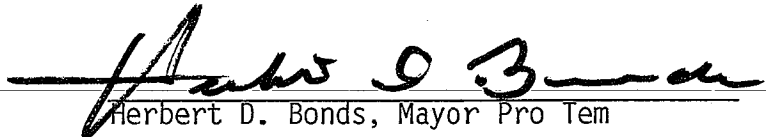
4, subject to the following conditions:

1. The developer/applicant shall comply with the development standards of the Subdivision Ordinance, adopted master plans, standard specifications for public works construction, standard plans and the work area traffic safety handbook, unless otherwise noted herein.
2. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law.
3. The developer/applicant shall comply with Chapter 70 of the Uniform Building Code including the provision of a grading and drainage plan signed by a licensed civil engineer. A masonry retaining wall is required at the property line for any grade differential in excess of one foot.
4. The developer/applicant shall be responsible for the construction of curb, gutter, sidewalk, water, sewer, etc. along the full frontage of the parcels except where they exist and are in good condition in the opinion of the City Engineer.

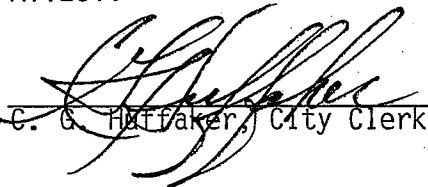
5. The developer/applicant shall provide street lights on marbelite poles complying with Southern California Edison Company specifications as approved by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.
6. The design and improvement of the parking lot shall be in accordance with Section 2206 of the Zoning Ordinance.
7. The developer/applicant shall, under City inspection, be responsible for the removal of all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to the issuance of any building permit (e.g. Foundations, septic tanks, irrigation pipes, etc.).
8. The developer/applicant shall be responsible for the abandonment of existing wells, if any, after first obtaining an abandonment permit from the County Department of Environmental Health and providing the City Engineer with proof of compliance with County regulations prior to performing any grading.
9. The developer/applicant shall comply with the City Flood Damage Prevention Code (Article XIV, Chapter 7), FEMA revisions to the floodplain management criteria dated August 25, 1986, including the provision of elevation certificates and the requirements of the State Reclamation Board, where applicable.
10. The developer/applicant shall comply with Ordinance No. 1286, regarding wastewater discharge requirements. Complete and submit the following:
 - a. Wastewater Survey for Nonresidential Establishments.
 - b. Application for Wastewater Discharge Permit.

If a Discharge Permit is required, based on the response to the Wastewater Survey for Nonresidential Establishments, then provide monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage system. This requirement only applies to the professional office on Parcel No. 8.
11. The following conditions shall be satisfied at the building permit approval stage:
 - a. Two sets of plans signed by an architect or engineer
 - b. One set of energy calculations
 - c. One set of structural calculations
 - d. Comply with State handicapped requirements
 - e. Compaction test and report
 - f. On-site drainage plan
 - g. The office use will be a B-2 classification
 - h. A minimum two-hour area separation wall between offices (UBC 500(e))

- 0.
- i. Minimum one-hour occupancy separation wall between apartments (UBC 1705-2-b)
 12. No business sign may be located on the westerly side of the office structure abutting the residential development.
 13. The office use shall be limited to two signs per street frontage, not exceeding an aggregate area of 60 square feet.
 14. Development shall be in accordance with plans submitted unless herein specifically modified and noted, to wit:
 - a. That the Specific Development Plan for the 28 apartment units (7 quadraplexes) was modified during the course of the public hearing to allow a reduction from six covered parking spaces to four covered spaces for each four-plex, resulting in one covered parking space and one-half open parking space for each unit as permitted by Section 2202 A(7) of the Zoning Ordinance;
 - b. That a revised plot plan indicating the four covered and two open parking spaces for each four-plex shall be submitted prior to issuance of a building permit.
 15. The maintenance and access agreement affecting Parcels 1 and 2, 3 and 4 and 5 and 6 for the "zero lot line" carport shall be recorded and submitted to the City with proof of recordation prior to issuance of a building permit.
 16. That the site shall be maintained in a neat and viable condition.


Herbert D. Bonds, Mayor Pro Tem

ATTEST:


C. C. Haffaker, City Clerk

MCC&PC: RES/CUP.11-83

STATE OF CALIFORNIA)
(SS
COUNTY OF TULARE)

I, C. G. HUFFAKER, 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 a resolution duly and regularly passed and adopted at a regular meeting of the Porterville City Council regularly called and held on November 3, 1987.

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

COUNCILMEN	PRUITT	BONDS	LEAVITT	ENSSLIN	RANKIN
AYES	X	X	X	X	
NOES					
ABSENT					X
ABSTAIN					

C. G. HUFFAKER, City Clerk

Georgia Hawley
Georgia Hawley, Deputy City Clerk

RESOLUTION NO. 9900

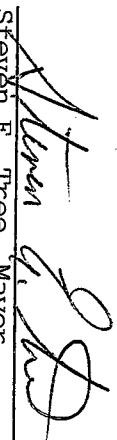
A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF PORTERVILLE
APPROVING A NEGATIVE DECLARATION FOR ZONE CHANGE 5-83 (P-D)/AMENDMENT/
GENERAL DEVELOPMENT PLANS AND CONDITIONAL, USE PERMIT 11-83/AMENDMENT/
SPECIFIC DEVELOPMENT PLANS, PHASE I

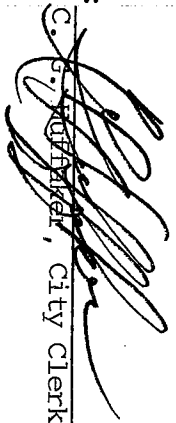
WHEREAS: The City of Porterville Planning Commission held a public hearing on January 23, 1984, and received testimony in regard to a Negative Declaration for Zone Change 5-83 (P-D)/Amendment/General Development Plans and Conditional Use Permit 11-83/Amendment/Specific Development Plans for that site located along the southwest corner of Olive Avenue and Plano Street; and

WHEREAS: The Planning Commission made certain findings regarding the Negative Declaration prepared for the above-cited projects; and

WHEREAS: The Porterville City Council held a public hearing on February 7, 1984, and received public input; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby adopt Planning Commission Resolution No. 1504 and resolves that the Negative Declaration prepared for Zone Change 5-83 (P-D)/Amendment/General Development Plans and Conditional Use Permit 11-83/Amendment/Specific Development Plans, Phase I, is hereby approved as per Planning Commission Resolution No. 1504.


Steven E. Tree, Mayor
City of Porterville

ATTEST:

C. C. Zimmerman, City Clerk

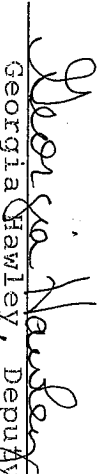
STATE OF CALIFORNIA)
COUNTY OF TULARE) SS

I, C. G. HUFFAKER, 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 a resolution duly and regularly passed and adopted at a regular meeting of the Porterville City Council regularly called and held on the 7th day of February, 1984.

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

AYES: COUNCILMEN: Pruitt, Moran, Leavitt, Tree
NOES: COUNCILMEN: None
ABSENT: COUNCILMEN: Dougherty

C. G. HUFFAKER, City Clerk


Georgia Hawley, Deputy



CITY COUNCIL AGENDA – APRIL 6, 2021

SUBJECT: Amendment to Section 600.04(c) of the Porterville Development Ordinance

SOURCE: Community Development

COMMENT: Chapter 600 of the Porterville Development Code (Chapter 21 of the Porterville Municipal Code) establishes the duties and processes for land use actions. Section 600.04 outlines the responsibilities of the Project Review Committee, and Section 601.03(a) defines which projects are subject to review by the Committee. In years past, instances have occurred where a change of occupancy could require, pursuant to California Building Code and California Fire Code, tenant improvements that may be costly for a business owner. To avoid a business opening in a building that may in turn require significant expenditures to comply with State law, the City began requiring that any change of occupancy be reviewed by the Committee.

In recent months, staff has noticed a significant increase in the number of changes of occupancy reviewed by the Committee, and in many cases, the proposed change does not result in additional tenant improvements required to comply with State law. The process to have a business owner attend a Project Review Committee meeting and pay a fee of \$250 and to be told that there are no applicable comments appears to be unnecessary and not consistent with the business-friendly standard of operation at the City of Porterville. Based on discussion with the Fire Marshal and the Building Official, no adverse conditions would result if the City Council chose to modify the list of projects requiring review by the Project Review Committee to apply only to changes of occupancy “as deemed necessary by the Chief Building Official.”

On March 31, 2021, the Environmental Coordinator determined that the project is exempt of the California Environmental Quality Act (CEQA), pursuant to the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment. As the proposed Ordinance amendment would only apply to projects that are specifically exempted as ministerial projects, no potential environmental impacts could occur as a result of the Ordinance amendment.

RECOMMENDATION: That the City Council:
1) Approve the proposed modification to the Development Ordinance and give first reading; and

2) Waive further reading and order the Ordinance to print.

ATTACHMENTS: 1. Draft Ordinance

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING CHAPTER 600 OF CHAPTER 21 OF THE MUNICIPAL CODE

WHEREAS: Chapter 600 of the Porterville Development Code (Chapter 21 of the Porterville Municipal Code) establishes the duties and processes for land use actions. Section 600.04 outlines the responsibilities of the Project Review Committee, and Section 601.03(a) defines which projects are subject to review by the Project Review Committee; and

WHEREAS: In years past, instances have occurred where a change of occupancy could require, pursuant to California Building Code and California Fire Code, tenant improvements that may be costly for a business owner. To avoid a business opening in a building that may in turn require significant expenditures to comply with State law, the City began requiring that any change of occupancy be reviewed by the Project Review Committee; and

WHEREAS: In recent months, staff has noticed a significant increase in the number of changes of occupancy reviewed by the Committee, and in many cases, the proposed change does not result in additional tenant improvements to comply with State law; and

WHEREAS: The process to have a business owner attend a Project Review Committee meeting and pay a fee of \$250 only to be told that there are no applicable comments seems unnecessary and not consistent with the business-friendly standard of operation at the City of Porterville. Instead, based on discussion with the Fire Marshal and the Building Official, no adverse conditions would result if the Council chose to modify the list of projects requiring review by the Project Review Committee to apply only to changes of occupancy “as deemed necessary by the Chief Building Official”; and

WHEREAS: Pursuant to the general rule that the California Environmental Quality Act (CEQA) only applies to projects which have the potential for causing a significant effect on the environment. As the proposed ordinance amendment would only apply to projects that are specifically exempted as ministerial projects, no potential environmental impacts could occur as a result of the ordinance amendment; and

WHEREAS: On April 6, 2021, the City Council held a public hearing to consider adopting modifications to Sections 600.04(c) and 601.03(a)(3) of Chapter 21 of the Porterville Municipal Code. All public comments received at the public hearing were duly considered.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby adopt an ordinance amending Sections 600.04(c) and 601.03(a)(3) of Chapter 21 of the Porterville Municipal Code as it relates to the applicability of the Project Review Committee process on changes of occupancy, as follows:

SECTION 1: Amend Section 600.04(c) as follows:

A change of occupancy as deemed necessary by the Chief Building Official, or where the new occupant is in a different use classification than the former occupant; and

SECTION 2: Amend Section 601.03(a)(3) as follows:

A change of occupancy as deemed necessary by the Chief Building Official, or where the new occupant is in a different use classification that the former occupant; and

SECTION 3: This ordinance shall be in full force and effect thirty days from and after its publication and passage.

PASSED, APPROVED, AND ADOPTED this 20th day of April, 2021.

By: _____

Adrian Monte Reyes, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____

Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – APRIL 6, 2021

SUBJECT: Approval for Community Civic Event - Drive-in Movie Night - Porterville Chamber of Commerce - April 24, 2021, May 22, 2021, June 26, 2021, July 24, 2021 and August 28, 2021

SOURCE: Finance

COMMENT: The Porterville Chamber of Commerce is requesting approval to hold Drive-in Movie Night events at the Porterville Sports Complex on the fourth Saturday of each month, beginning in April and ending in August, 2021, from 4:00 pm to 11:00 pm. The Porterville Chamber of Commerce is requesting to utilize the improved parking lot of the Sports Complex, admitting no more than 150 vehicles per event.

This request is made under the Community Civic Events Ordinance No. 1326, as amended. The application has been routed according to the Ordinance regulations and reviewed by all Departments involved. In addition, this application has been reviewed and approved by the City Council's COVID-19 Ad Hoc Committee. The requirements are listed on the attached copy of the application and agreement, Exhibit A, Exhibit B, and Exhibit C. Event organizers are required to adhere to all State and local guidelines and limitations pertaining to COVID-19.

RECOMMENDATION: That the City Council approve the Community Civic Event Application and Agreement from Porterville Chamber of Commerce, subject to the Restrictions and Requirements contained in the Application and Agreement, Exhibit A, Exhibit B, and Exhibit C of the Community Civic Event Application.

ATTACHMENTS:

1. Community Civic Event Application and Agreement, Exhibit A, Exhibit B, Exhibit C, Outside Amplifier Permit, Map and Certificate of Liability Insurance

Appropriated/Funded:

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE

291 N. Main Street, Porterville, CA 93257
559-782-7451 Fax: 784-4569 www.ci.porterville.ca.us



(Incomplete applications can delay permit process)

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

DO YOU HAVE? Event Flyer? E-mail address? (4th Saturday of the month)
Application date: 3/26/2021 Event dates: 4/24, 5/22, 6/26, 7/24, 8/28
Event time: 4:00pm - 11:00pm
Name of Event: ~~Car~~ Drive-In Movie night

Sponsoring organization: Porterville Chamber of Commerce Phone # (559) 784-7502
Address: 93 N. Main St

Authorized representative: Jessica Bracken Phone # 559 202 7123
Address: 93 N. Main St

Event chairperson: Christina T. Clausen Phone # (559) 784 7502 / 560-624

Location of event: Porterville Sports Complex
(Location map must be attached)

Type of event: Drive-In Movie Night

Non-profit organization status: 501(c)(6)

(IRS Determination)

City services requested (fees associated with these services will be billed separately):

Barricades (quantity): N/A Street sweeping Yes ___ No ☒

Police protection Yes ___ No ☒ Refuse pickup Yes ___ No ☒

Other: Please open gate at west end of parking lot to allow for emergency exit.

Parks facility application required: Yes ☒ No ___ Attached ___

Assembly permit required: Yes ___ No ___ Attached ___

STAFF COMMENTS (list special requirements or conditions for event):

Appr. Deny

_____	_____	Bus. Lic. Spvr.	_____
_____	_____	Pub. Works Dir	_____
_____	_____	Comm. Dev. Dir.	_____
_____	_____	Field Svcs. Mgr.	_____
_____	_____	Fire Chief	_____
_____	_____	Parks Dir.	_____
_____	_____	Police Chief	_____
_____	_____	Admin. Svcs. Dir.	_____

CITY OF PORTERVILLE

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?

A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures. This application must be submitted NO LESS THAN 30 DAYS PRIOR to the date of the event in order to obtain City Council approval.

All City Code requirements are described in ordinance 15-20 (e) 1-23 and as amended in ordinance 1613. For a full description please visit our City of Porterville website at www.ci.porterville.ca.us/govt/CityClerk/, Porterville Municipal Codes. For questions or concerns please call 559-782-7451 or 559-782-7457. Any person who violates the provisions in this code, shall be deemed guilty of either a misdemeanor or an infraction, with penalties of one hundred (\$100) for the first violation.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. **The City of Porterville and Successor Agency to the Porterville Redevelopment Agency shall be named as additional insured.** A Certificate of Liability Insurance and Additional Insured Endorsement sample forms are enclosed for your convenience. **This original certificate and endorsement shall be submitted to the Finance Department prior to the City of Porterville Council's approval.** *The council shall condition the granting of a CCE permit upon the sponsoring entity's filing with the council a policy of public liability insurance in which the city has been named as insured or coinsured with the permittee. The policy of insurance shall insure the city, its officers, and its employees against all claims arising out of, or in connection with, the issuance of the CCE permit or the operation of the permittee or its agents or representatives, pursuant to the permit. The policy of insurance shall provide coverage of no less than one million dollars (\$1,000,000.00) per occurrence of bodily injury and property damage, combined single limit. (Ordinance 15-20(e) 18)*

 Authorized Representative Initial

Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include **full liquor liability** in an amount not less than one million dollars (\$1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims arising out of or in connection with the issuance of this permit or the operation of the permitted, his/her agents or representatives pursuant the permit. **Claims-made policies are not acceptable.**

 Authorized Representative Initials

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department located at 5957 S. Mooney Blvd., Visalia, CA, 93277, call 559-733-6441, or fax information to 559-733-6932; or visit their website: www.tularehhsa.org.

 Authorized Representative Initials

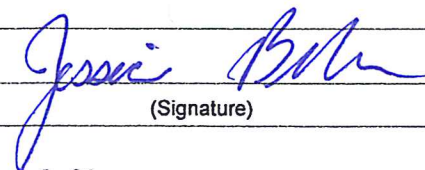
First aid station: Organization/Applicant will establish a first aid station, with clearly posted signs, to provide basic emergency care, such as ice/hot packs, bandages, and compresses.

 Authorized Representative Initials

Toilet rental service: Applicant shall have care, custody and control of the equipment and shall bear responsibility and liability for all loss and damage to the equipment and for its contents while at the City's location. Applicant shall not overload, move or alter the equipment and shall use the equipment for its intended purpose. Applicant shall be responsible for any damages to City's property resulting from company's provision of services hereunder. Applicant shall confirm with the service company the number of portable toilets, standard and handicap, and wash sinks needed for the number of expected attendees.

____ Authorized Representative Initials

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit 'A.' The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees. Approval of the Community Civic Events Permit by the Porterville City Council pertains only to authorized activities conducted at designated locations within the incorporated area of the City of Porterville, and such approval shall not be construed or interpreted to authorize sponsor utilization of public right-of-ways outside of the jurisdiction of the City of Porterville.

Porterville Chamber of Commerce		3/26/2001
(Name of Organization)	(Signature)	(Date)

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Location: Porterville Sports Complex Event date: Please see page 2 Event time: 4pm - 11pm

[illegible]

The nonprofit sponsor shall collect said fee and remit the fee to the city within five (5) working days following the CCE. Said remittance shall be accompanied by a complete list of participants and consecutively numbered receipts written in triplicate, containing the name, address and telephone number of the licensee, and the licensee's California seller's permit number. Said receipts shall be furnished by the city. One copy of the receipt shall be furnished to the licensee, one copy filed with the finance department of the city, and one copy retained by the CCE sponsor for a period of three (3) years for audit purposes.

CITY OF PORTERVILLE

REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: Drive-In Movie Night

Sponsoring organization: Porterville Chamber of Commerce

Event date: 4/24, 5/22, 6/26, 7/24, 8/28 Hours: 4:00pm - 11:00pm

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed			
Street Name	From	To	Activity
N/A			
Sidewalks	From	To	Activity
N/A			
Parking lots and spaces	Location	Activity	
Entire paved Parking lot	Porterville Sports Complex	Drive-in movie	

Requirements for Community Civic Event

Porterville Chamber of Commerce Drive-in Movie Night

April 24, May 22, June 26, July 24, and August 28, 2021

Finance Director:
M. Bemis

City Engineer:
D. Cervantez

Community Development Manager:
J. Phillips

Public Works Director:
M. Knight

Fire Marshall:
C. Dignam

Parks and Leisure Services Director:
D. Moore

Due to the ending time of the event, Parks will incur overtime for staff to close up the facility. Will patrons not attending the event be allowed to park in the main paved parking lot? If not, signage should be placed to inform the public of what time they will not be allowed in the main parking lot due to the event. All other comments addressed in the supplemental information.

Police Lieutenant:
J. Maniss

Please see Recommendations/
Requirements in Exhibit B.

Administrative Services Director:
P. Hildreth

Risk Management will require a Certificate of Insurance with evidence of \$2,000,000 in liability coverage, naming the City of Porterville as an additional insured. Also event organizer required to comply with all state mandates concerning COVID-19.

Requirements for Community Civic Event

Sponsor: Porterville Chamber of Commerce
Event: Drive-in Movie Night
Event Chairman: Christina T. Clausen
Location: Porterville Sports Complex
Date of Event: April 24, May 22, June 26, July 24 and August 28, 2021

RISK MANAGEMENT: Conditions of Approval

That the Porterville Chamber of Commerce, provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than \$2,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville and Successor Agency to the Porterville Redevelopment Agency, its Officers, Employees, Agents and Volunteers as 'Additional Insured' against all claims arising from, or in connection with, the Permitted operation and sponsorship of the aforementioned Community Civic Event. If the event is located in the City of Porterville's Redevelopment Agency area, the same conditions apply.

- A. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than \$1,000.
- B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A: VII, and the insurance company must be an 'admitted' insurer in the State of California.

CITY OF PORTERVILLE/POLICE DEPARTMENT
Community Civic Event Application

Drive-In Movie Night

Porterville Sports Complex / 2701 W. Scranton Avenue

April 24th, / May 22nd, / June 26th, / July 24th, / August 28th, 2021 / 4:00 PM – 11:00 PM

Proposed Conditions/Requirements:

- City Council approval is required for all street closures.
- An Outside Amplifier Permit has been approved and granted. However, event organizers shall not allow emitted noise to be so loud as to unreasonably disturb the peace and good order of any residents or business establishments in the surrounding area.
- Event organizers should contact the Police Department Watch Commander well in advance of the event to make any special requests not listed above. Watch Commander Lieutenants Mark Azevedo or Ron Moore can be reached at (559) 782-7410.
- Event organizers shall ensure all state and local guidelines pertaining to COVID-19 are adhered to.

Josh Maniss, Lieutenant
Porterville Police Department

Exhibit B



JESSICA
BRACKEEN

CEO/President

CONTACT

PHONE:

P. 559.784.7502

C. 559.202.7123

WEBSITE:

portervillechamber.org/

EMAIL:

jessica@portervillechamber.org

christina@portervillechamber.org

City Council,

In addition to the completed **Community Civic Event permit**, please see below for addition concerns not covered in the permit.

- **Restrooms and Sanitizing**

- We plan on utilizing local volunteers who are seeking community hours.
- The Chamber will provide sanitizing supplies, gloves, and masks.
- Restrooms will be sanitized 4 times an hour.

- **Entrance/Exit plan including where money will be exchanged.**

- 150 digital tickets, one per vehicle, will be available through Eventbrite ONLY to provide a safe, touchless method of exchange.
- Digital tickets will be scanned at entrance (please see map) and directed to turn right, into the parking lot for event. If a vehicle does not have a ticket, they will be asked to make a U-turn to the left and exit the venue.
- **Entrance:** Will begin at main gate, with cars moving to *ticket station 1*. If car flows allow, tickets will be redeem at ticket station1. If cars are backed up onto Scranton, cars will be directed to *ticket station 2*. Once tickets are validated parking attendants will guide attendees through coned off sections to next available socially-distanced parking spot.
- **Exit:** At end of movie, parking attendants with flashlights will begin directing cars starting from the back to exit 1.

- **Event fee**

- \$25, The Chamber will absorb Eventbrite fees.

- **How sound will be amplified**

- We have two options for sound.
 - AM transmitter. Each vehicle will be able to tune into a specific station to listen to audio.
 - Up to four speakers on stands, to be placed both left and right of the screen. These speakers will amplify sound towards the parked vehicles.

- **Lighting**

- No lighting needed during entrance of venue. Minimal lighting needed due to screen projection.
- Lighting has been purchased for use during exit of venue.

- **Power Source**

- We have two options.
 - Use available electricity. This will require extensions cords which will be taped down for safety. This option will only be used if cords can be laid safely, away from the pathway to the play structure.
 - If use of electricity is not safe, we have purchased both a generator as well as a power supply to be ready for use.

Respectfully,



Jessica Brackeen, CEO/President

1 Name and home address of the applicant: Jessica Bracken 93 N. Main St

2 Address where amplification equipment is to be used: 2701 W. Scranton Ave

3 Names and addresses of all persons who will use or operate the amplification equipment: Christina Clausen, David Brackeen, Jessica Bracken,

4 Type of event for which amplification equipment will be used: Drive-in Movie Night

5 Dates and hours of operation of amplification equipment: 4/24, 5/22, 6/26, 7/24, 8/28

6 A general description of the sound amplifying equipment to be used: Speakers on Stand

Section 18-9 It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort of the occupants of nearby residences.

Section 18-14

Section 18-14 It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected any or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 6312)

Penal Code Section 415 (2) Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars (\$400), or both such imprisonment and fine: (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

Signature of Applicant

Date _____

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

City of Porterville, Chief of Police/Designee

Date _____

W Scr

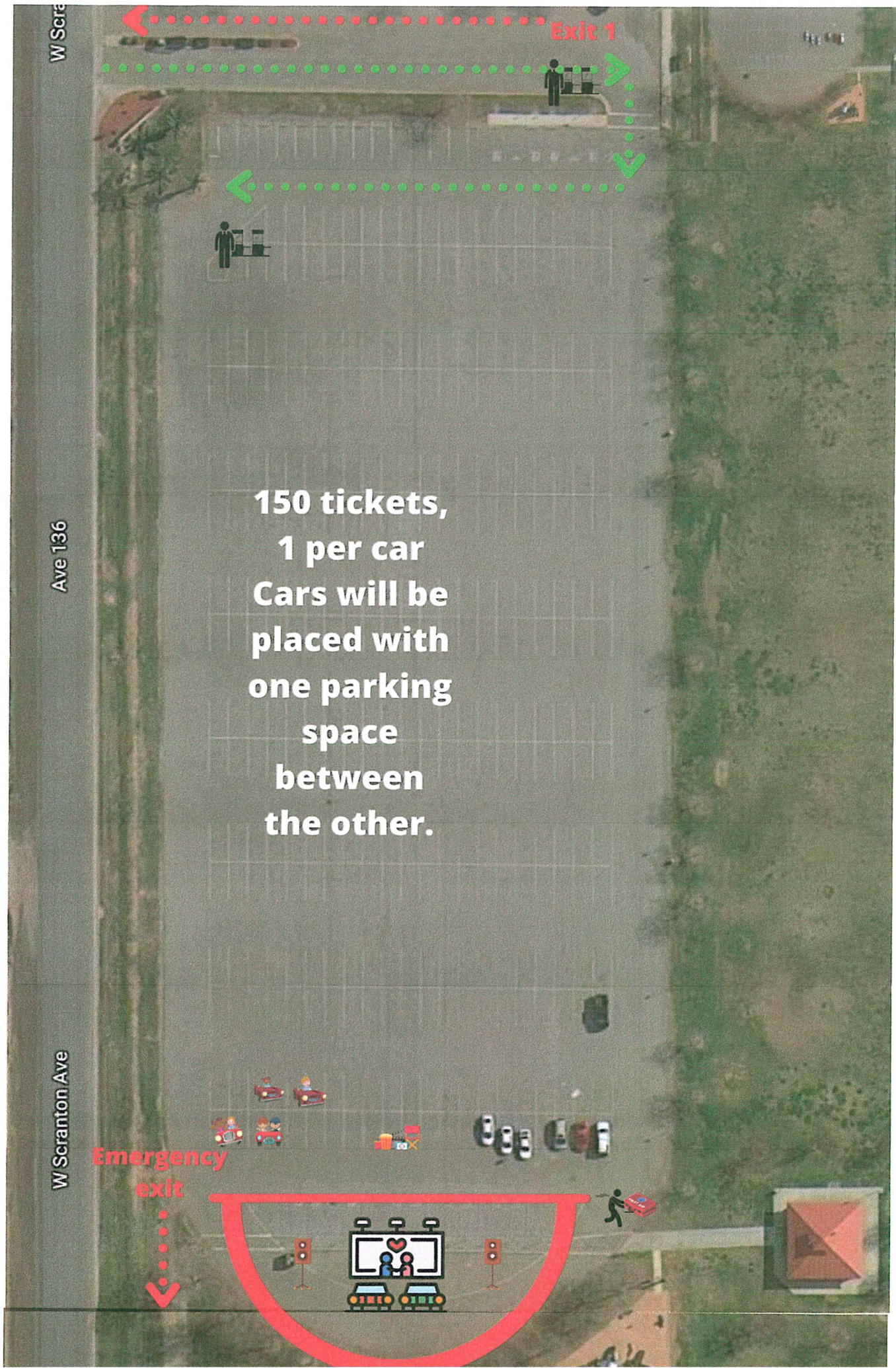
Exit 1

Ave 136

W Scranton Ave

150 tickets,
1 per car
Cars will be
placed with
one parking
space
between
the other.

Emergency
exit





PORTCHA-01

JMADRIGAL

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/31/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER License # 0D44424 Walter Mortensen Insurance / INSURICA PO Box 1960 Porterville, CA 93258	CONTACT NAME: Jacqueline Madrigal		
	PHONE (A/C, No, Ext): (559) 560-3215	FAX (A/C, No): (559) 781-3229	
	E-MAIL ADDRESS: Jacqueline.Madriral@INSURICA.com		
INSURED Porterville Chamber of Commerce 93 N. Main Street Suite A Porterville, CA 93257-3711	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A : NOVA Casualty Company		42552
	INSURER B :		
	INSURER C :		
	INSURER D :		
	INSURER E :		
		INSURER F :	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	X COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PROJECT ☐ LOC OTHER:	X		CF1-ML-10000756-03	5/28/2020	5/28/2021	EACH OCCURRENCE \$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
							MED EXP (Any one person) \$ 5,000
							PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 3,000,000
							PRODUCTS - COMP/OP AGG \$ 3,000,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$
							BODILY INJURY (Per person) \$
							BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$						EACH OCCURRENCE \$
							AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y/N N/A If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE ☐ OTH-ER ☐
							E.I. EACH ACCIDENT \$
							E.I. DISEASE - EA EMPLOYEE \$
							E.I. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Reference: Drive-In Movie Night Event Dates: 4/24, 5/22, 6/26, 7/24, 8/28/21. Certificate Holder is an additional insured with respect to general liability if required or agreed to in a written contract subject to all the provisions and limitations of the policy.

CERTIFICATE HOLDER

CANCELLATION

City of Porterville
Porterville Sports Complex
2701 W. Scranton Avenue
Porterville, CA 93257

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):

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

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to Section III – Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.



CITY COUNCIL AGENDA – APRIL 6, 2021

SUBJECT: Draft Fireworks Ordinance

SOURCE: Fire

COMMENT: At its meeting on March 16, 2021, the City Council discussed a number of potential modifications to Chapter 12 of the Municipal Code as it relates to safe and sane fireworks. This Municipal Code chapter has been the subject of ongoing discussion and direction during meetings since February 2021, as the Council evaluates opportunities to reduce potential harm and property damage related to the inappropriate use of certain fireworks. The Council has also discussed options to modify the fines associated with illegal discharge of fireworks, and other concepts which could reduce the negative community impact of fireworks while still maintaining opportunities for community fundraising and cherished patriotic traditions.

The attached draft Ordinance is provided for consideration and has been prepared with input from all relevant Departments with oversight from the City Attorney's office. Also attached to this report are copies of the previously presented staff reports from February and March of this year.

This draft added flexibility in City discretion to not hold the property owner responsible for a violation as a responsible party for a violation under certain circumstances, and also provides that an occupant of a unit in a multifamily project will not be held liable for a violation that occurs in a common area solely of the basis of their right to occupy that unit. The proposed amendment also clarifies that the fine amounts are maximum amounts. Additionally, this version clarifies the remedies available for the violation as a public nuisance and provides that the City, to the fullest extent permitted by law, may recover its costs of enforcement.

In addition to this proposed amendment to the Code, the City Attorney and City Code Enforcement staff recommend that additional amendments be made to the City's general penalties and administrative citations regulations. The proposed amendments will be described in greater detail in a separate agenda item but will provide for the broader flexibility in the use of public nuisance abatement recovery proceedings as authorized by State law. Additionally it is proposed that the Article concerning administrative citations be amended to allow the City to grant an advance deposit hardship waiver for the recipient of an administrative citations who is financially unable to make the advance deposit in order to secure a citation appeal hearing.

RECOMMENDATION: That the City Council review the additional information provided and provide direction as determined.

ATTACHMENTS:

1. Municipal Code Chapter 12 - Article 2: Fireworks
2. Staff Report - February 2, 2021
3. Staff Report - March 2, 2021
4. Staff Report - March 16, 2021
5. Draft Fireworks Ordinance Amendment

Appropriated/Funded:

Review By:

Department Director:

Dave LaPere, Fire Chief

Final Approver: John Lollis, City Manager

ARTICLE II. FIREWORKS

SECTION:

12-2.1: Definitions

12-2.2: Sales Of Fireworks; Permits Required

12-2.3: Public Displays Of Fireworks

12-2.4: Number Of Permits Limited/Preapplication

12-2.5: Sales Of Safe And Sane Fireworks; Applications For Permits

12-2.6: Permit Issuance Based On Drawing Selections

12-2.7: Period Of Discharge

12-2.8: Prohibitions On Discharge

12-2.9: Time Period For Sale

12-2.10: Prohibitions

12-2.11: Regulations

12-2.12: Fireworks Stands; Requirements

12-2.13: Fireworks Stands; Locations

12-2.14: Certificate Of Insurance

12-2.15: State Fireworks Law

12-2.16: Revocation Of Permits

12-2.17: Nonissuance Of Permits

12-2.18: Seizure Of Fireworks

12-2.19: Exceptions

12-2.20: Violations; Penalties

12-2.1: DEFINITIONS:

For the purposes of this article, definitions shall have the respective meaning ascribed to them in section 12500 et seq., of the Health And Safety Code of the state of California, and, unless otherwise apparent from the context, certain words and phrases used in this article are defined as follows:

CITY: The city of Porterville.

DANGEROUS FIREWORKS: Any fireworks specified as such in the state fireworks law, section 12500 et seq., of the Health And Safety Code of the state and such other fireworks as may be determined to be dangerous by the state fire marshal.

ELIGIBLE ORGANIZATION: An organization which has met all of the following criteria for a continuous period of not less than one full year preceding submittal of an application for the permit required by this article (and which continues to do so thereafter):

A. The organization must be a duly organized not for profit charitable, religious, civic, patriotic or community service organization;

B. The organization must be headquartered within and clearly affiliated or identified with Porterville;

C. The organization must be one which provides direct and regular community services and benefits to the citizens of the city; and

D. The organization must hold its regularly scheduled meetings within the city;

E. Must maintain a bona fide membership of at least twenty (20) members;

F. The organization must have a tax exempt identification number assigned to them;

G. One application per tax exempt ID number will be allowed; and

H. One permit per tax exempt number will be allowed.

FIRE CHIEF: The fire chief or his/her duly authorized designee.

FIREWORKS: Any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, firecrackers, torpedoes, skyrockets, roman candles, daygo bombs, sparklers or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing an explosive substance; except that the term "fireworks" shall not include any auto flares, paper caps containing not in excess of an average of twenty five one- hundredths (0.25) of a grain of explosive content per cap and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times.

SAFE AND SANE FIREWORKS: Any fireworks which do not fall within the definition of "dangerous fireworks" or "exempt fireworks" per Health And Safety Code section 12529. The California state fire marshal's seal of registration shall be applied to all classified fireworks and pyrotechnic devices by a licensed manufacturer, importer, exporter or wholesaler and shall indicate the classification assigned by the state fire marshal.

STAND: Any building, counter, or other structure of a temporary nature used in the sale or offering for sale of fireworks pursuant to a permit duly issued. (Ord. 1650 § 2, 4-6-2004; Ord. 1776, 4-5-2011; Ord. 1799, 11-5-2013)

12-2.2: SALES OF FIREWORKS; PERMITS REQUIRED:

A. It shall be unlawful for any person to sell or offer for sale any dangerous fireworks in the city.

B. It shall be unlawful for any person to sell or offer for sale any "safe and sane" fireworks in the city without first obtaining a permit therefor. (Ord. 1650 § 3, 4-6-2004)

12-2.3: PUBLIC DISPLAYS OF FIREWORKS:

The fire chief shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair associations, amusement parks, other organizations or for use of fireworks by artisans in pursuit of their trade. Every such use or display shall be handled by a licensed operator approved by the fire chief and shall be of such character and so located, discharged or fired so as, in the opinion of the fire chief after proper investigation, not to be hazardous to property or endanger any person. Said rules and regulations are as follows:

A. Applications: Applications for permits shall be made in writing at least ten (10) days in advance of the date of the display. After such privilege shall be granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

B. Bond For Fireworks Display Required: The permittee shall furnish a bond or certificate of insurance in an amount deemed adequate by the city's risk manager for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display and arising from any acts of the permittee, his agents, employees or subcontractors.

C. Disposal Of Unfired Fireworks: Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining. (Ord. 1650 § 3, 4-6-2004; Ord. 1776, 4-5-2011)

12-2.4: NUMBER OF PERMITS LIMITED/PREAPPLICATION:

The maximum number of permits to sell "safe and sane" fireworks which may be issued pursuant to this article during any one calendar year shall not exceed one permit for each four thousand (4,000) residents of the city,

or major fraction thereof, based on the most recent population figure as determined by the federal decennial census and updated annually by the California state department of finance. If the number of preapplications received up to and including the last day for making applications pursuant to this article exceeds the number of permits to be issued for the city, the fire chief shall thereafter supervise a public drawing to determine an order of priority for each preapplication. Preapplications can be obtained at the fire department or online at the city of Porterville's website between January 1 and the last business day of January. All applicants will be assigned a number in the order in which the preapplication is received. The drawing will be held between February 16 and February 28 each year. (Ord. 1799, 11-5-2013)

12-2.5: SALES OF SAFE AND SANE FIREWORKS; APPLICATIONS FOR PERMITS:

Permits to sell "safe and sane" fireworks shall be issued by the fire chief. Application packets for a permit will be furnished to eligible organizations whose number has been drawn. Each organization must meet all the applicable requirements set forth in the application for permits section and the permit issuance section.

A. Any eligible organization desiring to sell "safe and sane" fireworks in the city of Porterville shall obtain a permit application from the fire department. Permit applications shall be obtained during the period commencing the first business day of March and ending the last business day in March.

B. Such applications shall be signed by a bona fide officer of the eligible organization, wherein the officer, on behalf of the organization and its agents, shall agree to abide by state laws and administrative regulations and all the stipulations of this code and the permit if permission to operate a fireworks stand shall be granted to the organization.

C. Completed applications shall be returned to the fire department no later than five o'clock (5:00) P.M. on the last business day of March each year. Any eligible organization making an application for such permit to sell "safe and sane" fireworks that fails to return the completed application prior to five o'clock (5:00) P.M. on the last regular business day in March shall not be issued a permit to sell "safe and sane" fireworks.

D. The licensee shall use the net proceeds derived from its operations under such license only for such nonprofit, charitable, religious or eleemosynary service projects that shall be of direct benefit to the city of Porterville and for no other purpose. (Ord. 1650 § 3, 4-6-2004; Ord. 1776, 4-5-2011; Ord. 1799, 11-5-2013)

12-2.6: PERMIT ISSUANCE BASED ON DRAWING SELECTIONS:

A. All eligible organizations shall obtain and submit to the fire department the following forms supplied by the fire department. Forms will be supplied to those organizations whose drawn assigned number is sequentially within the total number of permits to be issued. All other applicants will be placed on a waiting list in the sequence of their drawn assigned number. If an applicant does not satisfy the requirements of this section within the time periods identified in this section, the next drawn assigned number on the waiting list will be notified and provided with the following paperwork:

1. The property owner's release form signed by the property owner authorizing permission to erect a fireworks stand on his property;
2. The fireworks storage form indicating where and how the fireworks will be stored when not in the approved stand;
3. The state fire marshal's license to sell safe and sane fireworks;
4. A copy of the temporary seller's permit issued by the state board of equalization; and
 - a. The certificate of insurance required by section 12-2.14 of this article.
 - b. A statement of organization eligibility.
 - c. A site plan indicating location of stand, distance to nearest building, ingress, egress, parking, etc.

B. These forms must be returned to the fire department by the last business day of March.

C. No permit issued or authorized shall be transferable or assignable.

D. When all the application requirements have been completed and the fireworks stand location has been approved, the fire department shall authorize the erection of a fireworks stand. Each qualified organization shall pay to the administrative services director or designee a permit fee amount as listed in the master administrative fee schedule amended from time to time by resolution of the city council. This fee will include a

refundable cleanup deposit. Each permit shall be for only one stand per eligible organization and shall be forwarded to the fire department for delivery as set forth in subsection E of this section.

E. Permits will be effective only when issued by the fire department after the final inspection of the stand shows compliance with all the requirements of this article. (Ord. 1650 § 3, 4-6-2004; Ord. 1776, 4-5-2011; Ord. 1799, 11-5-2013)

12-2.7: PERIOD OF DISCHARGE:

Safe and sane fireworks, as defined by section 12529 of the California Health And Safety Code, as amended ("fireworks"), may be discharged within the city limits of the city of Porterville ("city") during the period beginning at twelve o'clock (12:00) noon on June 28 and ending at eleven fifty nine o'clock (11:59) P.M. on July 4 of any year. (Ord. 1776, 4-5-2011)

12-2.8: PROHIBITIONS ON DISCHARGE:

It shall be unlawful for any person to ignite, explode, project, or otherwise fire or use, or permit the ignition, explosion or projection of any fireworks upon, over, or onto the private property of another, or to ignite, explode, project, or otherwise fire or make use of any fireworks within fifteen feet (15') of any residence, dwelling or any other structure, public property, fields or waterway. (Ord. 1776, 4-5-2011)

12-2.9: TIME PERIOD FOR SALE:

"Safe and sane fireworks" may be sold within the city limits of the city of Porterville during the period beginning twelve o'clock (12:00) noon on June 28 and ending at ten o'clock (10:00) P.M. on July 4. The hours of operation of any stand shall be limited to nine o'clock (9:00) A.M. to ten o'clock (10:00) P.M. daily during the days identified in this article, except that hours of operation of any stand on June 28 shall commence at twelve o'clock (12:00) noon. (Ord. 1650 § 3, 4-6-2004)

12-2.10: PROHIBITIONS:

- A. The manufacture of fireworks is prohibited within the jurisdiction.
- B. No person shall possess, sell, deliver, deal in, use, explode or fire, or cause to be used, exploded or fired, any form of fireworks designated as "dangerous fireworks" by section 12505 of the Health And Safety Code of the state of California.
- C. The possession, sale, delivery, dealing in, use, exploding or firing of any form of fireworks designated as "safe and sane fireworks" by section 12529 of the Health And Safety Code of the state of California is expressly prohibited, except as limited by this article.
- D. It shall be unlawful to store any fireworks in any residence, home, garage, or automobile within the city of Porterville. It shall also be unlawful to store any fireworks in any building or other place within the city of Porterville without having first applied for and received a permit pursuant to section 12-2.2 of this article.
- E. No fireworks shall be stored within one hundred feet (100') of any gasoline service station or any garage located within twenty five feet (25') of any other structure. Any facility for the storage of fireworks shall maintain a minimum setback from the street curbing of ten feet (10').
- F. No person shall light, or cause or permit to be lighted, any fireworks, or any other article or material, within any structure approved for fireworks storage, or within fifty feet (50') thereof.
- G. No smoking shall be allowed in any structure that is used for storing fireworks nor within fifty feet (50') of said structure. "No Smoking" signs shall be prominently displayed. (Ord. 1650 § 4, 4-6-2004; Ord. 1776, 4-5-2011)

12-2.11: REGULATIONS:

It shall be unlawful for any eligible organization to which a permit has been issued:

- A. To operate in violation of California Code Of Regulations title 19, chapter 6, regulating the storage, transportation, sale and use of fireworks.
- B. To obtain or use more than one permit for one stand per year.
- C. To fail to clear all flammable or burnable materials within thirty feet (30') from any fireworks stand and to maintain such conditions during the period prescribed for the sale of fireworks.

D. To allow smoking within fifty feet (50') of any such business location or stand or to fail to post "No Smoking" signs with such wording in red letters not less than four inches (4") in height on a white background on all sides of any such stand.

E. To fail to have immediately available within the stand a certified fire extinguisher or other fire extinguishing device of a type approved by the fire department.

F. To sell fireworks earlier than twelve o'clock (12:00) noon on June 28 or later than ten o'clock (10:00) P.M. on July 4.

G. To fail to dismantle and remove any stand or structure of any nature where fireworks were sold as of five o'clock (5:00) P.M. July 8.

H. To sell fireworks to persons under sixteen (16) years of age.

I. No person other than a member (or their spouse) of the organization or a volunteer who is associated with the organization having a permit shall be permitted to sell or otherwise participate in the sale of fireworks. All fireworks stands shall have the safety regulations posted inside the stand in an approved location. The size of the safety poster will be approved and provided by the fire department. A maximum of one member for every four (4) linear feet of stand is permitted within the stand at any one time (i.e., if the stand is 32 feet long, 32 divided by 4 equals 8 members allowed in the stand) and all persons selling fireworks must be at least eighteen (18) years old.

J. No sleeping inside the fireworks stand will be permitted at any time.

K. No person shall use or handle fireworks while under the influence of intoxicating liquids or narcotics. Alcohol and narcotics are prohibited within the fireworks stand.

L. All electrical/spark producing appliances (fans, coolers, air conditioners, etc.) are prohibited inside the fireworks stands and shall not block the means of egress. (Ord. 1650 § 4, 4-6-2004; Ord. 1776, 4-5-2011; Ord. 1799, 11-5-2013)

12-2.12: FIREWORKS STANDS; REQUIREMENTS:

All retail sales of "safe and sane fireworks" shall be permitted only from within a temporary fireworks stand and sales from any other building or structure is prohibited. Temporary stands shall be subject to the following provisions:

A. No fireworks stand shall be located within twenty five feet (25') of any other building or within one hundred feet (100') of a gasoline pump, or within one hundred feet (100') of another fireworks stand, when measured closest point to closest point. Canopies within ten feet (10') of a stand shall be considered an extension of the stand for measurement of setback distances. Minimum setback from the street curbing, alley, or driveway shall be ten feet (10'). Stands shall not cover or impede any public rights of way.

B. No stand shall have a floor area in excess of four hundred (400) square feet. The width and length of each stand shall be a maximum of ten feet by forty feet (10' x 40'), respectively.

C. Each stand must have at least two (2) exits located on separate walls. Fireworks stands with only three (3) sides and open from the back will not require exits. Fireworks stands shall have exits at least thirty inches (30") in width at both ends of the structure. An aisle with a minimum width of thirty inches (30") shall lead to each exit. Exits shall remain unobstructed. No supplies or other materials shall be stored in front of exit doors. All exit doors shall remain unlocked and unlatched whenever the stand is occupied.

D. Each stand shall keep easily accessible a minimum of one 2¹/₂-gallon water pressure type fire extinguisher and one 2A10BC rated dry chemical fire extinguisher and each shall be in good working order and bear a current inspection sticker. Extinguishers must be of a type approved for such use by the Porterville fire department.

E. All stands must be constructed of solid wood or metal.

F. After hours, stands must be properly secured or a security guard must be provided to patrol the premises. Under no circumstances shall the night watchman sleep within the fireworks stand.

G. All unsold stock and accompanying litter shall be removed from the location by five o'clock (5:00) P.M. July 5.

H. Fireworks stand may be brought to the site one week prior to June 28 and must be dismantled and removed by five o'clock (5:00) P.M. July 8.

I. Temporary lighting may be installed in the fireworks stands. Approved temporary lights must have a guard protecting the bulb/fixture and all wiring and fixtures must be 3-wire and grounded.

J. Primary power to the temporary lighting may be by means of on site commercial power in a fixed facility or by means of an on site portable generator. Generators must be located at least twenty five feet (25') from the fireworks stand. Location of portable generators must be approved by fire department.

K. Fuel for portable generators is not allowed to be kept on the premises.

L. No switches, electrical receptacles (plug ins), or splices are permitted within the stand.

M. Extension cords to the stand are to be heavy duty, minimum of fifteen (15) amp capacity, and protected from vehicular damage. Romex is not an acceptable extension cord.

N. All trash shall be removed from the premises and the fireworks stand each evening at the close of business.

O. No person shall light, or cause or permit to be lighted, any fireworks or any other article or material within any such stand, or within fifty feet (50') thereof.

P. No alcoholic beverages shall be allowed on the premises. No person who is under the influence of alcoholic beverages shall enter or be allowed into the sales booth.

Q. Signage will be clearly displayed at each site providing for the fines as specified in section 12-2.20 of this article.

R. Canopies within twenty five feet (25') of a stand must be labeled by the manufacturer as fire resistive. The total allowable canopy area within twenty five feet (25') of a stand shall be no larger than two hundred (200) square feet.

S. Canopies within twenty five feet (25') of a stand shall meet the requirements set forth in the California code of regulations title 24, part 9, chapter 24 and title 19, division 1. (Ord. 1650 § 4, 4-6-2004; Ord. 1776, 4-5-2011; Ord. 1799, 11-5-2013)

12-2.13: FIREWORKS STANDS; LOCATIONS:

A. In no instance shall any fireworks stand be located within a residential zoned district.

B. No stand shall be located closer than one hundred feet (100') from another. (Ord. 1776, 4-5-2011)

12-2.14: CERTIFICATE OF INSURANCE:

Prior to the issuance of a permit, the eligible organization shall procure a certificate of insurance acceptable to the city. The certificate shall name the city of Porterville, its officers, agents, employees and volunteers as "additional insured". The certificate shall evidence coverage in an amount determined by the city's risk manager; providing, however, the amount shall not be less than one million dollars (\$1,000,000.00) combined bodily injury and property damage for each occurrence, and the deductible, if any, shall not be greater than one thousand dollars (\$1,000.00). The certificate shall specify the time, location, and dates to be covered by the policy. The certificate shall be provided to the fire department no later than five o'clock (5:00) P.M. on the last regular business day in March of the subject year or at such other time as the chief of the fire department may allow. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001; Ord. 1799, 11-5-2013)

12-2.15: STATE FIREWORKS LAW:

The provisions of this article shall be construed so as not to conflict with the state fireworks law. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001)

12-2.16: REVOCATION OF PERMITS:

Any violation of this article or other city laws, or the terms and conditions of the permit, or state laws or administrative regulations, or safety rules of the fire department shall be grounds for the immediate revocation of the permit. All officers, agents, and employees of the eligible organization shall be responsible for compliance with all the provisions of this article. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001)

12-2.17: NONISSUANCE OF PERMITS:

The final decision to issue permits shall rest with the fire chief. In cases such as civil unrest, severe drought conditions, or any other such situation deemed to be harmful or to have the possibility of creating an extreme hazard to persons and/or property the fire chief shall be the final authority in granting permits for fireworks sales. The right to refuse permits to applicants who have violated the regulations in this article in previous years shall also rest with the fire chief. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001)

12-2.18: SEIZURE OF FIREWORKS:

The fire chief shall have the authority to seize, take, remove, or cause to be removed at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored, or held in violation of this article. (Ord. 1776, 4-5-2011)

12-2.19: EXCEPTIONS:

Nothing in this article shall be construed as prohibiting the use of torpedoes, flares, or fuses by railroads or other transportation agencies for signal purposes of illumination; or the sale or use of blank cartridges for ceremonial purposes, athletic, or sports events or military ceremonies or demonstrations; or the sale, discharge or display of fireworks by permittees having a permit as herein provided; or the use and display of fireworks of whatever nature by any person engaged in the production of motion pictures, theatricals, or operas when such use and display is a necessary part of such production; or the transportation of fireworks through the city in regular course, and in original packages or containers from any point outside of the city to any other point outside the city. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001)

12-2.20: VIOLATIONS; PENALTIES:

Fines for the manufacture, possession, sale, delivery, use, or discharge of dangerous fireworks within the city of Porterville shall be one thousand five hundred dollars (\$1,500.00). (Ord. 1799, 11-5-2013)



CITY COUNCIL AGENDA – FEBRUARY 2, 2021

SUBJECT: Safe and Sane Fireworks

SOURCE: Fire

COMMENT: At its meeting on July 21, 2020, the City Council considered and provided direction in regards to the continued sale of legal "safe and sane" fireworks to encourage inter-agency coordination within Tulare County in the enforcement of illegal fireworks, as well as the prospective limitation on the sale of some legal fireworks. Staff conversations amongst City Managers, Fire Chiefs and Police Chiefs have been supportive of the potential of forming a joint taskforce for enforcement, however, Vice Mayor Flores reported at the Council's meeting of January 19, 2021, that the last several bimonthly meetings of the Council of Cities have been canceled and the subject has therefore not been discussed amongst the respective elected city officials.

The intent of this report is to consider the potential benefit of eliminating certain types of legal "safe and sane" fireworks from the list of fireworks allowed to be sold and used in Porterville city limits, as some other jurisdictions have previously done (e.g. City of Bakersfield). Specifically, there may be an interest in eliminating those fireworks that cause a greater nuisance due to noises, and those that are commonly manipulated to create more dangerous sorts of devices. For example, "Piccolo Pete" or similar fireworks are commonly known to be modified to become an explosive device, and while such activities are a felony, it may be prudent to reduce the potential legal sources of such devices. Fireworks that shrill or emit very loud, often high pitched sounds, are known to have triggering effects for military veterans as well as animals.

Chapter 12, Article II of the Porterville Municipal Code currently allows that any firework deemed by the State of California to be "safe and sane" may be sold and used within the city limits. This section is attached for reference. The accommodation of any fireworks, even those deemed "safe and sane" makes the enforcement against illegal fireworks more difficult. This is because illegal fireworks are often intermixed with "safe and sane" fireworks, and they all create smoke and draw enthusiastic audiences, making it very difficult to determine which group ignited illegal fireworks. For this reason, public comments have been received to consider the revocation of Article II of Chapter 12 in its entirety.

All local jurisdictions report the difficulties in achieving high rates of enforcement as it relates to illegal fireworks, due to the relatively limited number of personnel compared to the extensive population across the county

who choose not to abide by applicable regulations. To work through this, the Fire Chief reached out to other jurisdictions within Tulare County in a manner similar to how local police departments and the Sheriff's Office have established task forces to work together as a group, and intensify enforcement efforts. This approach has been shown to increase compliance, and the City of Porterville had been coordinating with other incorporated cities and Tulare County. However, in light of the pandemic, such efforts have been currently set aside though interest in such a program remains.

RECOMMENDATION: That the City Council consider and provide direction to staff regarding the sale and use of fireworks within city limits.

ATTACHMENTS: 1. Porterville Municipal Code - Chapter 12, Article 2: Fireworks

Appropriated/Funded:

Review By:

Department Director:

Dave LaPere, Fire Chief

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – MARCH 2, 2021

SUBJECT: Fireworks Ordinance Update

SOURCE: Fire

COMMENT: In the weeks following Independence Day 2020, and as staff initiates efforts for the fireworks sales for Independence Day 2021, a series of three subjects have been brought forward for consideration. The subjects include prohibition or limitation of certain fireworks; fines; and enforcement efforts. Staff presents this report to provide information about the City's current regulations related to fireworks as well as possible amendments that have been used in other jurisdictions. Should the City Council have interest in modifying any of the City's regulations related to fireworks, such action would need to be scheduled in short order to be effective prior to July 2021.

The City's Fireworks Ordinance is codified as Article II of Chapter 12 of the Porterville Municipal Code. Currently, the Porterville Fireworks Ordinance allows use of all "safe and sane" fireworks, which are commonly sold by various non-profit organizations representing two distributors: TNT Fireworks and Phantom Fireworks. In recent years, a number of residents have brought forward concerns to the Council about fireworks that emit noise, specifically requesting that such fireworks be banned from the City due to the impacts of noise on combat veterans and animals. Although certain "safe and sane" fireworks do emit sounds, the majority of the noise complaints seem to reference illegal fireworks.

However, one type of "safe and sane" firework is particularly known for its loud, shrill sound. Piccolo Pete's (TNT Fireworks) and the Whistling Phantom (Phantom Fireworks) are probably the loudest of the "safe and sane" fireworks available in California. In addition to the noise issue, these particular fireworks are also commonly and readily converted to an explosive device. For this reason – not noise but safety hazard – these fireworks have been prohibited in several other agencies. During staff's research we found no ordinances that prohibited any fireworks due to noise. It should be noted that the vendors that sell "safe and sane" fireworks in the Porterville area have offered to stop selling Piccolo Pete's or Whistling Phantoms in the city of Porterville (please see attached correspondence). Voluntary removal of these fireworks from the local booths would reduce but not eliminate the issue, as residents and their guests would still be able to purchase these devices in the unincorporated areas of Tulare County or in other cities, and bring them into the city for use.

Possession or use of illegal fireworks is strictly prohibited in the city of

Item No. 11.

Porterville, and the City's fine for such acts is \$1,500. Staff has researched other agencies throughout the State and has found that the amounts of fines for these actions generally range from \$1,000 to \$10,000. Most of the fines are on a graduated scale that starts with \$1,000. In Porterville, a first offense is \$1,500, and any subsequent offense is the same. Staff is aware that it is not unusual for a large group or block party to just accept the risk of being caught, and pool funds to pay the fine if the group is caught with illegal fireworks. This "crowd-funding" reduces the impact of the fine and in turn minimizes its efficacy.

Fines could be increased, or set on a scale for repeat offenders. However, as noted below, even catching someone in violation of the Code is increasingly difficult, and an increased fine does not necessarily mean that violators will be cited and fined. There are a couple of jurisdictions that are using a scale of \$2,500, \$5,000, and \$10,000 for the discharge of illegal fireworks, and \$1,000, \$2,500, and \$5,000 for other or "Safe and Sane" violations. Any increased fines would need to be justified as to the impact on health and safety for the community, which could readily be prepared based on incidents and accidents related to fireworks in the past. The City Attorneys Office has reviewed the legal restrictions concerning administrative fines and has found that while there is no bright line monetary limit, the amount of any fine must be reasonable and not excessive in light of the violation. In court challenges concerning the reasonableness of a fine, appropriate factors/bases for the setting the fine amounts include but are not limited to the fines assessed for the same or similar violations in other jurisdictions, the nature of the offense and danger to or other effect on the public, and the ability to consider mitigating factors in the ultimate imposition of the fine.

Due to the ratio of Code Enforcement staff and Police Officers available for fireworks enforcement detail on Independence Day to the number of people celebrating the holiday with illegal fireworks, community enforcement has in the past been difficult and only moderately successful. The Police Department is proposing a drone program that could include an illegal fireworks detail that would aid in the identification of the discharge location of the illegal fireworks.

In an effort to coordinate a more effective response, the Fire Chief has been coordinating with the Tulare County Fire Chiefs to discuss the concept of a county-wide illegal fireworks task force. Such a task force would coordinate law enforcement, code enforcement, and fire department personnel throughout the county, and could team up to focus on different locations with more pronounced enforcement, much like when a county-wide sting operation might take place with law enforcement. Such a group would also focus on education about the laws and fines associated with the possession or use of illegal fireworks. Both the Porterville Fire Chief and the County of Tulare Fire Chief have already presented this concept to the Tulare/Kings County Fire Chiefs Association; the concept was broadly supported and that group requested coordination with the Tulare County Police Chiefs Association on the concept of a county-wide task force.

Additional tools that might aid in more successful enforcement include a

program that, much like “Crime Stoppers” offers an award for neighbors that advise the task force of a planned discharge of illegal fireworks, or the establishment of a “Host Ordinance”. A host ordinance is a concept that has been used in other jurisdictions around California which hold the property owner accountable for the discharge of illegal fireworks from their property – regardless of who actually discharged the device. If either of these options are of interest to the Council, additional information could be sought to outline how such programs might function in the city of Porterville.

RECOMMENDATION: That the City Council consider options concerning the City's Fireworks Ordinance and provide direction to staff.

ATTACHMENTS: 1. Chapter 12 Article II of the Porterville Municipal Code
 2. Revell Communications Correspondence - February 12, 2021

Appropriated/Funded:

Review By:

Department Director:

John Lollis, City Manager

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – MARCH 16, 2021

SUBJECT: Draft Fireworks Ordinance

SOURCE: Fire

COMMENT: At its meetings of February 2 and March 2, 2021, the City Council considered and directed staff to review current fireworks regulations and bring forward a draft Ordinance to address certain issues. Attached is a draft Ordinance for the Council's consideration which addresses four primary topics discussed at the February 2nd and March 2nd Council meetings.

Language has been proposed to eliminate the use of certain fireworks commonly marketed under the name "Piccolo Pete" and "Whistling Phantom" which emit loud shrill sounds. These particular fireworks are also known to be manipulated after sale to create explosive devices.

The Violations clause of the current fireworks Ordinance is edited in this draft to include differentiation between prohibited legal and illegal fireworks, as well as higher fees for violations, and also to create increasingly higher fines for repeat offenders.

The draft Ordinance also includes a "Host" component, which will ease in the enforcement activities where it might otherwise be difficult to discern who within a given party has actually ignited an illegal firework; the property owner would then be held liable regardless of who ignites the illegal firework.

Lastly, at the Council's direction, a rewards program has been proposed that would further enhance staff's ability to locate and cite those who choose not to comply with the City's fireworks regulations. Rewards of \$50 per complaint can be awarded if the tip results in a citation.

RECOMMENDATION: That the City Council consider the proposed language and provide direction as to how to proceed.

ATTACHMENTS: 1. Draft Fireworks Ordinance Amendment

Appropriated/Funded:

Review By:

Department Director:

Dave LaPere, Fire Chief

Final Approver: John Lollis, City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING AND RESTATING ARTICLE II OF CHAPTER 12 OF THE PORTERVILLE
MUNICIPAL CODE RELATED TO THE REGULATION OF FIREWORKS

WHEREAS: The City allows sale and discharge of "safe and sane" fireworks within the City limit in honor of the Independence Day holiday (June 28 through July 4, annually); and

WHEREAS: The City of Porterville ("City") has experienced an increase in the use of dangerous fireworks, which create a threat to the health and safety of the community and are considered a public nuisance; and

WHEREAS: The Porterville Community, comprised of local individuals, expressed concerns to the council regarding the discharge of both "safe and sane" fireworks, and the continuous discharge of illegal and "dangerous" fireworks; and

WHEREAS: Use of fireworks in the City interferes with the health, safety, quality of life, quiet enjoyment and general welfare of the community; and

WHEREAS: Research indicated that other communities have implemented various methods that focus on a combination of enforcement, education, and incentive programs; and

WHEREAS: Clarification of the actions meriting assessment of penalties was needed for enforcement purposes; and

WHEREAS: California Health and Safety Code Section 12541 authorizes the City to regulate or prohibit the sale, use, or discharge of fireworks; and

WHEREAS: The City Council has determined it is necessary to regulate fireworks, including "safe and sane" fireworks, as well as dangerous fireworks; and

WHEREAS: A public hearing was held before the City Council on _____, 2021, pursuant to the Municipal Code of the City.

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

SECTION 1. Purpose: The purpose of this ordinance is to address issues that have arisen since the last update of the ordinance related to the inappropriate discharge and misuse of fireworks.

SECTION 2. Chapter 12, Article II, is amended and restated as follows:

12-2.1: DEFINITIONS:

For the purposes of this article, definitions shall have the respective meaning ascribed to them in section 12500 et seq., of the Health And Safety Code of the State of California, and, unless

otherwise apparent from the context, certain words and phrases used in this article are defined as follows:

CITY: The city of Porterville.

DANGEROUS FIREWORKS: Any fireworks specified as such in the state fireworks law, section 12500 et seq., of the Health And Safety Code of the state and such other fireworks as may be determined to be dangerous by the state fire marshal.

ELIGIBLE ORGANIZATION: An organization which has met all of the following criteria for a continuous period of not less than one full year preceding submittal of an application for the permit required by this article (and which continues to do so thereafter):

- A. The organization must be a duly organized not for profit charitable, religious, civic, patriotic or community service organization;
- B. The organization must be headquartered within and clearly affiliated or identified with Porterville;
- C. The organization must be one which provides direct and regular community services and benefits to the citizens of the city; and
- D. The organization must hold its regularly scheduled meetings within the city;
- E. Must maintain a bona fide membership of at least twenty (20) members;
- F. The organization must have a tax exempt identification number assigned to them;
- G. One application per tax exempt ID number will be allowed; and
- H. One permit per tax exempt number will be allowed.

FIRE CHIEF: The fire chief or his/her duly authorized designee.

FIREWORKS: Any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, firecrackers, torpedoes, skyrockets, roman candles, daygo bombs, sparklers or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing an explosive substance; except that the term "fireworks" shall not include any auto flares, paper caps containing not in excess of an average of twenty five one- hundredths (0.25) of a grain of explosive content per cap and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times.

SAFE AND SANE FIREWORKS: Any fireworks which do not fall within the definition of "dangerous fireworks" or "exempt fireworks" per Health and Safety Code section 12529. The California state fire marshal's seal of registration shall be applied to all classified fireworks and pyrotechnic devices by a licensed manufacturer, importer, exporter or wholesaler and shall indicate the classification assigned by the state fire marshal.

STAND: Any building, counter, or other structure of a temporary nature used in the sale or offering for sale of fireworks pursuant to a permit duly issued. (Ord. 1650 § 2, 4-6-2004; Ord. 1776, 4-5-2011; Ord. 1799, 11-5-2013)

12-2.2: SALES OF FIREWORKS; PERMITS REQUIRED:

- A. It shall be unlawful for any person to sell or offer for sale any dangerous fireworks in the city.
- B. It shall be unlawful for any person to sell or offer for sale any "safe and sane" fireworks in the city without first obtaining a permit therefor. (Ord. 1650 § 3, 4-6-2004)

12-2.3: PUBLIC DISPLAYS OF FIREWORKS:

The fire chief shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair associations, amusement parks, other organizations or for use of fireworks by artisans in pursuit of their trade. Every such use or display shall be handled by a licensed operator approved by the fire chief and shall be of such character and so located, discharged or fired so as, in the opinion of the fire chief after proper investigation, not to be hazardous to property or endanger any person. Said rules and regulations are as follows:

- A. Applications: Applications for permits shall be made in writing at least ten (10) days in advance of the date of the display. After such privilege shall be granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.
- B. Bond For Fireworks Display Required: The permittee shall furnish a bond or certificate of insurance in an amount deemed adequate by the city's risk manager for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display and arising from any acts of the permittee, his agents, employees or subcontractors.
- C. Disposal of Unfired Fireworks: Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining. (Ord. 1650 § 3, 4-6-2004; Ord. 1776, 4-5-2011)

12-2.4: NUMBER OF PERMITS LIMITED/PREAPPLICATION:

The maximum number of permits to sell "safe and sane" fireworks which may be issued pursuant to this article during any one calendar year shall not exceed one permit for each four thousand (4,000) residents of the city, or major fraction thereof, based on the most recent population figure as determined by the federal decennial census and updated annually by the California state department of finance. If the number of preapplications received up to and including the last day for making applications pursuant to this article exceeds the number of permits to be issued for the city, the fire chief shall thereafter supervise a public drawing to determine an order of priority for each preapplication. Preapplications can be obtained at the fire department or online at the city of Porterville's website between January 1 and the last business day of January. All

applicants will be assigned a number in the order in which the preapplication is received. The drawing will be held between February 16 and February 28 each year. (Ord. 1799, 11-5-2013)

12-2.5: SALES OF SAFE AND SANE FIREWORKS; APPLICATIONS FOR PERMITS:

Permits to sell "safe and sane" fireworks shall be issued by the fire chief. Application packets for a permit will be furnished to eligible organizations whose number has been drawn. Each organization must meet all the applicable requirements set forth in the application for permits section and the permit issuance section.

- A. Any eligible organization desiring to sell "safe and sane" fireworks in the city of Porterville shall obtain a permit application from the fire department. Permit applications shall be obtained during the period commencing the first business day of March and ending the last business day in March.
- B. Such applications shall be signed by a bona fide officer of the eligible organization, wherein the officer, on behalf of the organization and its agents, shall agree to abide by state laws and administrative regulations and all the stipulations of this code and the permit if permission to operate a fireworks stand shall be granted to the organization.
- C. Completed applications shall be returned to the fire department no later than five o'clock (5:00) P.M. on the last business day of March each year. Any eligible organization making an application for such permit to sell "safe and sane" fireworks that fails to return the completed application prior to five o'clock (5:00) P.M. on the last regular business day in March shall not be issued a permit to sell "safe and sane" fireworks.
- D. The licensee shall use the net proceeds derived from its operations under such license only for such nonprofit, charitable, religious or eleemosynary service projects that shall be of direct benefit to the city of Porterville and for no other purpose. (Ord. 1650 § 3, 4-6-2004; Ord. 1776, 4-5-2011; Ord. 1799, 11-5-2013)

12-2.6: PERMIT ISSUANCE BASED ON DRAWING SELECTIONS:

- A. All eligible organizations shall obtain and submit to the fire department the following forms supplied by the fire department. Forms will be supplied to those organizations whose drawn assigned number is sequentially within the total number of permits to be issued. All other applicants will be placed on a waiting list in the sequence of their drawn assigned number. If an applicant does not satisfy the requirements of this section within the time periods identified in this section, the next drawn assigned number on the waiting list will be notified and provided with the following paperwork:
 - 1. The property owner's release form signed by the property owner authorizing permission to erect a fireworks stand on his property;
 - 2. The fireworks storage form indicating where and how the fireworks will be stored when not in the approved stand;
 - 3. The state fire marshal's license to sell safe and sane fireworks;

4. A copy of the temporary seller's permit issued by the state board of equalization; and
 - a. The certificate of insurance required by section 12-2.14 of this article.
 - b. A statement of organization eligibility.
 - c. A site plan indicating location of stand, distance to nearest building, ingress, egress, parking, etc.
- B. These forms must be returned to the fire department by the last business day of March.
- C. No permit issued or authorized shall be transferable or assignable.
- D. When all the application requirements have been completed and the fireworks stand location has been approved, the fire department shall authorize the erection of a fireworks stand. Each qualified organization shall pay to the administrative services director or designee a permit fee amount as listed in the master administrative fee schedule amended from time to time by resolution of the city council. This fee will include a refundable cleanup deposit. Each permit shall be for only one stand per eligible organization and shall be forwarded to the fire department for delivery as set forth in subsection E of this section.
- E. Permits will be effective only when issued by the fire department after the final inspection of the stand shows compliance with all the requirements of this article. (Ord. 1650 § 3, 4-6-2004; Ord. 1776, 4-5-2011; Ord. 1799, 11-5-2013)

12-2.7: PERIOD OF DISCHARGE:

Safe and sane fireworks, as defined by section 12529 of the California Health And Safety Code, as amended ("fireworks"), may be discharged within the city limits of the city of Porterville ("city") during the period beginning at twelve o'clock (12:00) noon on June 28 and ending at eleven fifty nine o'clock (11:59) P.M. on July 4 of any year. (Ord. 1776, 4-5-2011)

12-2.8: PROHIBITIONS ON DISCHARGE:

It shall be unlawful for any person to ignite, explode, project, or otherwise fire or use, or permit the ignition, explosion or projection of any fireworks upon, over, or onto the private property of another, or to ignite, explode, project, or otherwise fire or make use of any fireworks within fifteen feet (15') of any residence, dwelling or any other structure, public property, fields or waterway. (Ord. 1776, 4-5-2011)

12-2.9: TIME PERIOD FOR SALE:

"Safe and sane fireworks" may be sold within the city limits of the city of Porterville during the period beginning twelve o'clock (12:00) noon on June 28 and ending at ten o'clock (10:00) P.M. on July 4. The hours of operation of any stand shall be limited to nine o'clock (9:00) A.M. to ten o'clock (10:00) P.M. daily during the days identified in this article, except that hours of operation of any stand on June 28 shall commence at twelve o'clock (12:00) noon. (Ord. 1650 § 3, 4-6-2004)

12-2.10: PROHIBITIONS:

- A. The manufacture of fireworks is prohibited within the jurisdiction.
- B. No person shall possess, sell, deliver, deal in, use, explode or fire, or cause to be used, exploded or fired, any form of fireworks designated as "dangerous fireworks" by section 12505 of the Health And Safety Code of the state of California.
- C. The possession, sale, delivery, dealing in, use, exploding or firing of any form of fireworks designated as "safe and sane fireworks" by section 12529 of the Health and Safety Code of the state of California is expressly prohibited, except as limited by this article.
- D. It shall be unlawful to store any fireworks in any residence, home, garage, or automobile within the city of Porterville. It shall also be unlawful to store any fireworks in any building or other place within the city of Porterville without having first applied for and received a permit pursuant to section 12-2.2 of this article.
- E. No fireworks shall be stored within one hundred feet (100') of any gasoline service station or any garage located within twenty five feet (25') of any other structure. Any facility for the storage of fireworks shall maintain a minimum setback from the street curbing of ten feet (10').
- F. No person shall light, or cause or permit to be lighted, any fireworks, or any other article or material, within any structure approved for fireworks storage, or within fifty feet (50') thereof.
- G. No smoking shall be allowed in any structure that is used for storing fireworks nor within fifty feet (50') of said structure. "No Smoking" signs shall be prominently displayed. (Ord. 1650 § 4, 4-6-2004; Ord. 1776, 4-5-2011)
- H. Notwithstanding anything to the contrary, "piccolo pete", "whistling pete", or "whistling phantom" type fireworks (including other fireworks that make sounds of similar frequency, decibel level, and duration) shall not be manufactured, possessed, delivered, used, discharged, displayed, or sold separately or in combination with otherwise allowed fireworks. The possession, manufacture, storage, sale, handling, use, and discharge of fireworks of this type are subject to the penalties outlined in Section 12-2.20.A of this Code.

12-2.11: REGULATIONS RELATED TO FIRE WORKS SALES:

- A. It shall be unlawful for any eligible organization to which a permit has been issued:
 - 1. To operate in violation of California Code of Regulations title 19, chapter 6, regulating the storage, transportation, sale and use of fireworks.
 - 2. To obtain or use more than one permit for one stand per year.
 - 3. To fail to clear all flammable or burnable materials within thirty feet (30') from any fireworks stand and to maintain such conditions during the period prescribed for the sale of fireworks.

4. To allow smoking within fifty feet (50') of any such business location or stand or to fail to post "No Smoking" signs with such wording in red letters not less than four inches (4") in height on a white background on all sides of any such stand.
 5. To fail to have immediately available within the stand a certified fire extinguisher or other fire extinguishing device of a type approved by the fire department.
 6. To sell fireworks earlier than twelve o'clock (12:00) noon on June 28 or later than ten o'clock (10:00) P.M. on July 4.
 7. To fail to dismantle and remove any stand or structure of any nature where fireworks were sold as of five o'clock (5:00) P.M. July 8.
 8. To sell fireworks to persons under sixteen (16) years of age.
- B. No person other than a member (or their spouse) of the organization or a volunteer who is associated with the organization having a permit shall be permitted to sell or otherwise participate in the sale of fireworks. All fireworks stands shall have the safety regulations posted inside the stand in an approved location. The size of the safety poster will be approved and provided by the fire department. A maximum of one member for every four (4) linear feet of stand is permitted within the stand at any one time (i.e., if the stand is 32 feet long, 32 divided by 4 equals 8 members allowed in the stand) and all persons selling fireworks must be at least eighteen (18) years old.
- C. No sleeping inside the fireworks stand will be permitted at any time.
- D. No person shall use or handle fireworks while under the influence of intoxicating liquids or narcotics. Alcohol and narcotics are prohibited within the fireworks stand.
- E. All electrical/spark producing appliances (fans, coolers, air conditioners, etc.) are prohibited inside the fireworks stands and shall not block the means of egress. (Ord. 1650 § 4, 4-6-2004; Ord. 1776, 4-5-2011; Ord. 1799, 11-5-2013)
- F. Those fireworks which are classified as "dangerous" fireworks under Section 12505 of the California Health and Safety Code are prohibited, except that such fireworks as are defined and classified as "safe and sane fireworks" in Section 12529 of the California Health and Safety Code may be displayed, sold and used pursuant to the provisions of this chapter and not otherwise. Notwithstanding anything to the contrary, "piccolo pete", "whistling pete", or "whistling phantom" type fireworks (including other fireworks that make sounds of similar frequency, decibel level, and duration) shall not be manufactured, possessed, delivered, used, discharged, displayed, or sold separately or in combination with otherwise allowed fireworks. The possession, manufacture, storage, sale, handling, use, and discharge of fireworks of this type are subject to the penalties outlined in Section 12-2.20.A of this Code.

12-2.12: FIREWORKS STANDS; REQUIREMENTS:

All retail sales of "safe and sane fireworks" shall be permitted only from within a temporary fireworks stand and sales from any other building or structure is prohibited. Temporary stands shall be subject to the following provisions:

- A. No fireworks stand shall be located within twenty five feet (25') of any other building or within one hundred feet (100') of a gasoline pump, or within one hundred feet (100') of another fireworks stand, when measured closest point to closest point. Canopies within ten feet (10') of a stand shall be considered an extension of the stand for measurement of setback distances. Minimum setback from the street curbing, alley, or driveway shall be ten feet (10'). Stands shall not cover or impede any public rights of way.
- B. No stand shall have a floor area in excess of four hundred (400) square feet. The width and length of each stand shall be a maximum of ten feet by forty feet (10' x 40'), respectively.
- C. Each stand must have at least two (2) exits located on separate walls. Fireworks stands with only three (3) sides and open from the back will not require exits. Fireworks stands shall have exits at least thirty inches (30") in width at both ends of the structure. An aisle with a minimum width of thirty inches (30") shall lead to each exit. Exits shall remain unobstructed. No supplies or other materials shall be stored in front of exit doors. All exit doors shall remain unlocked and unlatched whenever the stand is occupied.
- D. Each stand shall keep easily accessible a minimum of one 2 1/2-gallon water pressure type fire extinguisher and one 2A10BC rated dry chemical fire extinguisher and each shall be in good working order and bear a current inspection sticker. Extinguishers must be of a type approved for such use by the Porterville fire department.
- E. All stands must be constructed of solid wood or metal.
- F. After hours, stands must be properly secured or a security guard must be provided to patrol the premises. Under no circumstances shall the night watchman sleep within the fireworks stand.
- G. All unsold stock and accompanying litter shall be removed from the location by five o'clock (5:00) P.M. July 5.
- H. Fireworks stand may be brought to the site one week prior to June 28 and must be dismantled and removed by five o'clock (5:00) P.M. July 8.
- I. Temporary lighting may be installed in the fireworks stands. Approved temporary lights must have a guard protecting the bulb/fixture and all wiring and fixtures must be 3-wire and grounded.
- J. Primary power to the temporary lighting may be by means of on site commercial power in a fixed facility or by means of an on site portable generator. Generators must be located at least twenty five feet (25') from the fireworks stand. Location of portable generators must be approved by fire department.

- K. Fuel for portable generators is not allowed to be kept on the premises.
- L. No switches, electrical receptacles (plug ins), or splices are permitted within the stand.
- M. Extension cords to the stand are to be heavy duty, minimum of fifteen (15) amp capacity, and protected from vehicular damage. Romex is not an acceptable extension cord.
- N. All trash shall be removed from the premises and the fireworks stand each evening at the close of business.
- O. No person shall light, or cause or permit to be lighted, any fireworks or any other article or material within any such stand, or within fifty feet (50') thereof.
- P. No alcoholic beverages shall be allowed on the premises. No person who is under the influence of alcoholic beverages shall enter or be allowed into the sales booth.
- Q. Signage will be clearly displayed at each site providing for the fines as specified in section 12-2.20 of this article.
- R. Canopies within twenty five feet (25') of a stand must be labeled by the manufacturer as fire resistive. The total allowable canopy area within twenty five feet (25') of a stand shall be no larger than two hundred (200) square feet.
- S. Canopies within twenty five feet (25') of a stand shall meet the requirements set forth in the California code of regulations title 24, part 9, chapter 24 and title 19, division 1. (Ord. 1650 § 4, 4-6-2004; Ord. 1776, 4-5-2011; Ord. 1799, 11-5-2013)

12-2.13: FIREWORKS STANDS; LOCATIONS:

- A. In no instance shall any fireworks stand be located within a residential zoned district.
- B. No stand shall be located closer than one hundred feet (100') from another. (Ord. 1776, 4-5-2011)

12-2.14: CERTIFICATE OF INSURANCE:

Prior to the issuance of a permit, the eligible organization shall procure a certificate of insurance acceptable to the city. The certificate shall name the city of Porterville, its officers, agents, employees and volunteers as "additional insured". The certificate shall evidence coverage in an amount determined by the city's risk manager; providing, however, the amount shall not be less than one million dollars (\$1,000,000.00) combined bodily injury and property damage for each occurrence, and the deductible, if any, shall not be greater than one thousand dollars (\$1,000.00). The certificate shall specify the time, location, and dates to be covered by the policy. The certificate shall be provided to the fire department no later than five o'clock (5:00) P.M. on the last regular business day in March of the subject year or at such other time as the chief of the fire department may allow. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001; Ord. 1799, 11-5-2013)

12-2.15: STATE FIREWORKS LAW:

The provisions of this article shall be construed so as not to conflict with the state fireworks law. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001)

12-2.16: REVOCATION OF PERMITS:

Any violation of this article or other city laws, or the terms and conditions of the permit, or state laws or administrative regulations, or safety rules of the fire department shall be grounds for the immediate revocation of the permit. All officers, agents, and employees of the eligible organization shall be responsible for compliance with all the provisions of this article. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001)

12-2.17: NONISSUANCE OF PERMITS:

The final decision to issue permits shall rest with the fire chief. In cases such as civil unrest, severe drought conditions, or any other such situation deemed to be harmful or to have the possibility of creating an extreme hazard to persons and/or property the fire chief shall be the final authority in granting permits for fireworks sales. The right to refuse permits to applicants who have violated the regulations in this article in previous years shall also rest with the fire chief. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001)

12-2.18: SEIZURE OF FIREWORKS:

The fire chief shall have the authority to seize, take, remove, or cause to be removed at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored, or held in violation of this article. (Ord. 1776, 4-5-2011)

12-2.19: EXCEPTIONS:

Nothing in this article shall be construed as prohibiting the use of torpedoes, flares, or fuses by railroads or other transportation agencies for signal purposes of illumination; or the sale or use of blank cartridges for ceremonial purposes, athletic, or sports events or military ceremonies or demonstrations; or the sale, discharge or display of fireworks by permittees having a permit as herein provided; or the use and display of fireworks of whatever nature by any person engaged in the production of motion pictures, theatricals, or operas when such use and display is a necessary part of such production; or the transportation of fireworks through the city in regular course, and in original packages or containers from any point outside of the city to any other point outside the city. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001)

12-2.20: VIOLATIONS; PENALTIES:

A. The maximum fines for any violation related to the improper use, or any violation of the provisions outlined in this Chapter for the manufacture, possession, sale, delivery, use, or discharge of "Safe and Sane" fireworks within the City of Porterville, or any other violation of this Chapter other than the violations set forth in subsection (B) below, or unless otherwise specified in this Chapter, shall be:

1. One-thousand dollars (\$1,000) for the first offense; and

2. Two-thousand five hundred dollars (\$2,500) for the second offense within 36 months of the previous violation; and
3. Five-thousand dollars (\$5,000) for each subsequent offense within 36 months of the previous violation.

B. The maximum fines for the manufacture, possession, sale, delivery, use, or discharge of dangerous fireworks within the city of Porterville shall be:

1. Two-thousand five hundred dollars (\$2,500) for the first offense; and
2. Five-thousand dollars (\$5,000) for the second offense within 36 months of the previous violation; and
3. Ten-thousand dollars (\$10,000) for each subsequent offense within 36 months of the previous violation.

C. Any administrative fine or administrative civil penalty assessed pursuant to this Chapter 12-2, shall provide for cost reimbursement to the Office of the State Fire Marshal and the collection of disposal costs pursuant to Health and Safety Code Section 12557.

D. Chapter 12-2 shall be limited to apply only to a person, organization, group, association, etc., who possesses or the seizure of 25 pounds or less of dangerous fireworks.

E. Any administrative fine or administrative civil penalty collected pursuant to this Chapter 12-2, shall not be subject to Health and Safety Code Section 12706, Disposition of Fines and Forfeitures. (Ord. 1799, 11-5-2013)

12-2.21: SOCIAL HOST:

A. Findings, Intent and Purpose.

1. Findings. The City Council, pursuant to the police powers delegated to it by the California Constitution, has the authority to enact laws which promote the public health, safety and general welfare of its residents. The illegal possession, manufacture, storage, sale, handling, use, and discharge of fireworks, defined as "Dangerous Fireworks" in Section 12-2.1 of this code, on private property is harmful to and creates a threat to public health, safety, quiet enjoyment of residential property and the general welfare. While the discharge of illegal fireworks can be tied to a particular residence or property, it is often difficult to tell who at the residence or property discharged the illegal firework(s). The owner or tenant of the premises is often in the best position to control, and knows or should know of the possession, manufacture, storage, sale, handling, use, or discharge of illegal fireworks on his/her residence or commercial premises. The City Council finds that in too many cases, persons having possession or control of private property where the illegal possession, manufacture, storage, sale, handling and use of fireworks occurs, have failed to ensure that illegal fireworks are not possessed, manufactured, stored, sold,

handled, used, or discharged on their property. Furthermore, problems associated with the illegal possession, manufacture, storage, sale, handling, use and discharge of fireworks are difficult to prevent and deter unless the Fire Chief, Police Chief, or other designated official of the City of Porterville has the legal authority to cite the owner or tenant of the premises where illegal fireworks are possessed, manufactured, stored, sold, handled, used or discharged.

2. Intent. The intent of this section is to protect the public health, safety, quiet enjoyment of residential property, and general welfare, rather than to punish. An ordinance that imposes liability on property owners or tenants for allowing the possession, manufacture, storage, sale, handling or use of illegal fireworks on their property is necessary to deter and prevent such possession, manufacture, storage, sale, handling, use, or discharge and to deter persons who actively and passively aid, allow, or tolerate such activities on their property.

3. Purposes. The purposes of this section are to protect the public health, safety and general welfare, to deter the possession, manufacture, storage, sale, handling, use or discharge of illegal fireworks, and to reduce the costs of providing police, fire, and other emergency response services to areas where illegal fireworks are being possessed, manufactured, stored, sold, handled, used, or discharged. These purposes are implemented by the imposition of a civil money penalty against social hosts (landowners or tenants) who actively or passively aid, allow or tolerate the possession, manufacture, storage, sale, handling, use, or discharge of illegal fireworks on their property.

4. Declaration. For these reasons, the City Council declares that the possession, manufacture, storage, sale, handling, use, or discharge of illegal fireworks is a threat to the peace, health, safety and general welfare of the public. Such actions constitute a public nuisance as they affect at the same time the entire community of the City of Porterville as well as the neighborhoods in which they occur. The nuisance created thereby presents an immediate threat to the public health and safety, warranting summary abatement by the Fire Chief, Police Chief, or other City of Porterville designated official under Government Code Section 38773.

B. Definitions. For the purposes of this section, the following terms shall have the following meanings:

1. "Responsible person" means a person or persons with a right of possession of the residence or other private property at which illegal fireworks are possessed, manufactured, stored, handled, used or discharged, including but not limited to:

a. Any owner of the residence or other private property, meaning the record owner of the title to property as of the time of the possession, manufacture,

storage, sale, handling or use of illegal fireworks, wherever that person or entity resides at that time;

b. A tenant or lessee of the residence or other private property at the time when illegal fireworks are possessed, manufactured, stored, handled, used or discharged;

c. The person(s) in charge of the residence or other private property at the time when illegal fireworks are possessed, manufactured, stored, sold, handled, used or discharged;

d. The person(s) who organizes, supervises, officiates, conducts or controls the gathering or any other person(s) accepting responsibility for such a gathering where illegal fireworks are possessed, manufactured, stored, sold, handled, used or discharged.

A responsible person need not be present at the time illegal fireworks are possessed, manufactured, stored, sold, handled, used, or discharged in order for the City of Porterville to impose civil money penalties upon such responsible person. Prior knowledge of the possession, use, manufacture, storage, sale, handling, use, or discharge of illegal fireworks is not prerequisite to a finding that any specific individual is a responsible person as defined by this section.

2. "Residence" or "other private property" means a home, yard, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall, meeting room, office, land or building, whether occupied on a temporary or permanent basis, whether occupied as a dwelling, business, or location for parties or other social functions, and whether owned, leased, rented, or used with or without compensation.

C. Responsibility for Proper Property Management. Every owner, occupant, lessee, tenant or holder of any possessory interest of a residence or other private property within the City of Porterville is required to maintain, manage and supervise the property and all persons thereon in a manner so as not to violate the provision of this section. The owner of the property may remain liable for such violations regardless of any contract or agreement with any third party regarding the property.

D. Penalties for Violation.

1. It is a civil violation of this section, and a public nuisance constituting an immediate threat to public health and safety warranting all remedies otherwise permitted by this Code including but not limited to summary abatement, for any responsible person to conduct or allow illegal possession, manufacture, storage, sale, handling, use, or discharge of fireworks on his/her residential or other private property. Such a violation

additionally subjects any and all responsible persons to the civil money penalties specified in Section 12-2.10.B of this code.

2. In the event that a juvenile hosts a gathering at a residence or other private property at which illegal possession, manufacture, storage, sale, handling, use, or discharge of fireworks occurs, then the parents or guardians of that juvenile will be jointly and severally liable for any penalties incurred pursuant to this section.

E. Social host liability.

1. The City, in its discretion, may opt to not hold a private property owner liable under this section for a violation of Sections 12-2.7, 12-2.8, or 12-2.10, on that property if the owner can demonstrate that at the time of such violation if they:

- a. had rented or leased the property to another,
- b. were not present,
- c. had no prior knowledge of, or reason to know of the violation, and
- d. there has been no prior notice of violation or citation issued to the particular occupant at the premises.

2. No person who has the right to use, possess or occupy a unit in a multifamily residential property under a lease, rental agreement or contract shall be liable under this section for violations of Sections 12-2.7, 12-2.8, or 12-2.10 occurring in the common areas of the property, solely on the basis of that right to use, possess or occupy that unit.

3. Nothing in this section shall limit the liability of any social host for a violation of Section 12-2.7, 12-2.8, or 12-2.10 by the social host.

F. Additional Remedies/Penalties. Violations may be deemed a misdemeanor or infraction. Any person who violates any provision of this chapter is guilty of an infraction or a misdemeanor at the discretion of the city attorney. Upon conviction, the person is subject to punishment by as prescribed in Section 1-9 and any other applicable available remedies in this Code. To the fullest extent permitted by law, that person shall also be responsible for all costs associated with the safe disposal of all confiscated fireworks as well as all expenses, costs, fees and fines associated with the investigation of the charges, as well as all expenses and costs associated with any emergency response, by fire, police, building and safety and code enforcement departments as a result of a violation.

G. Administrative citation and fine.

1. A peace officer or code enforcement officer may issue an administrative citation and fine for the violation of any of the provisions of this chapter as provided in Chapter 2, Article XIV of the Porterville Municipal Code, without prior issuance of a notice of violation. In addition to the proscribed penalties, and to the fullest extent permitted by law, the person shall also be responsible for all costs associated with the safe disposal

of all confiscated fireworks as well as all expenses, costs, fees and fines associated with the investigation of the charges, as well as all expenses and costs associated with any emergency response, by fire, police, animal control, building and safety, and code enforcement departments as a result of a violation.

2. The administrative citation fines shall be as defined in Section 12-2.20
3. All administrative citation procedures, including appeal procedures, as set forth in Chapter 2, Article XIV of the Porterville Municipal Code shall be applicable to administrative citations issued for violations of this chapter.

H. Remedies cumulative.

The remedies provided in this chapter are not to be construed as exclusive remedies and, in the event of violation, the city may pursue any proceedings or remedies otherwise provided by law.

I. Assessment against property for unpaid costs.

If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to Sections 12-2.18, 12-2.20, and this section 12-2.21 are not paid within thirty days of the date of the order, or the final disposition of an appeal therefrom, such costs may be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and may be transmitted to the tax collector for collection. Said assessment shall have the same priority as other city taxes.

J. Cost assessment.

If the City opts for enforcement pursuant to subsection I. above, City officials investigating the firework abatement matter shall keep an account of the cost of abatement on each separate lot or parcel of land where the work is done. After confirmation of an account report, on or before August 10 of each year, a certified copy of the confirmed report shall be filed with the Tulare County auditor for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. They shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for property taxes. All laws and ordinances applicable to the levy collection and enforcement of city taxes are made applicable to such special assessments, and the lien of said assessment shall have priority of the taxes with which it is collected.

12-2.22: REWARD PROGRAM:

The City Council is authorized to establish, by Resolution, a reward program, using funds consisting of fines collected from firework violations, to pay to individuals providing information leading to the identification and successful criminal or civil prosecution of any person violating the Porterville City Code related to the unlawful possession, use, manufacture, storage, sale, handling, use, or discharge of dangerous fireworks.

SECTION 3. This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED, APPROVED AND ADOPTED this ___ day of _____, 2021.

Adrian Monte Reyes, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – APRIL 6, 2021

SUBJECT: Consideration of Parcels Without Street Frontage

SOURCE: Community Development

COMMENT: At its meeting on March 16, 2021, staff provided information regarding a request from the development community for the City Council to consider amending Series 400 of the Porterville Development Ordinance to amend the requirements to permit the creation of parcels without street frontage outlined in Chapter 407.03(h)(4) Lot Frontage and Chapter 400.05 Authority to Vary. The Porterville Development Ordinance in Chapter 407.03(h)(4) Lot Frontage addresses the topic of street frontage. The code section states, “Lots shall have a single frontage on a street; double frontage lots or lots without street frontage will not be permitted except where, in the opinion of the Parcel Map Committee or City Council, topographical or unusual physical conditions justify a deviation from this rule.”

Chapter 400.05 of the Development Ordinance titled Authority to Vary Regulations provides methods for modifying the requirements for parcel maps and subdivision maps. The code section states, “The Parcel Map Committee/City Council, with respect to tentative parcel maps and tentative subdivision maps, respectively, can modify any of the requirements and regulations set forth in this Series as it pertains to lot design, subject to the approval of a conditional use permit. Variation of regulations is applicable when there are natural features such as topographic constraints and soils conditions that may warrant modified standards. Application for any such modification shall be made in writing by the subdivider in the form of a conditional use permit application, stating fully the grounds of the application and the facts relied upon by the subdivider. Such applications shall be filed with the tentative map of the proposed land division. If in the opinion of the Zoning Administrator and Engineering and Project Management Director/City Engineer the on-and/or off-site improvements, phasing and/or type of improvements necessitate it, a development agreement may be required between the City and the subdivider. In order for the property referred to in the application to come within the provisions of this section, it shall be necessary that the City Council or Parcel Map Committee find the following facts with respect thereto:(1) There are special circumstances or conditions affecting the property that make it impractical to conform to all of the provisions prescribed by this Series provided, however, that no exceptions may be granted to any requirements imposed by the Subdivision Map Act or any other applicable provision of State law;

(2) That the modification is necessary for the preservation and enjoyment of a

substantial property right of the petitioner;

(3) That the granting of the modification will not be detrimental to public welfare or injurious to other property in the territory in which such property is situated;

(4) That the exception is appropriate for the proper design and/or function of the subdivision; and

(5) That the granting of the exception is consistent with the General Plan.”

Staff researched development requirements of various agencies. The research concluded that the cities researched have similar development standards that require lots to have street frontage. Similar to the City of Porterville’s process, the creation of lots without frontage is often achieved through a conditional use permit process or similar process such as a planned unit development that requires the approval of the elected or appointed body. This provides the City Council the ability to provide specific conditions of approval, such as cross access agreements and adequate circulation for the development. There are also jurisdictions, such as the County of Tulare, which allow parcels without street frontage with the recordation of an easement. The land surveyor contacted recommended that in circumstances when street frontage cannot be achieved that an easement and subsequent cross access agreement be recorded to assist with enforcement of shared access.

At its meeting on March 16, 2021, Council Members had questions regarding the attributes and conceptual layouts of parcels without frontage. In an effort to address the questions, staff has included several attachments, including a diagram illustrating various types of lots as well as examples of projects without street frontage:

1. Figure 700 (B) Lots and Yard Types from Series 700 of the Porterville Development Ordinance illustrates the different types of lots and yard types.

2. An example of a proposed multifamily development in Porterville which the developer is requesting a parcel map that creates lots that do not have street frontage, the project proposing access through an easement.

3. An example of an approved tentative parcel map from another jurisdiction that illustrates a project where two lots do not have frontage onto a public street that was approved through a planned unit development process with access being provided through a dedicated access/reciprocal easement as well as an encroachment agreement that is recorded on the property notifying future property owners of the required maintenance as approved by the City Engineer.

4. An example of a tentative subdivision map from another jurisdiction that illustrates a project that includes parcels in section CD of the map that do not have a frontage, but utilize an alley for vehicular access and a fourteen (14) foot pedestrian walkway. The interior roads and alleys are contained within an easement providing for public use as well as all roads, alleys, and open space to be privately maintained.

Chapter 400.05 of the Development Ordinance titled Authority to Vary Regulations provides methods for modifying the requirements for parcel maps and subdivision maps with a conditional use permit as outlined above, which includes modifying the requirement for parcels to have street frontage. Staff is seeking direction from the Council in regard to the developer request to modify the requirements outlined in chapter 407.03(h)(4) and chapter 400.05 to amend the requirements to approve the creation of lots without frontage.

RECOMMENDATION: That the City Council provide direction on amending Series 400 of the Porterville Development Ordinance in regard to the creation of lots without street frontage.

ATTACHMENTS:

1. Porterville Development Ordinance - Series 700: Lot and Yard Types
2. Proposed Local Tentative Parcel Map Example
3. Non-Local Tentative Parcel Map Example
4. Non-Local Tentative Subdivision Map Example
5. Porterville Development Ordinance - Series 400

Appropriated/Funded:

Review By:

Department Director:

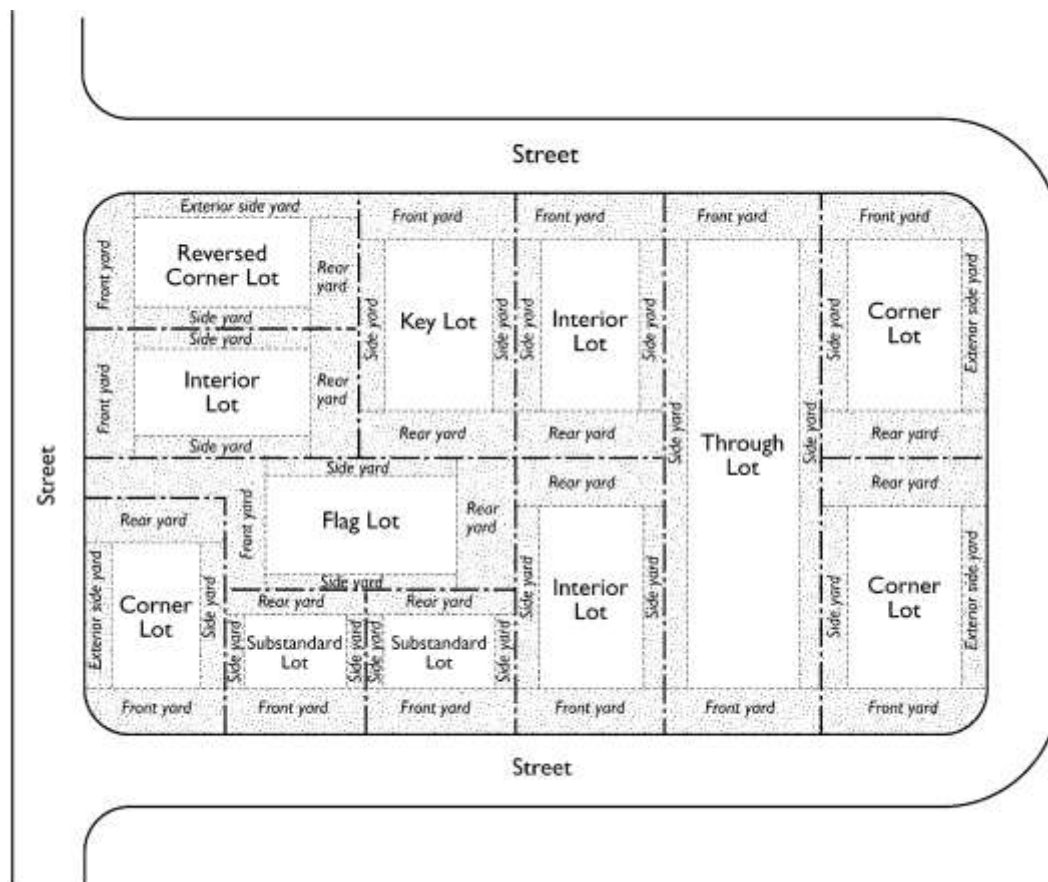
Jason Ridenour, Interim Community Development Director

Final Approver: John Lollis, City Manager

Lot, Reversed Corner. A corner lot, the street side lot line of which is substantially a continuation of the front line of a lot or parcel of land which adjoins the rear lot line of said lot.

Lot, Through. A lot having frontage on two (2) parallel or approximately parallel streets.

Figure 700.02(B): Lot And Yard Types



Lot Width. The distance between the side lot lines, measured at a right angle to the lot depth at the midpoint of the lot depth line. *See also Section 103.06, Measuring Lot Width and Depth.*

Maintenance and Repair. The repair or replacement of nonbearing walls, fixtures, wiring, roof or plumbing that restores the character, scope, size or design of a structure to its previously existing, authorized, and undamaged condition.

Manufactured Home. A structure constructed on or after June 15, 1976 in compliance with state standards in effect at the time of construction, is transportable in one (1) or more sections, is built on a permanent chassis and designed to be used as a single-family

DEVELOPER/OWNER: SMEE HOMES
444 NORTH PROSPECT
SUITE A
PORTERVILLE, CA 93257

SURVEYOR: BRIAN BORUM
724 NORTH BEN MADDOX
WAY, SUITE A
VISALIA, CA 93292

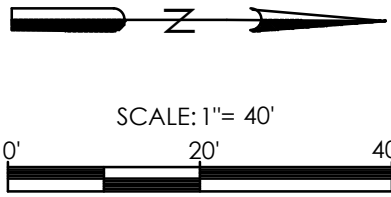
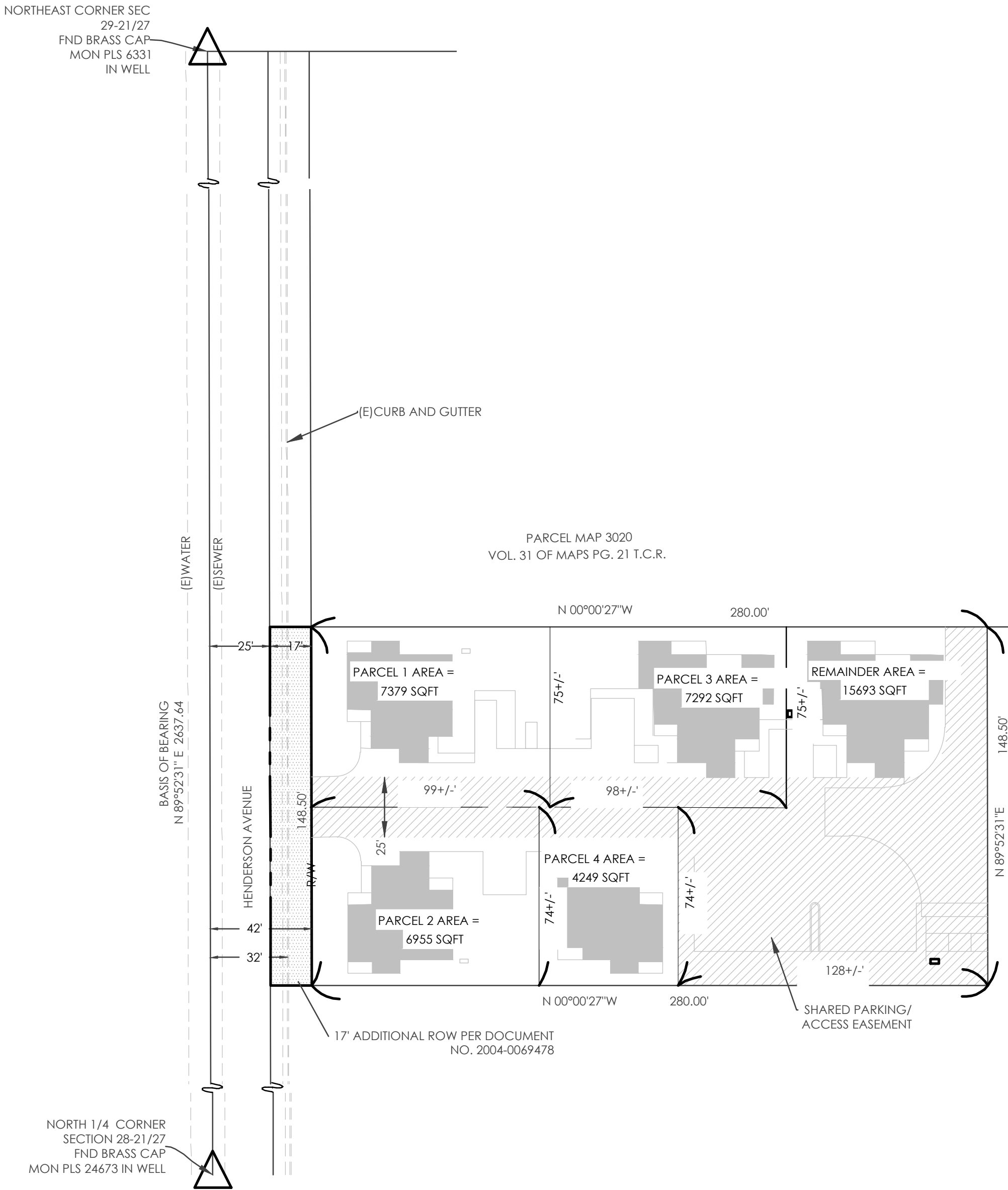
APN:245-040-038
LOT AREA
44,105 SQ. FT
EXISTING/PROPOSED ZONE:RM-2
WATER -CITY OF PORTERVILLE
SEWER-CITY OF PORTERVILLE
ELECTRIC- SCE
PHONE - SBC
GAS - THE GAS COMPANY
STORM DRAIN- SURFACE RUNOFF TO HENDERSON

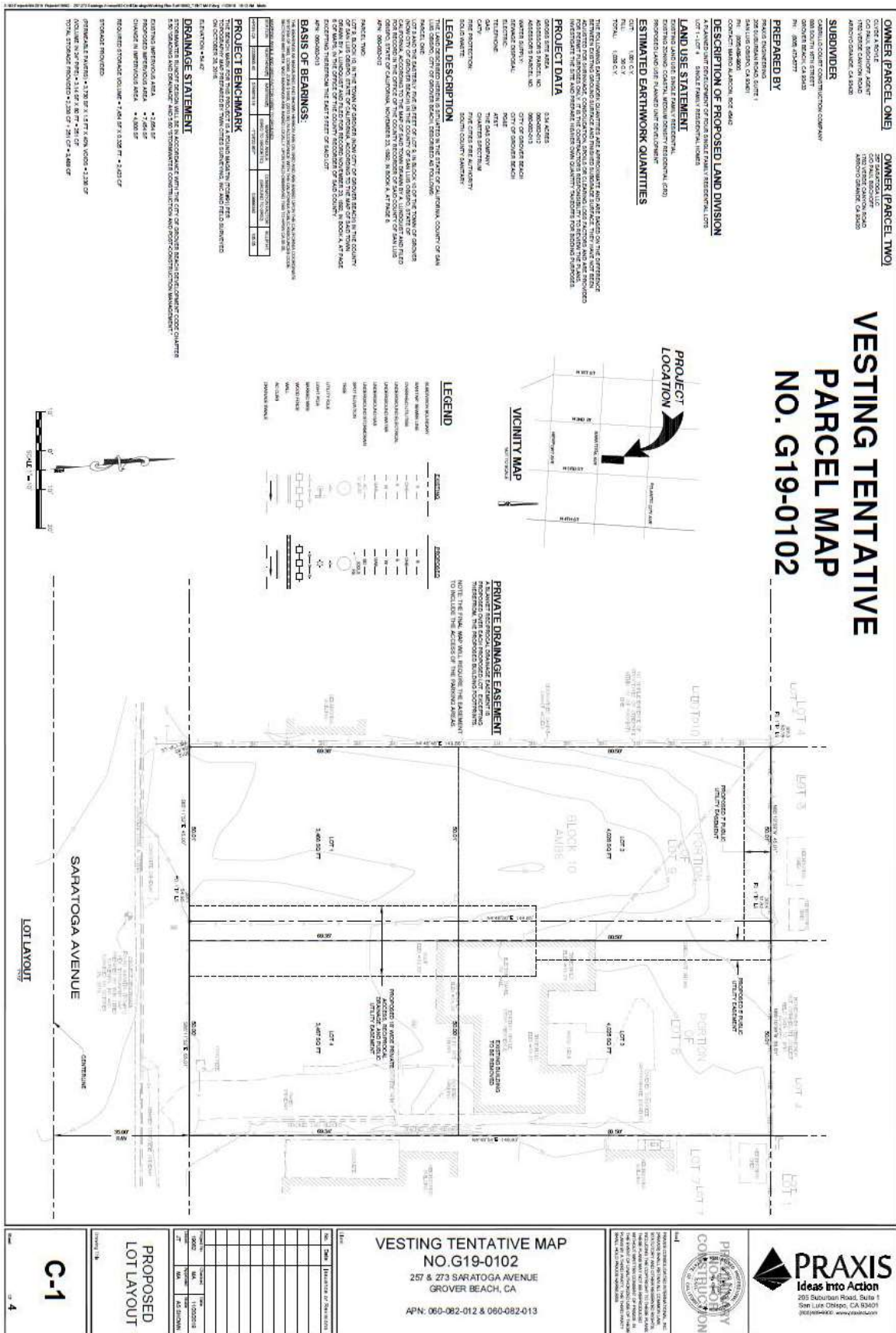
HENDERSON APARTMENTS

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21,TOWNSHIP 21 SOUTH, RANGE 27 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUTN OF TULARE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 21; THENCE NORTH 297 FEET; THENCE EAST 148.50 FEET; THENCE SOUTH 297 FEET; THENCE WEST 148.50, TO THE POINT OF BEGINNING

EXCEPTING THAT PORTION DEEDED TO THE CITY OF PORTERVILLE, A MUNICIPAL CORPORATION ACCORDING TO THAT GRANT DEED RECORDED JULY 14, 2004, AS DOCUMENT NO. 2004-0069478, OF OFFICIAL RECORDS.



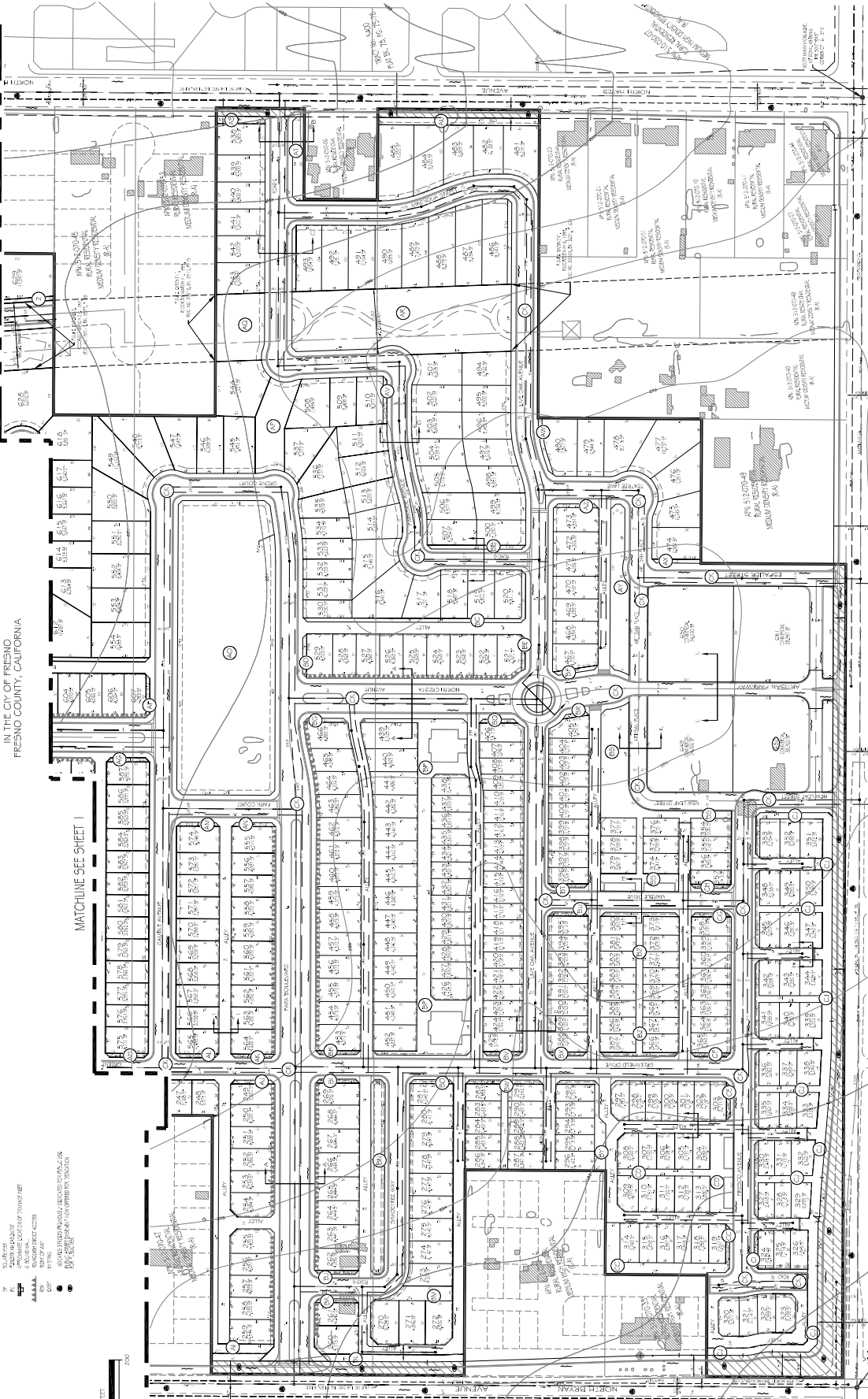
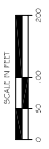


A VESTING TENTATIVE MAP **TRACT MAP NO. 5891** A RESIDENTIAL & COMMERCIAL PLANNED DEVELOPMENT IN THE CITY OF FRESNO FRESNO COUNTY, CALIFORNIA

- LEGEND**
- ▲ 100' DISTANCE TO STREET FRONT
 - ▲ 200' DISTANCE TO STREET FRONT
 - ▲ 300' DISTANCE TO STREET FRONT
 - ▲ 400' DISTANCE TO STREET FRONT
 - ▲ 500' DISTANCE TO STREET FRONT
 - ▲ 600' DISTANCE TO STREET FRONT
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 - ▲ 10000' DISTANCE TO STREET FRONT

MATCHLINE SEE SHEET 1

MATCHLINE SEE SHEET 1



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SERIES 400. LAND DIVISIONS

ARTICLE 400. GENERAL PROVISIONS

SECTION:

400.01: Introductory Provisions

400.02: General Responsibilities

400.03: Appeals

400.04: Grounds For Denial

400.05: Authority To Vary Regulations

400.06: Maps Required

400.01: INTRODUCTORY PROVISIONS:

A. Citation And Authority: This series is enacted pursuant to the provisions of division 2 of title 7 of the Government Code of the state of California, referred to herein as the "subdivision map act".

B. Purpose: Series 400, "Land Divisions", of this chapter, is adopted to preserve, protect and promote the public health, safety, convenience, prosperity and general welfare. More specifically, this series is adopted in order to achieve the following objectives:

1. To aid in the implementation of the general plan, and elements thereof, as adopted by the city council.
2. To provide lots of sufficient size and appropriate design for the purposes for which they are to be used.
3. To provide streets of adequate capacity for the anticipated traffic which would utilize them, and to ensure that they are designed to promote a safe vehicular and pedestrian traffic circulation system.
4. To accommodate new development in a manner which will preserve and enhance the city's living environment.
5. To provide for water supply, sewage disposal, storm drainage, and other utilities and facilities which are required by conditions of an urban environment.
6. To ensure that the costs of providing rights of way, street improvements, utilities and public areas and facilities needed to service new developments are borne fairly and equitably by the subdivider, rather than by property owners of the city at large.

C. Scope: Series 400, "Land Divisions", of this chapter, is enacted for the purpose of regulating subdivision of land in accordance with the subdivision map act of the state of California, and any future amendments thereto, and repeals all other regulations of the city of Porterville in conflict with this series; provided, however, that such repeal shall not affect any agreement, contract, or bond executed pursuant to such regulations or any rights of action accruing thereunder. The regulations contained in this series shall apply to all subdivisions and parcel maps or parts of subdivisions and parcel maps hereafter made entirely or partially within the city of Porterville. The provisions of this series shall be in addition to and shall be considered as supplemental to the provisions of the subdivision map act of the state of California, as now in effect or hereinafter amended.

D. Exclusions: These standards shall not apply to those divisions of land excluded by section 66412 of the subdivision map act. (Ord. 1801, 12-3-2013)

400.02: GENERAL RESPONSIBILITIES:

A. City Attorney: The city attorney shall be responsible for approving as to form all subdivision improvement agreements and improvement securities.

B. City Council: The city council shall review and approve, conditionally approve or disapprove tentative and final subdivision maps and parcel maps when the parcel map is in coordination with a discretionary permit and/or multiapplication projects. The city council shall have final jurisdiction in the approval of final maps and improvement agreements and the acceptance by the city of lands and/or improvements as may be proposed for dedication to the city for final maps. The city council shall act as the final appeal board for hearing appeals of the approval, conditional approval or disapproval for parcel maps.

C. City Engineer Or Public Works Director: The city engineer or public works director shall be responsible for:

1. Establishing design and construction details, standards and specifications;
2. Determining if proposed subdivision improvements comply with the provisions of this series and the subdivision map act and for reporting the findings together with any recommendations for approval, or conditional approval, of the tentative map to the zoning administrator for tentative subdivision maps and parcel maps.
3. The processing of final maps, reversion to acreage maps and amended maps; the processing and approval of subdivision improvement plans, lot line adjustments, mergers, and certificates of compliance.
4. Examining and stating that final maps are in substantial conformance with the approved tentative map.
5. The inspection and approval of subdivision improvements.
6. On behalf of the city council, accept the dedication of streets, alleys, including access rights and abutter's rights, drainage easements, elementary school sites, parks, and other easements and parcels of land intended for public use.
7. The collection of all required deposits and fees.

D. Zoning Administrator: The zoning administrator shall be responsible for design analysis for conformity with the general plan and this chapter; for the environmental quality of the subdivision design; and for the expedient processing of subdivision maps, parcel maps, and reports, as provided herein.

E. Project Review Committee: The project review committee shall be responsible for reviewing and commenting on preliminary maps that show the general characteristics of the proposed subdivision.

F. Parcel Map Committee: The parcel map committee shall be the designated advisory agency for parcel map subdivisions and shall have the authority to approve, conditionally approve, or deny tentative parcel maps. The parcel map committee may impose conditions upon a tentative map, as appropriate, to determine compliance with general engineering or surveying practices.

G. Subdivider: The subdivider shall prepare maps consistent with the standards contained herein, and design public improvements consistent with the public improvement standards of the city of Porterville. The subdivider shall process said maps in accordance with the regulations set forth herein. (Ord. 1801, 12-3-2013)

400.03: APPEALS:

A. The subdivider or any interested person adversely affected may appeal any decision, determination or requirement of the city engineer, zoning administrator or parcel map committee consistent with the provisions of article 612, "Appeals", of this chapter.

B. When the parcel map committee has acted on an application for an exception, in accordance with the provisions of this series, any interested person may appeal to the city clerk pursuant to the procedures and within the time limits set forth in article 612, "Appeals", of this chapter. City council decisions are final upon adoption of the resolution. (Ord. 1801, 12-3-2013)

400.04: GROUNDS FOR DENIAL:

A. A tentative map or parcel map shall be denied approval or conditional approval in the event any one of the following findings is found to prevail by the legislative body:

1. That the proposed map is not consistent with applicable general and specific plans.
2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. 1801, 12-3-2013)

400.05: AUTHORITY TO VARY REGULATIONS:

A. Modifications: The parcel map committee/city council, with respect to tentative parcel maps and tentative subdivision maps, respectively, can modify any of the requirements and regulations set forth in this series as it pertains to lot design, subject to the approval of a conditional use permit. Variation of regulations is applicable when there are natural features such as topographic constraints and soils conditions that may warrant modified standards. Application for any such modification shall be made in writing by the subdivider in the form of a conditional use permit application, stating fully the grounds of the application and the facts relied upon by the subdivider. Such application shall be filed with the tentative map of the proposed land division. If in the opinion of the zoning administrator and public works director/city engineer the on and/or off site improvements, phasing and/or type of improvements necessitate it, a development agreement may be required between the city and the subdivider. In order for the property referred to in the application to come within the provisions of this section, it shall be necessary that the city council or parcel map committee find the following facts with respect thereto:

1. There are special circumstances or conditions affecting the property that make it impractical to conform to all of the provisions prescribed by this series provided, however, that no exceptions may be granted to any requirements imposed by the subdivision map act or any other applicable provision of state law;
2. That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
3. That the granting of the modification will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated;
4. That the exception is appropriate for the proper design and/or function of the subdivision; and
5. That the granting of the exception is consistent with the general plan.

B. Exception To Conditional Use Permit Requirement: As it pertains to tentative parcel maps and tentative subdivision maps, exceptions to regulations pertaining to lot depth, reverse corner lots, street length and width, and double frontage lots or for minor exceptions as determined by the zoning administrator, shall be processed with the tentative map and shall not be subject to a conditional use permit per subsection A of this section. Exceptions from additional subdivision design standards and/or standards pertaining to the lot design within particular zones shall be subject to the approval of a conditional use permit.

C. Action On Exceptions: In the event that the proposed exceptions represent more than exceptions from lot depth, reverse corner lots, street length and width, and double frontage lots, the city council shall approve, conditionally approve or disapprove the application for a conditional use permit pertaining to a tentative map in a public hearing held concurrently with the proposed tentative map. The parcel map committee shall consider the exceptions not subject to a conditional use permit during the public hearing at which it considers the tentative parcel map. (Ord. 1801, 12-3-2013)

400.06: MAPS REQUIRED:

A. General: The necessity for tentative maps, or vesting tentative maps, parcel maps, and final maps shall be governed by the provisions of this series. A designated remainder lot shall not be counted as a parcel for the

purpose of determining whether a parcel or final map is required.

B. Final Map: A tentative or vesting tentative and final map shall be required for all divisions of land creating five (5) or more parcels, five (5) or more condominiums as defined in section 783 of the state Civil Code, a community apartment project containing five (5) or more parcels, or for the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units, except where:

1. The land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body; or
2. Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway; or
3. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths; or
4. Each parcel created by the division has a gross area of not less than forty (40) acres or is not less than one-fourth ($\frac{1}{4}$) of a quarter section.
5. The land being subdivided is solely for the creation of an environmental subdivision pursuant to section 66418.2 of the subdivision map act.
6. The subdivisions described in subsection B1, B2, B3, B4 or B5 of this section shall require a parcel map.

C. Parcel Map: A tentative map, vesting tentative map, and parcel map shall be required for all divisions of land into four (4) or fewer parcels, and for divisions of land into five (5) or more parcels that are classified as a parcel map in subsection B of this section, except that a tentative map and parcel map shall not be required for:

1. Right Of Way Subdivisions: Subdivisions of a portion of the operating right of way of a railroad corporation, defined by section 230 of the Public Utilities Code that are created by short term leases terminable by either party on not more than thirty (30) days' notice in writing.
2. Conveyances: Land conveyed to or from a governmental agency, public entity or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to the public utility for rights of way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map.
3. Lot Line Adjustments: Lot line adjustments that meet the requirements of section 406.03, "Lot Line Adjustments", of this series. (Ord. 1801, 12-3-2013)



ARTICLE 401. PRELIMINARY MAP

SECTION:

401.01: Form Of Preliminary Map

401.02: Project Review Committee

401.01: FORM OF PRELIMINARY MAP:

A. Prior to the filing of a map, the subdivider shall submit to the zoning administrator an application for project review committee and nine (9) copies of a preliminary map to indicate the essential characteristics of the subdivision. The preliminary map shall be eighteen inches by twenty six inches (18" x 26"), be legibly drawn, in pencil or ink, and shall use a decimal or an engineer's scale of not less than one inch equals one hundred feet (1" = 100') and shall contain the following minimum information:

1. Key map showing adjacent property, subdivisions and roads or streets, proposed street in the subdivision, and other development that would affect the subdivision.
2. Name and address of the owner of record, subdivider and engineer or surveyor.

3. Date, north point and scale showing the general topography contours and features.
4. Approximate location and widths of proposed and existing street rights of way.
5. Approximate location, average size, and number of lots.
6. Approximate acreage of proposed tract.

7. The intended land use and information on utilities, sanitary sewers, drainage, water and other improvements. (Ord. 1801, 12-3-2013)

401.02: PROJECT REVIEW COMMITTEE:

A. The zoning administrator will schedule a meeting of the project review committee, in compliance with section 601.03 of this chapter, with the subdivider on the preliminary map. The project review committee will make such general recommendations to the subdivider as shall seem proper regarding such preliminary map and shall recommend consultations by the subdivider with such other public or private agencies as it shall designate. The project review committee shall furnish written copies of its recommendations to the subdivider and to all other public or private agencies which may be interested. (Ord. 1801, 12-3-2013)



ARTICLE 402. TENTATIVE MAPS

SECTION:

402.01: Map Filing Procedure And Requirements

402.02: Form Of Map And Content

402.03: Expiration Of Maps And Extensions Of Time

402.01: MAP FILING PROCEDURE AND REQUIREMENTS:

A. Filing: The subdivider shall file with the zoning administrator ten (10) copies, one photo ready master (11 inches x 17 inches maximum) and one copy of the owner's statement (if not included on the tentative map), all in accordance with the requirement of this series, of each proposed subdivision. Said tentative map shall be accompanied with filing fees per resolution adopted by the city council. The zoning administrator shall indicate upon all copies of the tentative map and accompanying data the date of filing, which shall be the date on which all required maps, masters, and accompanying data are deposited in the office of the zoning administrator. The zoning administrator may refuse to accept a tentative map which is inaccurate, illegible, incomplete, or which fails to comply with the requirements of this series.

B. Department Review And Referral:

1. Determination Of Complete Application: Not later than thirty (30) days after receipt of an application for a tentative map approval, the zoning administrator shall determine in writing whether such application is complete, and shall immediately transmit such determination to the applicant for the tentative map. In the event that the application is determined not to be complete, the zoning administrator's determination shall identify those parts of the application which are complete, and shall specify those parts of the application which are incomplete, and shall indicate the manner in which they can be made complete. The zoning administrator may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.

2. Referral: Within ten (10) days of acceptance of a tentative map of a subdivision, the zoning administrator shall transmit the requested number of copies of such map, together with accompanying data, to such public agencies and utilities as may be concerned. Each of the public agencies and utilities may, within fifteen (15) days after distribution of the tentative map, forward to the zoning administrator a written report of their findings and recommendations thereon. The zoning administrator shall prepare a written report on the conformity of the tentative map to the provisions of the general plan, the development ordinance, and all other applicable requirements of this chapter and other ordinances and regulations of the city of Porterville. Such public agencies and utilities include, but are not limited to:

- a. Public works director/city engineer;

- b. Chief building official;
- c. Police department;
- d. Fire department;
- e. Field services manager;
- f. Office of intergovernmental management as required by the Government Code;
- g. Southern California Edison or other affected electric company;
- h. The Gas Company or other affected gas company;
- i. Telephone company or other affected phone company;
- j. Cable TV companies affected;
- k. School districts as required by section 66455.7 of the map act;
- l. Water supplier that is or may become a public water system as required by section 66455.3 of the map act; and
- m. Affected owner of irrigation ditches or canals, and any other public agency or public utility affected by the subdivision.

C. Consideration Of Tentative Maps: The zoning administrator shall prepare a written report on the conformity of the tentative map to the provisions of the general plan and all other applicable requirements of this and other ordinances and regulations of the city of Porterville. The report shall include a recommendation for action, including any requirements or conditions deemed necessary to ensure that the map will comply with the general plan and any applicable city regulations. The public works director/city engineer shall prepare a written report of recommendations on the tentative map in relation to the public improvement requirements of this chapter and the provisions of the map act.

D. Notification Procedures For Public Hearings: Notice of the time and place of any public hearing shall be given in conformance with the provisions of section 601.05, "Public Notification", of this chapter.

E. Action: Within the time frames established in the permit streamlining act, the city council shall act on the tentative map for subdivisions and the parcel map committee shall act on the tentative parcel map, unless an extension is agreed upon by the subdivider as provided for in the permit streamlining act. If the city council/parcel map committee finds that the proposed map complies with the requirements of this chapter and the map act, it shall approve the map. If the city council/parcel map committee finds that the proposed map does not meet the requirements of this chapter and the map act, it shall conditionally approve or disapprove such map.

F. Notice Of Action: Within ten (10) days following the action by the city council or parcel map committee, as appropriate, the zoning administrator shall transmit a letter containing the record pertaining to such action to the party submitting the tentative map. Upon approval, the tentative shall be so marked and all conditions of approval and required dedications and improvements clearly specified on or with the map. Copies of the approved tentative map shall be filed with the zoning administrator and the city engineer. (Ord. 1801, 12-3-2013)

402.02: FORM OF MAP AND CONTENT:

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

The tentative map shall clearly show the following information:

1. The tract name or number, date, north point, scale and sufficient description to define the location and boundaries of the proposed tract.
2. Names, addresses, and phone numbers of record owner(s), subdivider, and engineer or surveyor.

3. Partial legal description ($\frac{1}{4}$ section, township/range).

4. The tentative map shall include enough sheets to show details at the scale of the map. The number of the sheet and the total number of sheets comprising the tentative map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

5. Location, names, present right of way and physical dimension, and approximate grades of adjacent roads, streets, highways or ways, names and dimensions of abutting subdivisions and properties.

6. The locations, names, widths, and proposed grade of all streets in the proposed subdivision.

7. Radius of each curve (in accordance with section 407.03, "Design And Construction Standards", of this series).

8. Typical cross sections of any nonstandard streets.

9. The outline of any existing buildings and their locations in relation to existing or proposed street and lot lines. The location of existing wells and sewage disposal facilities and the proposed disposition of same.

10. Contour lines having the following intervals (development within the hillside zone shall comply with article 501, "Hillside Zone (HZ) Overlay District", of this chapter):

a. One foot (1') contour interval for ground slopes between level and five percent (5%).

b. Five foot (5') contour intervals for ground slopes exceeding five percent (5%).

11. The approximate widths, location and purpose of all existing or proposed easements.

12. Approximate lot layout and approximate dimensions of each lot, and each to be numbered.

13. The area of the subdivision in gross area and net area (excluding streets and other proposed public uses).

14. Approximate location of all areas subject to inundation or storm water overflow and the location, width, grade and direction of flow of all watercourses and the location of all floodplain lines.

15. Public areas proposed.

16. City limit lines.

17. Vicinity map showing the proposed subdivision and surrounding streets within one-fourth ($\frac{1}{4}$) mile radius of the proposed subdivision.

18. Location of trees to remain in place and landscaping proposed to remain in public right of way.

19. Show all proposed dedications and irrevocable offers of dedication on the tentative map or to be made by separate instrument.

20. The location and sizes of existing and proposed utility lines and structures.

21. The elevation of sewers at the proposed connection.

22. Any other drawings, data or information as deemed necessary by the zoning administrator and/or the city engineer.

23. The zoning administrator may waive any of the above tentative map requirements if the location and nature of the proposed subdivision or existing documentation demonstrate that a waiver is justified.

B. Owner's Statement And Accompanying Data: Additional information relating to the subdivision which may not practicably be shown on the tentative map shall be contained in similar supplemental maps or written owner's statement which shall accompany the tentative map and include the following information. Any information that is engineering in nature shall be provided by a civil engineer.

1. Existing use or uses of the property, present zoning, and general plan designation.

2. Proposed uses of the property indicating respective proportion of the total area of the subdivision represented by each.
 3. General outline of proposed water system.
 4. Provisions for sanitary sewage disposal and general outline of proposed system.
 5. Plan for surface drainage and flood control and general outline of proposed system.
 6. Proposed street improvements for sidewalk, curb and gutter, and paving of public ways, as required, indicating approximate location and dimensions of the proposed system.
 7. If developed in increments, maps shall indicate approximate sequence of development.
 8. Environmental information form.
 9. Additional data and information, including fees, as may be required for the preparation and processing of environmental documents pursuant to the California environmental quality act.
 10. Any other data or reports deemed necessary by the zoning administrator and/or the city engineer.
- (Ord. 1801, 12-3-2013)

402.03: EXPIRATION OF MAPS AND EXTENSIONS OF TIME:

A. Expiration: When a timely filing is made prior to expiration, subsequent actions of the city council or parcel map committee, as appropriate, including, but not limited to, processing, approval, and recordation, may lawfully occur after the date of expiration of the tentative map. Delivery to the city engineer shall be deemed a timely filing for purposes of this section. The effective life of an approved tentative parcel map or tentative subdivision map shall comply with the provisions of sections 66463.5 and 66452.6 of the map act, respectively. The expiration of an approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the city council or parcel map committee, as appropriate, without first processing a new tentative map.

B. Extension: Extensions for tentative parcel maps and tentative subdivision maps may be granted pursuant to the provisions of sections 66463.5 and 66452.6 of the map act, respectively. Upon application of the subdivider, prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the parcel map committee or by the city council.

1. Request For Extension: Prior to the expiration of an approved or conditionally approved tentative map, upon receipt of a written application by the subdivider to extend that map, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. A written application to extend an approved or conditionally approved tentative map shall be submitted to the zoning administrator prior to expiration of the tentative map, who shall forward such to the city council or parcel map committee, as appropriate. If the parcel map committee denies a subdivider's application for an extension, the subdivider may appeal, in writing, to the city council within ten (10) days after the parcel map committee has denied the extension.

2. Consideration Of Extension Request: Consideration of an application for an extension of time shall be limited to the mandatory findings of significance contained in the original parcel map committee conditions or city council resolution which approved or conditionally approved the tentative map. If it can be reasonably demonstrated that any one of the original mandatory findings of significance used to justify approval or conditional approval of the tentative map, as specified in the original resolution has changed to the extent it can be considered a cause for denial, then such request for extension may be denied.

3. Companion Permits: When a tentative map is approved or conditionally approved in conjunction with a conditional use permit or other discretionary permit, such permit shall expire at the same time as the tentative map unless the permit states a different expiration date approved by the city council. Extensions of time of tentative maps approved with companion conditional use permits or other discretionary permits may also include extensions of time for such companion permits to exceed the maximum appropriate time limit permitted by this section. (Ord. 1801, 12-3-2013)



ARTICLE 403. VESTING TENTATIVE MAPS

SECTION:

403.01: Vesting Tentative Maps Generally

403.02: Vesting Of Development Rights

403.01: VESTING TENTATIVE MAPS GENERALLY:

A. Citation And Authority: This article is enacted pursuant to the authority granted by chapter 4.5 (commencing with section 66498.1) of division 2 of title 7 of the Government Code of the state of California (hereinafter referred to as the vesting tentative map statute).

B. Purpose: It is the purpose of this article to establish procedures necessary for the implementation of the vesting tentative map statute, and to supplement the provisions of the subdivision map act.

C. Consistency: No land shall be subdivided and developed pursuant to the vesting tentative map for any purpose which is inconsistent with the general plan and any applicable specific plan, or not permitted by this chapter or other applicable provisions of the municipal code, which were in effect at the time the vesting tentative map was approved or conditionally approved.

D. Application:

1. Whenever a provision of the map act, as implemented and supplemented by this series, requires the filing of a tentative map, a vesting tentative map may instead be filed, in accordance with the provisions hereof.

2. If a subdivider does not seek the rights conferred by the vesting tentative map statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

E. Filing And Processing: A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in this series for a tentative map, except as hereinafter provided:

1. At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "vesting tentative map".

2. At the time a vesting tentative map is filed, a subdivider may be required to supply the following information in addition to the requirements set forth in section 402.02, "Form Of Map And Content", of this series:

- a. Height, size, and location of buildings.
- b. Geological studies.
- c. Architectural plans.
- d. Any other studies that are normally deferred to the building permit stage.

F. Expiration: The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions established by section 402.03, "Expiration Of Maps And Extensions Of Time", of this series for the expiration of the approval or conditional approval of a tentative map. (Ord. 1801, 12-3-2013)

403.02: VESTING OF DEVELOPMENT RIGHTS:

A. Review Authority Action:

1. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards described in Government Code section 66474.2. However, if section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map is approved or conditionally approved.

2. Notwithstanding subsection A1 of this section, a permit, approval, extension or entitlement may be made conditional or denied if any of the following are determined:

a. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

b. The condition or denial is required, in order to comply with state or federal law.

B. Time Limits And Extensions Of Time On Vesting Tentative Maps: The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided below. If the final map is approved, these rights shall last for the following periods of time:

1. An initial time period of two (2) years. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.

2. The initial time period set forth in subsection B1 of this section shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty (30) days, from the date a complete application is filed.

3. A subdivider may apply for a one year extension at any time before the initial time period set forth in subsection B1 of this section expires.

4. If the subdivider submits a complete application for a building permit during the periods of time specified in subsections B1, B2, and B3 of this section, the rights referred to herein shall continue until the expiration of that period, or any extension of that permit.

C. Development Inconsistent With Zoning; Conditional Approval:

1. Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with this chapter, that inconsistency shall be noted on the map. The city may deny such a vesting tentative map or approve it conditioned on the subdivider/applicant obtaining the necessary change in this chapter to eliminate the inconsistency. If the change in this chapter is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding subsection A1 of this section, confer the vested right to proceed with the development in substantial compliance with the change in this chapter and the map, as approved.

2. The rights conferred by this subsection shall be for the time periods set forth in subsection B of this section.

D. Applications Inconsistent With Current Policies: Notwithstanding any provision of this section, the applicant may seek approvals or permits for development which depart from the ordinances, policies and standards and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law. (Ord. 1801, 12-3-2013)



ARTICLE 404. FINAL MAPS

SECTION:

404.01: Filing Final Map

404.02: Form Of Map And Content

404.03: Approvals

404.01: FILING FINAL MAP:

A. Within the time limit designated in section 402.03, "Expiration Of Maps And Extensions Of Time", of this series and upon the accomplishment of all dedication by certification on the map and required construction of all public improvements, or the execution of an agreement and provision of surety providing therefor and the payment of all applicable fees and charges, the applicant may file with the city engineer, who shall approve, a final map which shall substantially conform to the approved tentative map and all applicable provisions of the map act. The appropriate statements as provided by the applicant in accordance with the provisions of the map act, shall be signed by the city engineer upon the final map; and the final map shall be transmitted to the clerk of the county board of supervisors for ultimate transmittal to the county recorder.

1. Multiple Final Maps: Multiple final maps shall be filed if the subdivider informs the zoning administrator in writing of his or her intention to file multiple final maps, at the time the tentative map is filed or, if the zoning administrator and the subdivider concur to the filing of multiple final maps after the filing of the tentative map.

2. Effect Of Multiple Final Maps: The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of the requirements to provide for the construction of improvements as required to constitute a logical and orderly development of the whole subdivision.

B. The subdivider shall file the original and three (3) copies of the final map and required accompanying data with the city engineer. The said final map shall be accompanied by filing fees as specified in the comprehensive fee schedule. When a final map is submitted to the city engineer in accordance with this series, it shall be accompanied by the following documents:

1. Improvement Plans: The original tracings of detailed plans, cross sections and profiles of all improvements proposed to be installed as required by the provisions of this series, and of all other improvements proposed to be installed by the subdivider in, on, over, or under any street, right of way, easement or parcel of land dedicated by the map or previously dedicated, including the estimated cost thereof, shall be filed with the city engineer or public works director for his approval and signature. All such plans shall be prepared in accordance with the requirements of the city engineer or public works director. Plan sheets shall be twenty four inches by thirty six inches (24" x 36") and a plan and profile drawn to a scale of one inch equals fifty feet (1" = 50'), or an appropriate scale previously approved by the city engineer.

2. Traverse Sheets: Calculation and traverse sheets in a form approved by the city engineer giving bearings and distances, coordinates, error of closure and areas within the boundary of the subdivision and blocks and lots therein shown on the final map.

3. Design Data: Design data, assumptions and computations for proper analysis in accordance with sound engineering practice.

4. Report And Guarantee Of Title: The final map shall be accompanied by a current (within 6 months of the final map filing date) report prepared by a duly authorized title company naming the persons whose consent is necessary for the preparation and recordation of such map, and for dedication of the streets, alleys and other public places shown on the map and certifying that, as of the date of the preparation of the report, the persons wherein named are all the persons necessary to give clear title to such subdivision. At the time of recording said map, following approval by the city council, there shall be filed with the county recorder a guarantee executed by a duly authorized title company for the benefit and protection of the city showing that the persons consenting to the preparation and recordation of such map and offering for dedication the streets, alleys and other public places shown thereon are all the persons necessary to pass clear title to such subdivision and to the dedications shown thereon. The report should also include a statement of explanation of why any right of way or easement holders across the subdivision need not sign the map if they are not included as needed to pass a clear title.

5. Preliminary Soils Report: A preliminary soil report prepared by a civil engineer registered by the state of California, based upon adequate test borings or excavations. The fact that a soil report has been prepared shall be kept on file for public inspection by the city. The preliminary soil report may be waived by the city engineer or public works director if adequate existing data is available as to the soil qualities of the soils of the subdivision. If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soil investigation of each lot in the subdivision may be required, prepared by a civil engineer registered by the state of California. The soil investigation shall recommend corrective action intended to prevent structural damage to each dwelling proposed to be constructed on expansive or unstable soil. The report shall be filed with the building department. If the preliminary soils report indicates the presence of naturally occurring asbestos, a construction dust management plan shall be prepared.

6. Utility Statements: Statements from the various public utility companies authorized to serve in the area of the subdivision or division of land certifying that satisfactory provisions have been made to accommodate their facilities.

7. Improvement Agreements: With final review; all agreements, improvement security required by state law or this chapter, and offer(s) of dedication. (Ord. 1801, 12-3-2013)

404.02: FORM OF MAP AND CONTENT:

A. Final Map Preparation: The final map shall be prepared by or under the direction of a registered civil engineer authorized to practice land surveying or licensed land surveyor, shall be based upon a survey, and shall conform to all of the following provisions:

1. It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Statements, certificates, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

2. The size of each sheet shall be eighteen inches by twenty six inches (18" x 26") or four hundred sixty by six hundred sixty millimeters (460 x 660 mm). A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch (1") or twenty five millimeters (25 mm). The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

3. All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing on the map shall be shown, including bearings and distances of straight lines, and radii and arc length or chord bearings and length for all curves and any information which may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish and subdivision boundaries.

4. Each lot shall be numbered. Each street shall be named or otherwise designated. The subdivision name/number shall be shown together with the description of the real property being subdivided.

5. Exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys. If the map includes a "designated remainder" parcel, and the gross area of the "designated remainder" parcel or similar parcel is five (5) acres or more, that remainder parcel need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel. A parcel designated as "not a part" shall be deemed to be a "designated remainder" for purposes of this section.

6. On and after January 1, 1987, no additional requirements shall be included that do not affect record title interests. However, the map shall contain a notation or reference to additional information required by a local ordinance adopted pursuant to section 66434.2.

7. Any public streets or public easements to be left in effect after the subdivision shall be adequately delineated on the map. The filing of the final map shall constitute abandonment of all public streets and public easements not shown on the map, provided that a written notation of each abandonment is listed by reference to the recording data or other official record creating these public streets or public easements and certified to on the map by the clerk of the legislative body or the designee of the legislative body approving the map. Before a public easement vested in another public entity may be abandoned pursuant to this section, that public entity shall receive notice of the proposed abandonment. No public easement vested in another public entity shall be abandoned pursuant to this section if that public entity objects to the proposed abandonment.

B. Survey Requirement: At the time of making a survey for final map, the engineer or surveyor shall set sufficient durable monuments to conform with city standards so that another engineer or surveyor may readily retrace the survey. At least one exterior boundary line of the land being subdivided be adequately monumented or referenced before the map is recorded.

1. The monuments shall be approved by the city engineer and shall be per city standards. Any monument or bench mark, as required by this section, which is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider. The monuments shall be set at each corner and angle point in the exterior and interior boundaries (lot corners) of the subdivision, except wherein such monuments already exist in their proper positions. Monuments shall be set on street and alley centerlines or offsets thereto at all street intersections, beginnings and end of curves, angle points or as otherwise directed by the city engineer.

2. Interior monuments need not be set at the time the map is recorded, if the engineer or surveyor certifies on the map that monuments will be set on or before a specified date, and if the subdivider furnishes to the city security guaranteeing payment of the cost of setting such monuments in accordance with section 66496 of the map act.

3. Within five (5) days after the final setting of monuments has been completed, the engineer or surveyor shall give written notice to the subdivider and to the city engineer that the final monuments have been set in accordance with section 66497 of the map act.

C. Statements And Acknowledgment: The title sheet of the map, below the title, shall show the name of the engineer or surveyor together with the date of the survey, the scale of the map and the number of sheets. The following statements, certificates, acknowledgments and description shall appear on the title sheet of final maps, and such statements may be combined where appropriate:

1. Statement By Parties Holding Title: A statement in accordance with the provisions of sections 66436 and 66445 of the map act.

2. Dedication Statement: A statement in accordance with section 66439 of the map act.

3. Engineer's Or Surveyor's Statement: A statement in accordance with section 66441 of the map act.

4. Soil Engineer's Statement: A statement referring to preliminary soils reports on file with the city in accordance with section 66434.5 of the map act.

5. Statement To Be Executed: A statement for execution by each of the following, as applicable:

- a. City engineer;
- b. Surveyor;
- c. Soil engineer;
- d. Zoning administrator;
- e. City council;
- f. City clerk;
- g. County board of supervisors;
- h. County recorder;
- i. Owner.

6. Notation Or Reference: Notation or reference to survey and map information required pursuant to section 66434.2 of the map act.

D. Information On Final Maps:

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

2. The final map shall also contain the following information:

- a. The tentative map number or vesting tentative map number, resolution number and date of preparation, printed on the upper right hand corner of the face sheet.
- b. The net dimensions of each lot. No ditto marks shall be used.
- c. The names, locations and right of way widths of all abutting public streets.
- d. The proposed location, purpose and width of all proposed public roads and private access easements.
- e. The boundaries of any private easement, whether an easement or record or a prescriptive easement, shall be shown by means of a dotted line; and the name of the person owning the easement shall be shown on the map.
- f. Location and widths of easements for public utilities, if required.

- g. The location and widths of watercourses and areas subject to inundation, and location of selected flood lines within the parcels being created.
- h. Building setback lines, if applicable.
- i. A north point and graphic scale.
- j. Location or vicinity map at a minimum scale of one inch equals one mile (1" = 1 mile).
- k. Names and addresses of the owners of the property being divided. (Ord. 1801, 12-3-2013)

404.03: APPROVALS:

A. Approval By City Engineer: Upon receipt of the final map and other data submitted therewith, the city engineer shall examine such to determine that the subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof, that all provisions of this series or any other ordinance and the map act applicable at the time the application for the tentative map is deemed complete, and that he is satisfied that the map is technically correct. If the city engineer shall determine the final map is not in full conformity with the tentative map, he shall advise the subdivider of the changes or additions that must be made for such purposes, and shall afford the subdivider an opportunity to make such changes or additions. If the city engineer determines that full conformity therewith has been made, he shall transmit said map to the city council for approval in the case of a final map.

B. City Council Approval; Final Map:

1. The city council shall, at the meeting at which it receives the final map for approval, or at its next regular meeting after the meeting at which it received the map, approve the map if it conforms to all the requirements of this series and the map act applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder.

2. The council may reject any or all offers of dedication. In the event that all improvements required or conditions imposed upon approval under the terms of this series or by law are not completed before the filing of the final map, the council may enter into an agreement with the subdivider for posting improvement security as provided in this series. The city engineer, upon the approval of the final map by the city council, shall transmit the map to the clerk of the board of supervisors, who shall record same. (Ord. 1801, 12-3-2013)



ARTICLE 405. PARCEL MAPS

SECTION:

405.01: Filing

405.02: Form And Content

405.03: Final Parcel Map

405.04: Waiver Of Requirements For Parcel Maps

405.01: FILING:

A. Ten (10) copies of the tentative parcel map and one photo ready master (11 inches x 17 inches maximum) shall be filed with the zoning administrator.

B. The tentative parcel map shall be accompanied by an application fee as established by city council resolution.

C. The zoning administrator may refuse to accept a tentative parcel map which is inaccurate, illegible, incomplete, or which fails to comply with the requirements of this article. (Ord. 1801, 12-3-2013)

405.02: FORM AND CONTENT:

A. Form: The subdivider shall cause the tentative parcel map of the land proposed to be subdivided to be prepared by a registered civil engineer authorized to practice surveying or licensed land surveyor. The size of each sheet shall be eighteen inches by twenty six inches (18" x 26"). The tentative parcel map shall be legibly drawn, in pencil or ink, and shall use a decimal or an engineer's scale of not less than one inch equals one

hundred feet (1" = 100'), unless the zoning administrator determines that a different scale will be adequate and appropriate for the tentative parcel map.

B. Content: The tentative parcel map shall clearly show the following information:

1. A key map showing the location of the subject property, adjacent property, subdivisions, streets or roads and other development which would affect the tentative parcel map.
2. Names, addresses, and phone numbers of record owner(s), subdivider, and engineer or surveyor.
3. Partial legal description ($\frac{1}{4}$ section, township/range).
4. The tentative parcel map shall include enough sheets to show details at the scale of the map. The number of the sheet and the total number of sheets comprising the tentative parcel map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.
5. Location, names, present right of way and physical dimension, and approximate grades of adjacent roads, streets, highways or ways, names and dimensions of abutting subdivisions and properties.
6. The locations, names, widths, and proposed grade of all streets in the proposed subdivision.
7. Radius of each curve (in accordance with section 407.03, "Design And Construction Standards", of this series).
8. Typical cross sections of any nonstandard streets.
9. The outline of any existing buildings and their locations in relation to existing or proposed street and lot lines. The location of existing wells and sewage disposal facilities and the proposed disposition of same.
10. Contour lines shall have the following intervals (development within the hillside zone shall comply with article 501, "Hillside Zone (HZ) Overlay District", of this chapter):
 - a. One foot (1') contour interval for ground slopes between level and five percent (5%).
 - b. Five foot (5') contour intervals for ground slopes exceeding five percent (5%).
11. The approximate widths, location and purpose of all existing or proposed easements.
12. Approximate lot layout and approximate dimensions of each lot, and each to be numbered.
13. The area of the subdivision in gross area and net area (excluding streets and other proposed public uses).
14. Approximate location of all areas subject to inundation or stormwater overflow and the location, width, grade and direction of flow of all watercourses and the location of all floodplain lines.
15. City limit lines.
16. Vicinity map showing the proposed subdivision and surrounding streets within one-fourth ($\frac{1}{4}$) mile radius of the proposed subdivision.
17. Location of trees to remain in place and landscaping proposed to remain in public right of way.
18. Show all proposed dedications and irrevocable offers of dedication on the parcel map or to be made by separate instrument.
19. The location and sizes of existing and proposed utility lines and structures.
20. The elevation of sewers at the proposed connection.

C. Owner's Statement And Accompanying Data: Additional information relating to the subdivision which may not practicably be shown on the tentative parcel map shall be contained in similar supplemental maps or written owner's statement which shall accompany the tentative parcel map and include the following information:

1. Existing use or uses of the property, present zoning, and general plan designation.

2. Proposed uses of the property indicating respective proportion of the total area of the subdivision represented by each.
3. General outline of proposed water system.
4. Provisions for sanitary sewage disposal and general outline of proposed system.
5. Plan for surface drainage and flood control and general outline of proposed system.
6. Proposed street improvements for sidewalk, curb and gutter, and paving of public ways, as required, indicating approximate location and dimensions of the proposed system.
7. Environmental information form.
8. Additional data and information, including fees, as may be required for the preparation and processing of environmental documents pursuant to the California environmental quality act.
9. Any other data or reports deemed necessary by the zoning administrator and/or the city engineer.

D. Transmittal Of Maps To Public Agencies And Utilities:

1. When the tentative parcel map is received and filed under the provisions of this chapter, the zoning administrator shall, within ten (10) days thereafter, transmit the tentative parcel map to each of the following:
 - a. Public works director/city engineer;
 - b. Chief building official;
 - c. Police department;
 - d. Fire department;
 - e. Field services manager;
 - f. Office of intergovernmental management as required by the Government Code;
 - g. Southern California Edison or other affected electric company;
 - h. The Gas Company or other affected gas company;
 - i. Telephone company or other affected phone company;
 - j. Cable TV companies affected;
 - k. School districts as required by section 66455.7 of the map act;
 - l. Water supplier that is or may become a public water system as required by section 66455.3 of the map act; and
 - m. Affected owner of irrigation ditches or canals, and any other public agency or public utility affected by the subdivision.
2. Such public utility companies and public utilities shall review the parcel map and transmit any report or recommendations thereon to the zoning administrator who shall incorporate them into the report and recommendations to the advisory agency.

3. The departments of the city to which the map is transmitted shall file with the zoning administrator within ten (10) days of receipt thereof its approval thereof or a report showing what changes are necessary to make such map conform to the requirements of this chapter and the map act coming within the jurisdiction of such department.

E. Consideration Of Tentative Parcel Maps: Not later than thirty (30) calendar days after the zoning administrator has received an application for a tentative parcel map approval, the zoning administrator shall determine in writing whether such application is complete, and shall immediately transmit such determination to the applicant for the tentative parcel map. In the event that the application is determined not to be complete, the zoning administrator's determination shall specify those parts of the application which are complete and shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be

made complete. The zoning administrator may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.

1. The parcel map committee shall review and approve, conditionally approve or disapprove the tentative parcel map within thirty (30) days after the date of acceptance of a complete application by the zoning administrator. Notice of the time and place of any public hearing shall be given in conformance with the provisions of section 601.05, "Public Notification", of this chapter.

2. If the parcel map committee determines that the tentative parcel map complies with all of the provisions of this article, general plan, zoning ordinance, and the map act, it shall approve the map.

3. If the tentative parcel map fails to meet one or more requirements set forth in this article, the parcel map committee may approve the map subject to such conditions as may be necessary to conform to such requirements.

4. When approving or conditionally approving the tentative parcel map, the parcel map committee shall specify the dedications and improvements to be made by the owner.

5. Within seven (7) days after the action by the parcel map committee, written notice of the action by the parcel map committee shall be mailed to the applicant.

6. Upon approval of the tentative parcel map by the parcel map committee, the tentative parcel map shall be so marked and all conditions of approval and required dedications and improvements clearly specified on or with the map. Copies of the approved tentative parcel map shall be filed with the zoning administrator and the city engineer.

F. Appeals: Tentative parcel map decisions by the parcel map committee are subject to the provisions of section 400.03, "Appeals", of this series.

G. Time Limits And Extensions Of Time On Tentative Parcel Maps: Findings, time limits and extensions of time for tentative parcel maps shall be the same as provided for by section 402.03, "Expiration Of Maps And Extensions Of Time", of this series.

H. Improvements: Pursuant to the provisions of the map act, the subdivider shall install, construct and/or provide all on or off site improvements as required by the parcel map committee; and such improvements shall be in conformance with all applicable provisions of section 407.02, "Improvements", of this series.

I. Right Of Way Dedications: Pursuant to the map act, the subdivider shall provide such dedication of right of way or easements as may be required by the parcel map committee.

J. Final Parcel Maps: Within the time limit designated in section 402.03, "Expiration Of Maps And Extensions Of Time", of this series, and upon the accomplishment of all dedication by certification on the map and required construction of all public improvements, or the execution of an agreement and provision of surety providing therefor and the payment of all applicable fees and charges, the applicant may file with the city engineer, who shall approve, a final parcel map which shall substantially conform to the approved tentative parcel map and all applicable provisions of the map act. The appropriate statements as provided by the applicant in accordance with the provisions of the map act, shall be signed by the city engineer upon the parcel map; and the final parcel map shall be transmitted to the clerk of the county board of supervisors for ultimate transmittal to the county recorder.

K. Survey Requirement: In all cases where a parcel map is required, the parcel map shall be based on a field survey of the land conducted in accordance with the land surveyor's act of the state of California. All new lot corners shall be monumented and based on a field survey. At the discretion of the city engineer, a parcel map may be compiled from recorded or filed data when sufficient recorded or filed survey monumentation presently exists to enable to retracement of the exterior boundary lines of the parcel map and the establishment of the interior parcel or lot lines of the parcel map. (Ord. 1801, 12-3-2013)

405.03: FINAL PARCEL MAP:

A. Information On Final Parcel Map: Each parcel shall be consecutively numbered. Each parcel shall have its area shown to the nearest one-hundredth ($\frac{1}{100}$) of an acre or nearest square foot. The exterior boundary of the land included within the parcel or parcels being created shall be indicated by a distinctive border applied to the reverse side of the tracings. Such border shall not interfere with the legibility of figures or other data. The

map shall show the definite location of such parcel or parcels, and particularly the relationship to existing surveys.

B. Content: The final parcel map shall also contain the following information:

1. The tentative parcel map number or vesting parcel map number, resolution number, and date of preparation, printed on the upper right hand corner of the face sheet.
2. The net dimensions of each lot. No ditto marks shall be used.
3. The names, locations and right of way widths of all abutting public streets.
4. The proposed location, purpose, and width of all proposed public roads and private access easements.
5. The boundaries of any private easement, whether an easement or record or a prescriptive easement, shall be shown by means of a dotted line; and the name of the person owning the easement shall be shown on the map.
6. Location and widths of easements for public utilities, if required.
7. The location and widths of watercourses and areas subject to inundation, and location of selected flood lines within the parcels being created.
8. Building setback lines, if applicable.
9. A north point and graphic scale.
10. Location of vicinity map at a minimum scale of one inch equals one mile (1" = 1 mile).
11. Names and addresses of the owners of the property being divided.

C. Required Statements:

1. All required dedications of rights of way or easements shall be certified on the final parcel map by appropriate statements in accordance with section 66447 of the map act.
2. All parties having any record title interest in the real property subdivided shall sign a statement on the final parcel map in accordance with sections 66436 and 66445 of the map act.
3. A statement of the registered civil engineer or licensed land surveyor who prepared the survey and the parcel map in compliance with section 66449 of the map act.
4. A statement of execution by the city engineer which complies with section 66450 of the map act.
5. A statement of execution by the zoning administrator on behalf of the parcel map committee certifying that the final parcel map conforms to the approved tentative parcel map.
6. Additional information to be filed or recorded with the final parcel map as required in accordance with section 66434.2 of the map act. (Ord. 1801, 12-3-2013)

405.04: WAIVER OF REQUIREMENTS FOR PARCEL MAPS:

A. The requirement for a parcel map may be waived if a finding is made by the parcel map committee that the proposed division of land complies with all requirements of this chapter as to area, improvement and design, drainage control, street dedications and improvements, sewer and water supply availability and environmental protection. No parcel map will be required for tentative maps approved under this section.

B. Approval of an application for a waiver of the requirement of a parcel map shall automatically constitute approval for the issuance of a certificate of compliance pursuant to the provisions of section 66499.35 of the map act. When approval has been given to an application for a waiver of the requirement of a parcel map, the zoning administrator and city engineer shall issue a resolution approving the waived parcel map, and shall cause said resolution to be filed with the county recorder. (Ord. 1801, 12-3-2013)



ARTICLE 406. REVERSIONS, MERGERS, AND LOT LINE ADJUSTMENTS

SECTION:

406.01: Reversion To Acreage

406.02: Mergers

406.03: Lot Line Adjustments

406.01: REVERSION TO ACREAGE:

A. Purpose: The purpose of this section is to establish procedures and standards, consistent with the requirements of the subdivision map act, for the reversion of previously subdivided property to acreage.

B. Initiation Of Proceedings: Proceedings for reversion to acreage may be initiated by the parcel map committee on its own motion or by petition of all of the owners of record of the real property within the subdivision.

C. Contents Of Petition: The petition shall be in a form prescribed by the zoning administrator and shall contain the following:

1. Adequate evidence of title to the real property within the subdivision.
2. Sufficient data to enable the legislative body to make all of the determinations and findings required by this series, including a three hundred foot (300') radius map and property owners list.
3. A final map which delineates dedications which will not be vacated and dedications which are a condition to reversion if applicable and which sufficiently describes all property to be reverted to acreage.
4. Such other pertinent information as may be required by the zoning administrator and city engineer.

D. Public Hearing: A public hearing shall be held on the proposed reversion to acreage. Notice of the time and place of any public hearing shall be given in conformance with the provisions of section 601.05, "Public Notification", of this chapter.

E. Required Findings: Subdivided real property may be reverted to acreage and a final map approved for recordation only if the parcel map committee finds that:

1. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes if applicable. Such determination regarding dedicated public streets shall be made by the city council in accordance with division 9, part 3 of the Streets And Highways Code of the state of California.

2. Either:

- a. All owners of an interest in the real property within the subdivision have consented to reversion; or
- b. None of the improvements required to be made have been made within two (2) years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or
- c. No lots shown on the final map or parcel map have been sold within five (5) years from the date such map was filed for record.

F. Conditions Of Approval: As conditions of reversion, the following shall be required:

1. Dedications or offers of dedication necessary for the purposes specified by city ordinance following reversion.
2. Retention of all previously paid fees if necessary to accomplish the purposes of this chapter adopted pursuant thereto.
3. Retention of any portion of required improvement security or deposits if necessary to accomplish the purposes of this chapter adopted pursuant thereto.

G. Effective Date: Reversion shall be effective upon the final map being filed for record by the county recorder, and thereupon all dedications and offers of dedication not shown thereon shall be of no further force or effect.

H. Deposits And Securities: When a reversion is effective, all fees and deposits shall be returned and all improvement security released, except those retained pursuant to applicable city ordinance, including the stipulations of this series. (Ord. 1801, 12-3-2013)

406.02: MERGERS:

A. Required Mergers: Two (2) or more contiguous parcels or units of land which have been subdivided under the provisions of the map act or any prior law regulating the division of land or a local ordinance enacted pursuant thereto, or which were not subject to such provisions at the time of their creation, shall not merge simply by virtue of the fact such contiguous parcels or units are held by the same owner. No further proceeding under the provisions of the map act or this series enacted pursuant thereto shall be required for the purpose of sale, lease or financing of such contiguous parcels or units, except, however, the city may provide for the merger of a parcel or unit with a contiguous parcel or unit held by the same owner if all of the following requirements are satisfied:

1. At least one of the affected parcels is not developed with a structure, other than an accessory structure, for which a building permit was issued by the local agency, or which was built prior to the time such permits were required by the local agency.
2. With respect to any affected parcel, one or more of the following conditions exists:
 - a. Comprises less than five thousand (5,000) square feet in area at the time of the determination of merger.
 - b. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
 - c. Does not meet current standards for sewage disposal and domestic water supply.
 - d. Does not meet slope stability standards.
 - e. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.
 - f. Its development would create health or safety hazards.
 - g. Is inconsistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.

B. City Initiation Merger; Notification Of Intention To Merge: Prior to recording a notice of merger, the zoning administrator shall cause to be mailed by certified mail to the current record owner of the property a notice of intention to determine status, notifying the owner that the affected parcels may be merged pursuant to standards specified in the merger ordinance, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record with the Tulare County recorder on the date that notice is mailed to the property owner.

1. Request For Hearing: At any time within thirty (30) days after recording of the notice of intention to determine status, the owner of the affected property may file with the zoning administrator a request for a hearing on determination of status.
2. Procedure For Hearing: Upon receiving a request for a hearing on determination of status, the zoning administrator shall fix a time, date and place for a hearing to be conducted by the city council, and shall so notify the property owner by certified mail. The hearing shall be conducted not less than thirty (30) days following the receipt of the property owner's request therefor, but may be postponed or continued with the mutual consent of the zoning administrator and the property owner.
3. Procedure For Determination Following Hearing: At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in the merger ordinance. At the conclusion of the hearing, the city council shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. A determination of nonmerger may be made whether or not the affected property meets the standards for merger

specified in subsections B1 and B2 of this section. A determination of merger shall be recorded within thirty (30) days after conclusion of the hearing.

4. Determination When No Hearing Is Requested: If, within the thirty (30) day period specified in subsection B1 of this section, the owner does not file a request for a hearing, the zoning administrator may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged. A determination of merger shall be recorded with the Tulare County recorder which specifies the names of the property owners and particularly describes the real property in question no later than ninety (90) days following the mailing of the notice required by subsection B2 of this section.

5. Notice Of Intention For Nonmerger: If, in accordance with subsection B3 or B4 of this section, the zoning administrator or city council determines that the subject property shall not be merged, it shall cause to be recorded a release of the notice of intention to determine status, and shall mail a clearance letter to the current owner of record.

C. Property Owner Initiated Merger Of Contiguous Parcels: Pursuant to Government Code section 66499.20³/₄, a property owner owning contiguous parcels is authorized to merge those contiguous legal parcels without requiring the property to be reverted to acreage. Such merger shall be accomplished in accordance with the following procedures:

1. The property owner shall file an application for merger with the zoning administrator, submit evidence of title to all parcels to be affected, submit a proposed certificate of compliance, and pay the processing fee established by resolution of the city council. Mergers shall be in the form and contain the information required of a tentative map together with a legal description of the merged parcel.

a. The zoning administrator and city engineer shall consider and approve the application if it is found that the parcel created by the merger will conform to the requirements of this chapter and applicable state law.

b. The merger shall be evidenced by recording a certificate of compliance which lists the parcel numbers affected and is signed by the zoning administrator and city engineer. The certificate of compliance shall be recorded concurrently with any deed of easement regarding the relocation or elimination of applicable easements. The certificate of compliance shall be recorded against each parcel that is merged.

D. Certificate Of Compliance:

1. Any person owning real property may request, and the zoning administrator shall determine, whether such real property complies with the provisions of the map act and of this series. Upon making such a determination, the zoning administrator shall cause a certificate of compliance to be filed for record with the county recorder. The certificate of compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of the map act and of this series. The zoning administrator may impose a reasonable fee to cover the cost of issuing and recording the certificate of compliance.

2. If the zoning administrator determines that such real property does not comply with the provisions of the map act or of this series, he may, as a condition to granting a certificate of compliance, impose such conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property and which had been established at such time by the map act or this series. Upon making such a determination and establishing such conditions, the zoning administrator shall cause a conditional certificate of compliance to be filed for record with the county recorder. Such certificate shall serve as notice to the property owner who has applied for the certificate pursuant to this section, a grantee of the property owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property. Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development of such property is issued by the city. (Ord. 1801, 12-3-2013)

406.03: LOT LINE ADJUSTMENTS:

A. Procedures: Pursuant to Government Code section 66412(d), a lot line adjustment between four (4) or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, may be approved by the city engineer and zoning administrator or authorized representatives without the approval and filing of a parcel map. Such lot line adjustments shall be accomplished in accordance with the following procedures:

1. Applications for lot line adjustments shall be filed with the zoning administrator and shall be in the form and contain the information required of a tentative map together with legal descriptions of each parcel.

2. The property owner(s) or agent shall file an application for a lot line adjustment with the city, submit evidence of title to all parcels to be affected, submit a proposed lot line adjustment map and legal description, and pay the processing fee established by resolution of the city council.

3. The zoning administrator and city engineer shall consider and approve the application if it is found that the parcels created by the lot line adjustment will conform to the requirements of this chapter and applicable state law. Criteria to be considered includes, but is not limited to, standards relating to lot width and depth and minimum lot area.

4. The lot line adjustment shall be evidenced by recording a deed describing each affected parcel and a city resolution signed by the zoning administrator and city engineer. The deed and resolution shall be recorded concurrently with any easement deed regarding the relocation or elimination of applicable easements.

B. Conditions: The city engineer shall not impose any conditions on the approval of a lot line adjustment except to comply with the requirements of subsection A of this section. Any improvements that are required to be installed or constructed shall be constructed pursuant to the requirements of this chapter. (Ord. 1801, 12-3-2013)



ARTICLE 407. DEDICATIONS, RESERVATIONS AND IMPROVEMENTS

SECTION:

407.01: Dedications

407.02: Improvements

407.03: Design And Construction Standards

407.01: DEDICATIONS:

A. Purpose: The purpose of this article is to establish the dedications and reservations that the city may impose on a subdivider as a condition for approval of a tentative map.

B. Required Dedications: When required as a condition for approval of a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of land within the subdivision that is needed for streets, alleys, including access rights and abutters' rights, drainage easements, elementary school sites, parks, and other easements and parcels of land intended for public use according to the standards listed below. In addition, the subdivider shall improve or agree to improve all streets and alleys, including access rights and abutters' rights, drainage, public utility easements and other public easements.

1. Streets: The subdivider shall dedicate land for streets according to adopted city standards. Partial streets shall be discouraged in developments except in those situations where warranted and when approved by the city engineer in accordance with the following:

a. Where a full pavement street is constructed along the perimeter of a subdivision, the subdivider shall be compensated for this construction by reimbursement agreement between the subdivider, the city and the adjoining property owner when development occurs on his property.

b. Where a partial street configuration is allowed, the outside edge shall be a thickened design approved by the city engineer, and when the other portion of the street is constructed by development, the subdivider shall be required to overlay the existing partial street with pavement (making for a smooth transition at the center and a smoother traveled way). No parking signs shall be posted by the subdivider if there are no lots fronting on the partial street.

c. When there are lots fronting on the partial street the dedication and improvement shall be wide enough to permit two (2) lanes of traffic and on street parking on one side.

2. Waiver Of Direct Access Right: The city engineer or public works director may require that offers of dedication of streets include a waiver of direct access rights from any property shown on the final map as abutting thereon.

3. **Public Easements:** The subdivider shall dedicate easements of at least ten feet (10') in width for public utility, sanitary sewer and drainage purposes on each side of rear lot lines, along side lot lines, and in planting strips wherever necessary. Easements of different width may be required, based on the public works director's determination.
4. **Drainage Facilities:** In accordance with Government Code section 66483, the city, as appropriate and as permitted by law, shall require payment of fees for purposes of defraying the costs of constructing planned drainage facilities if any part of the land division is located within a planned drainage area. If the subdivider installs planned drainage facilities, fees shall be reduced accordingly. Fees required pursuant to this section and associated with residential development shall be paid consistent with the provisions of section 66007 of the California Government Code.
5. **Bicycle Paths:** When required as a condition for approval of a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of land that is needed to provide bicycle paths for the use, safety, and benefit of the residents of the subdivision.
6. **Bridges And Major Thoroughfares:** If a land division or any portion thereof lies within an area of benefit established in accordance with this chapter or any other city ordinance adopted in accordance with section 66484 of the subdivision map act, the subdivider shall pay to the city the apportioned fees applicable to that portion of the land division lying within such area of benefit, in accordance with the requirements of subsection B6d of this section.
- a. **Considerations In Lieu Of Fees:** The city council may allow any subdivider to furnish a consideration in lieu of payment of the fees mentioned in the preceding paragraph, if the council finds that such consideration has a value not less than the fees that would otherwise be payable. The form of consideration in lieu of fees may include, but shall not be limited to, any of the following or a combination thereof:
- (1) Construction of all or part of a bridge project or major thoroughfare project, as the case may be, for which the area of benefit was established.
 - (2) Dedication or conveyance of all or part of the site or right of way required for major construction of a bridge project or major thoroughfare project, as the case may be, for which the area of benefit was established.
- b. **Value In Excess Of Fees:** If the city council finds that the consideration in lieu of fees has a value in excess of the amount of fees that would be otherwise payable, the council may enter into an agreement with the party furnishing such consideration for reimbursement of the amount of such excess from monies, then in or which may later accrue to, the fund into which such party would have been required to pay fees but for such consideration in lieu of fees, and to reimburse such party from such fund in accordance with such agreement.
- c. **Requirement To Construct Facilities:** The city shall require a subdivider to construct any necessary bridge facilities, major thoroughfares, parts thereof, or contribute to bridge facility or major thoroughfare costs if the city council finds that:
- (1) The subdivider's cost or contribution would not exceed the cost of a local facility in lieu of such bridges or major thoroughfares; or
 - (2) A proceeding has been commenced for establishing an area of benefit for such bridge project or major thoroughfare project and has been abandoned by reason of majority protest, and that there is a reasonable probability that use of a local facility in lieu of such bridge would by reason of traffic, including, but not limited to, traffic which may be generated by such land division, constitute a hazard to public safety.
- d. **Establishing Area Of Benefit:** An area of benefit as referred to in this section shall be established in the following manner:
- (1) The city council shall hold a public hearing for each area of benefit to be established. Notice of such hearing shall be given in accordance with Government Code section 65091. Such notice shall contain preliminary information related to the boundaries of the proposed area of benefit, the estimated cost of the bridge project or major thoroughfare project, as the case may be, the proposed allocation to the area of benefit, and the proposed method of fee appointment. Such notice shall also state the date, time and place of the public hearing, and that written protests may be filed as provided in this section.
 - (2) Owners of property within the proposed area of benefit may file written protests with the city clerk at any time prior to the date and time fixed for such public hearing. Any protest may be withdrawn by the owner of

the land making the protest by a request in writing filed with the city clerk at any time prior to conclusions of such public hearing.

(3) If a written protest by the owners of more than one-half (0.5) of the area of the property to be benefited by the improvement, against establishment of such area of benefit or against the proposed improvements or acquisitions, is not withdrawn prior to the conclusion of the hearing, then the proceedings shall be abandoned. In such event, the city council shall not, for at least one year from the date of such hearing, commence or carry on any proceedings for establishment of an area of benefit for the same improvements or acquisitions.

(4) If a written protest by the owners of more than one-half (0.5) of the area of the property to be benefited by the improvement, against only a portion of the proposed improvement or acquisition, is not withdrawn prior to the conclusion of the hearing, then the proceedings shall be abandoned with respect to the proposed improvement or acquisition that has been protested against. In such event, the city council shall not, for at least one year from the date of such hearing, commence or carry on any proceedings for the establishment of an area of benefit for the improvement or acquisition so protested against. Nothing in this subsection shall be deemed to prohibit the council, within such one year period, from commencing or carrying on new proceedings for the establishment of an area of benefit for the part of the improvement or acquisition protested, if it finds by the affirmative vote of at least four-fifths ($\frac{4}{5}$) of its members, that the owners of more than one-half (0.5) of the area of the property to be benefited are in favor of going forward with such portion of the improvement or acquisition.

(5) At such public hearing, the city council shall determine whether to establish such area of benefit, and if so, shall adopt a resolution prescribing the boundaries of the area of benefit, stating the cost, whether actual or estimated, a fair method of allocation of costs to the area of benefit, and a fair apportionment of fees. A certified copy of such resolution shall be filed for record with the county recorder.

(6) In case of a requirement for any bridge, the city council shall find that, prior to said public hearing, the city has adopted at least thirty (30) days prior to the filing of any tentative map, a circulation element as part of the general plan, which identifies railways, freeways, streams or canyons for which bridge crossings are required, and that the bridge or each bridge for which such area of benefit is established is one necessary to satisfy such bridge crossing requirement in such element or provisions of the general plan.

(7) In case of a requirement for any major thoroughfare, the city council shall find that, prior to said public hearing, the city has adopted at least thirty (30) days prior to the filing of any tentative map, a circulation element as part of the general plan that identifies those major thoroughfares whose primary purpose is to carry through traffic and provide a network connecting to the state highway system, and that the major thoroughfare or section thereof for which such area of benefit is established is one so identified in such circulation element.

(8) The resolution adopted by the city council shall require that the apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of any final map or any parcel map or a condition to issuing a building permit thereon, consistent with the provisions of section 53077.5 of the Government Code.

(9) The area of benefit may include land or improvements in addition to the land or improvements that are the subject of any map or building permit application considered at such hearing.

(10) Where the area of benefit includes lands not subject to the payment of fees pursuant to this section, the city council shall make provisions for payment of the share of improvement costs apportioned to such lands from other sources.

(11) In the case of major thoroughfares, the method of fee apportionment shall not provide for higher fees on land that abuts the proposed improvement, except where the abutting property is provided direct usable access to the major thoroughfare.

(12) In case of major thoroughfares, the payment of fees shall not be required unless the major thoroughfare is in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time of establishment of the zone of benefit.

(13) In the case of a planned bridge facility, the payment of fees shall not be required unless the planned bridge facility is an original bridge serving the area of benefit or is an addition to an existing bridge facility serving such area at the time of establishment of the zone of benefit. No fees contributed shall be

expended to reimburse the cost of construction of any bridge existing at the time of establishment of the zone of benefit.

e. **Planned Bridge Facility Fund:** A planned bridge facility fund shall be established for a bridge project within an area of benefit, or if the area of benefit is one in which more than one bridge is required to be constructed, a fund shall be established covering all such bridge projects. Fees paid pursuant to this section on account of a bridge or bridges within an area of benefit shall be deposited into the fund for such area.

f. **Planned Major Thoroughfare Fund:** A planned major thoroughfare fund shall be established for each planned major thoroughfare project and each particular area of benefit which it benefits. Fees paid pursuant to this section on account of a major thoroughfare project within an area of benefit shall be deposited into the fund for such area.

g. **Expenditure Of Bridge And Major Thoroughfare Facility Funds:** Monies in such funds shall be expended solely for the construction of the improvement project serving the area to be benefited as follows:

(1) To reimburse the city for costs advanced or incurred by it for construction of such improvement project or any portion thereof; and

(2) To reimburse any subdivider for the agreed portion of his or her costs of construction of such improvement project, or portion thereof, in accordance with a reimbursement agreement entered into with the city, as mentioned in subsection B6b of this section.

(3) In the event that monies in such funds are insufficient to accomplish all of the purposes that this section lists, such monies in the fund shall be apportioned to each such purpose on a pro rata basis.

h. **Project Completion:** After completion of all bridge facility projects for which a planned bridge facility fund has been established or all major thoroughfare projects for which a planned major thoroughfare fund has been established, or in the event of abandonment of any such project, and after reimbursement of the city and each subdivider entitled thereto under a reimbursement agreement, as mentioned in subsection B6b of this section, the city council shall determine by resolution the amount of the surplus, if any, remaining in any such funds or as may accumulate in such funds from time to time. The city council shall order any such surplus refunded as follows:

(1) There shall be refunded to the current owners of property for which a fee was previously collected the balance of such monies in the same proportion which each individual fee collected bears to the total of all individual fees collected from the particular area of benefit. For the purposes of this paragraph, the term "property for which a fee was previously collected" shall be deemed to include land within any land division with respect to which such fees were paid as a condition to its approval and any building with respect to which such fees were paid as a condition to issuing a building permit therefor. For purposes of this paragraph, the term "fee collected" shall include, in the case of a subdivider who has entered into a reimbursement agreement with the city, the aggregate amount of cash fees and the value of the consideration in lieu of fees furnished by such subdivider.

(2) Where property for which a fee was previously collected has subsequently been subdivided into more than one lot, each current owner of a lot shall share in the refund payable to the owners of the property for which a fee was previously collected in the same proportion which the area of each individual lot bears to the total area of the property for which a fee was previously collected.

(3) There shall be transferred to the city general fund any remaining portion of the surplus that has not been paid to or claimed by the persons entitled thereto within two (2) years from the date of adoption of the resolution declaring a surplus.

(4) For the purposes of this paragraph, the term "fee collected" or any variation thereof, shall also be deemed to include the amount of fees that would have been payable by a subdivider but for furnishing consideration in lieu of fees.

i. **Advances And Voluntary Contributions:** The city council may authorize advancement of money from the city general fund or from the road fund to pay the cost of constructing any bridge project or major thoroughfare project and may reimburse such fund or funds for such advances from the planned bridge facility fund or the planned major thoroughfare fund established to finance the construction of such improvements.

(1) Nothing in this section shall be deemed to preclude the city from providing funds for the construction of bridge facilities or major thoroughfares to defray costs not allocated to an area of benefit.

(2) Nothing in this section shall be deemed to preclude the subdivider from volunteering to construct a bridge or major thoroughfare or part thereof, or to contribute to the cost thereof, in excess of the cost of a local facility, nor to preclude the city from participating in such construction or carrying out such construction using money so contributed.

7. Transit Facilities: When required as a condition for approval of a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of land within the subdivision for local transit facilities such as bus turnouts, benches, shelters, landing pads and similar items that directly benefit the residents of a subdivision.

8. Railroad And Grade Crossings: The city council or the parcel map committee shall review proposed subdivision plans with respect to existing railroad crossings and proposed or likely grade separations or other such facilities and shall require such changes as may be necessary to ensure that the design and improvement of the subdivision does not interfere with such future grade separations or other measures. The subdivider shall dedicate or make an irrevocable offer for dedication of the rights of way required for any grade separation or similar improvement that the general plan circulation element proposes.

9. Solar Access Easements: At such time as the city has adopted solar access standards, and when required as a condition for approval of a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of easements for the purpose of assuring that each parcel or unit in the subdivision for which approval is sought has the ability to receive sunlight across adjacent parcels or units in the subdivision for any solar energy system. The dimensions and locations of such easements shall be in accord with any standards for solar access adopted by the city council.

10. Park Land: 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 map but in no case shall be less than three (3) acres of park area per one thousand (1,000) persons nor more than five (5) acres per one thousand (1,000) persons who will live in the subdivision, calculated as follows:

- a. The ultimate population of the subdivision is based upon the approved residential density and the average household size for the type of unit;
- b. Total population of the city shall be as reported in the most recent available federal census;
- c. Current park acreage shall be the amount of neighborhood and community park acreage identified in the general plan or any more recent records, maps, or reports.

11. Elementary School Sites: As a condition of approval of a final subdivision map, a subdivider who develops or completes the development of one or more subdivisions within one or more school districts maintaining an elementary school may be required to dedicate to the school district or districts such lands as the district shall deem necessary for the purpose of constructing elementary schools necessary to assure the residents of the subdivision adequate elementary school service.

a. Procedure: The requirement of dedication shall be imposed at the time of approval of the tentative map. If within thirty (30) days after the requirement of dedication is imposed by the city the school district does not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time, before, concurrently with, or up to sixty (60) days after the filing of the final map on any portion of the subdivision.

b. Payments To Subdivider: The school district shall, if it accepts the dedication of land, repay the subdivider the original cost of the dedicated land, plus a sum equal to the total of the following:

(1) Improvement Costs: The cost of any improvements to the dedicated land since acquisition by the subdivider;

(2) Assessed Taxes: The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication;

(3) Other Costs: Any other costs incurred by the subdivider to maintain the dedicated land, including interest costs incurred on any loan on the land.

c. Exceptions: The requirements for dedication shall not apply to a subdivider who has owned the land being subdivided for more than ten (10) years prior to the filing of the tentative map.

C. Acceptance Of Dedications: At the time the city approves a final map or parcel map, the city shall also accept subject to improvement, or reject, any offer of dedication. The council or the city engineer, on behalf of the city council pursuant to section 1806(c) of the Streets And Highways Code, may accept said dedications. The city clerk shall certify or state on the map the city's action.

1. Offers Of Dedication: If at the time the final map is approved, any streets, paths, alleys, or storm drainage easements are rejected, the offer shall remain open and the council or the city engineer may, by resolution at any later date and without any further action by the subdivider, rescind the city's action and accept and open the streets, paths, alleys or storm drain easements for public use which acceptance shall be recorded in the office of the county recorder. Dedications and acceptance or rejection of parcels of land for elementary school sites, public utility and other easements on parcels of land not previously specified shall be in accordance with the provisions of the map act.

2. Termination Of Offers: Offers of dedications may be terminated and abandoned in the same manner as prescribed for the summary vacation of streets by part 3 (commencing with section 8300) of division 9 of the Streets And Highways Code.

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

1. The name and address of the subdivider dedicating the property.

2. A legal description of the real property being dedicated.

3. A statement that the city shall reconvey the property to the subdivider if the city makes a determination that the same public purpose for which the property was dedicated does not exist, or the property or any portion thereof is not needed for public utilities.

E. Reservations:

1. General: As a condition of approval of a tentative map, the subdivider shall reserve sites, appropriate in area and location, for parks, recreational facilities, fire stations, libraries or other public uses according to the standards and formula contained in this section.

2. Standards For Reservation:

a. Such requirement is based upon an adopted specific plan or an adopted general plan containing policies and standards for those uses, and the required reservations are in accordance with those policies and standards.

b. The ordinance has been in effect for a period of at least thirty (30) days prior to the filing of the tentative map.

c. The reserved area is of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner.

d. The amount of land reserved will not make development of the remaining land held by the subdivider economically unfeasible. The reservation area shall conform to the adopted specific plan or general plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period; in such event, the subdivider shall make those changes as are necessary to permit the reserved area to be developed for the intended purpose consistent with good subdividing practices.

3. Procedure: The city shall, at the time of approval of the final map or parcel map, enter into an agreement to acquire such reserved area within two (2) years after completion and acceptance of all improvements required as a condition of such map, unless such period of time is extended by mutual agreement.

4. Payment: The purchase price shall be the market value thereof at the time of the filing of the tentative map plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.

5. Termination: If the city does not enter into the agreement required, the reservation of such area shall automatically terminate. (Ord. 1801, 12-3-2013)

407.02: IMPROVEMENTS:

A. General Requirements: The subdivider shall install improvements in accord with the general requirements set forth in this article; provided, however, the city engineer or public works director may require changes in typical sections and details if unusual conditions arise to warrant such changes.

B. Standard Specifications: All improvements shall conform to the requirements contained in the city of Porterville "Standard Plans And Specifications", "Standard Specifications For Public Works Construction", "Caltrans Standard Specifications" for street structural section components, and "Work Area Traffic Control Handbook", as all of same now exist or are subsequently amended. Copies shall be maintained on file in the office of the city clerk and the city engineer or public works director.

C. Improvement Plans: Construction of improvements shall not commence until calculations, plans, profiles, and specifications for such work have been submitted to and approved by the city engineer. Such items shall be approved prior to recording the final map. Construction of all improvements shall conform to the approved improvement plans and specifications and approved amendments thereto. After construction is completed, the subdivider's engineer shall show all changes made on the original set of plans and provide them to the city marked "as built plans".

D. Improvement Construction Inspection And Supervision: All improvements shall be inspected and approved by the city engineer or public works director or his authorized representative. The subdivider shall be responsible for the actions of his contractor. Twenty four (24) hours' minimum notice will be required prior to an inspection by city personnel.

E. Plan Check And Inspection Fees: Subdivider shall be required to pay a plan check and inspection fee which shall include all charges for engineering and inspection services and rendered by the city including the cost of recording maps. The plan check and inspection fee shall be as indicated in the city comprehensive fee schedule.

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

F. Required Improvements Enumerated: The subdivider shall improve, or agree to improve, all streets, highways, or ways in or adjacent to the subdivision. All improvements shall be installed to permanent line and grade in accordance with the approved improvement plans for that subdivision on file with the city engineer or public works director. Improvements which the subdivider shall make, or agree to make, at the cost of the subdivider, shall be as follows:

1. Underground Utilities: All utility distribution facilities, including, but not limited to, electric, communication, and cable television lines installed in and for the purpose of supplying service to any subdivision, shall be placed underground in accordance with the utility's rules and regulations on file with the California public utilities commission. Equipment appurtenant to underground facilities, such as surface mounted transformers, streetlight poles, pedestal mounted terminal boxes and meter cabinets and concealed ducts may be installed above the surface of the ground. The subdivider is responsible for complying with the requirements of this section and shall make the necessary arrangements with the utility companies involved for the installation of said facilities. All underground utilities, sanitary sewers, and storm drains installed in streets, service roads, alleys or highways shall be constructed in accordance with the standard specifications prior to the surfacing of such street, service road, alley or highway. Service connections for all underground utilities and sanitary sewers shall be placed in such length as will obviate the necessity for disturbing the street or alley improvements when service connections thereto are made.

2. Streets: All streets shall be graded and surfaced to cross sections and grades approved by the city engineer or public works director.

3. Structures: Structures shall be installed as required for drainage, access and/or public safety. Such structures shall be placed to grades and shall be of a design approved by the city engineer or public works

director.

4. Grading And Drainage: Site grading and drainage taking into consideration the drainage pattern of adjacent improved and unimproved property and treating upstream areas, where appropriate, as though fully improved.

5. Sidewalks, Curbs, Gutters And Driveway Approaches: Curbs, gutters, sidewalks and driveway approaches shall be installed to grades approved by the city engineer or public works director.

6. Sanitary Sewers: Sanitary sewer facilities connecting with the existing city sewer system shall be installed to serve each lot and to grades, locations, design and size approved by the city engineer or public works director. No septic tanks or cesspools shall be permitted.

7. Storm Drains: Stormwater sewers shall be installed as required by the city engineer or public works director.

8. Water Supply: Each unit or lot within the subdivision shall be served by an approved domestic water system.

9. Fire Flow And Fire Hydrants: As provided in the California fire code, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The required fire flow shall be determined by the fire chief.

a. The location, number, and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises to be protected as required and approved by the fire chief. All hydrants shall be accessible to the fire department by access roadways meeting California fire code requirements for "access roadways for fire apparatus". Such fire protection facilities including all surface access roads shall be installed and made serviceable by the subdivider prior to the time of construction.

b. When fire hydrants density, as determined by the hydrant spacing requirement, is not sufficient to provide the required fire flow, additional fire hydrants may be required by the chief.

c. Design, locations, and layout of water mains and fire hydrants shall be approved by the city engineer and the fire chief, and shall be installed by the subdivider.

d. The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises to be protected as required and approved by the chief. All hydrants shall be accessible to the fire department apparatus by access roadways meeting California fire code requirements for access roadways for fire apparatus. Such fire protection facilities, including all surface access roads, shall be installed and made serviceable by the subdivider prior to the time of construction.

10. Subdivision Trees: Subdivision trees and landscaping design shall be approved by the city and shall be planted at a time and in locations approved by the city director of parks and leisure services, all in general accord with the requirements of the municipal code.

a. At least one tree shall be planted on each residential lot. Five (5) gallon trees shall be installed upon all lots abutting interior, local and collector streets, and fifteen (15) gallon trees shall be planted upon parcels having frontage on arterial thoroughfares.

b. The subdivider shall be required to plant street trees at thirty five feet (35') on center along all parkways within and/or bordering the subdivision.

11. Street Signs: Street signs shall be installed by the city at the subdivider's expense. Any required barricades to prevent traffic access at dead end streets shall be provided by the subdivider in accord with the standard specifications.

12. Streetlights: Streetlights shall be installed by the subdivider at locations designated by the city engineer.

13. Railroad Crossings: Provisions shall be made for any and all railroad crossings necessary to provide access to, or circulation with, the proposed subdivision, including the preparation of all documents necessary for application to the public utilities commission of the state of California for the establishment and improvement of such crossing.

14. Lot Corners: The subdivider's engineer shall set at all lot corners a marker consisting of a one inch (1") diameter iron pipe twenty four inches (24") long, with the surveyor or engineer's marker thereon.

15. Bench Marks: The subdivider's engineer shall set at least two (2) bench marks in the subdivision tied to North American vertical datum of 1988.

16. Temporary Drainage Reservoir Lots: Temporary drainage reservoir lots, when approved, shall be designed and constructed to the requirements of the city engineer or public works director and the director of parks and leisure services.

17. Others: Other improvements deemed necessary by the city council for the public health, safety or welfare.

G. Agreement For Installation Of Improvements: Prior to the approval by the city council of the final map, the subdivider shall execute and file an agreement between the subdivider and the city, specifying a period of time, agreeable to the city engineer or public works director, which shall be not greater than one year, within which he shall complete all improvement work to the satisfaction of the city engineer or public works director, and providing that if the subdivider shall fail to complete such work within such period, the city may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for inspection of all improvements by the city engineer or public works director or his authorized representative and reimbursement to the city by the subdivider for the cost of such inspection. Such agreements may also provide:

1. For the construction of the improvements in units.

2. For an extension of time under conditions therein specified.

3. For the termination of the agreement upon the completion of proceedings under an assessment district act for the construction of improvements deemed by the city engineer or public works director to be at least the equivalent of the improvements specified in such agreement and required to be constructed by the subdivider.

4. For progress payments to the subdivider, or his order, from any deposit money which the subdivider may have made in lieu of providing a surety bond, as provided in this article; provided, however, that no such progress payment shall be made for more than ninety percent (90%) of the value of any installment of work, and provided that each such installment of work shall be completed to the satisfaction of the city engineer or public works director.

5. The subdivider to arrange a preconstruction conference with the city, involving representative(s) of all contractors who are to work on the improvements, one week prior to the initial start of construction.

6. The subdivider to give the city twenty four (24) hours' notice prior to restarting work if no construction work has been done for two (2) or more prior workdays.

H. Construction Of Improvements Absent Subdivision Agreement: If the subdivider chooses to construct improvements absent a subdivision agreement, pertaining to the improvements to be constructed, as specified in subsection G, "Agreement For Installation Of Improvements", of this section, then the subdivider shall execute and file a preliminary subdivision agreement between the subdivider and the city. The preliminary subdivision agreement shall specify a period of time, not to exceed one year, within which all improvements shall be completed, and providing that if the subdivider shall fail to complete such work within such period, the city may increase inspection fees to recover any additional inspection costs incurred by the city. Such agreements may also provide for:

1. The subdivider to arrange a preconstruction conference with the city, involving representative(s) of all contractors who are to work on the improvements, one week prior to the initial start of construction.

2. The subdivider to give the city twenty four (24) hours' notice prior to restarting work if no construction work has been done for two (2) or more prior workdays.

I. Improvement Security:

1. Security: The subdivider shall file with the agreement required by the provisions of subsections G and H of this section, to assure his full and faithful performance thereof, a bond or security for such sum as the city engineer deems sufficient to cover the cost of the improvements.

2. Security, Form, And Amount: Such security shall be in the manner, form, and kind provided by the map act and acceptable to the city attorney. The security shall be in the amount of one hundred percent (100%) of

the estimated cost of the improvements, conditioned upon the faithful performance of his agreement by the subdivider, and in the additional amount of one hundred percent (100%) of such sum securing the payment by the subdivider to his contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials to them for improvements. The security provided shall guarantee maintenance and/or repair of all defects in required public improvements for a period of one year following acceptance of said improvements by the city. In lieu of a one hundred percent (100%) performance bond and one hundred percent (100%) labor and materials bond, surety may be assured by the filing of a letter of credit, cash deposit, or deposit of negotiable bonds, which creates a trust fund in an amount equal to one hundred ten percent (110%) of the cost of the work estimated by the city engineer or public works director. Said trust fund shall be maintained in a financial institution subject to regulation by the state and federal government with the trust fund limited to the following conditions:

a. Ten percent (10%) of the cost, representing a labor and materials deposit, to be retained for thirty five (35) days after the filing of the notice of completion.

b. Funds may be discharged from the balance of the surety account from time to time as work is completed, up to ninety percent (90%) of value of work completed, with authorization of the city engineer until all work is completed and the notice of completion is filed; at which time the remaining funds shall be released thirty five (35) days thereafter.

c. Prior to final acceptance by the city of improvements, the subdivider shall provide the city with a one year maintenance bond in the amount of five percent (5%) of the estimated cost of improvements.

3. Completion Of Work By City: In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this series and the city shall have completed the same, or if the subdivider shall fail to reimburse the city for the cost of incidental expenses or to cover the cost of replacement and the repair of existing streets or other improvements damaged in the development of the subdivision or requiring repair or replacement during the one year guarantee period, the city shall demand performance of the agreement by the subdivider to do such work and reimburse itself for the cost of work agreed to be performed by the subdivider. If the amount of the surety bond or cash deposit exceeds all costs and expenses incurred by the city, the city shall release the remainder of such bond or certification, less the cost and expense incurred by the city. The subdivider shall be liable to the city for any costs additional to those secured in an action to be brought therefor by the city.

J. Supplemental Improvements:

1. Required: The subdivider may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity or number for the benefit of property not within the subdivision as a condition precedent to the approval of a subdivision or parcel map, and thereafter to dedicate such improvements to the public. "Supplemental size, capacity or number" shall mean that size, capacity or number in excess of the minimum standard city requirements.

2. Improvement Security: When constructing off site improvements, the subdivider shall file a bond or security in accordance with subsection I of this section for such sum as the city engineer deems sufficient to cover the cost of the improvements to assure his full and faithful performance thereof.

3. Reimbursement Agreement: The city shall enter into an agreement for reimbursement to the subdivider. However, the subdivider shall be reimbursed only for that portion of the cost of such improvements equal to the difference between the amount it would cost the subdivider to install improvements to serve the subdivision only, and the actual cost of oversize improvements or in the case of master plan facilities, the subdivider is entitled to one hundred percent (100%) of the reimbursed cost.

4. Nonmaster Plan Reimbursement Procedures: The subdivider shall submit a written request, along with supporting documentation to the city engineer within forty five (45) days of completion of the improvements. To pay the cost of such reimbursement, the city council may at its discretion:

a. Immediately reimburse the subdivider for the entire cost of oversizing and thereafter levy a charge upon the real property benefited thereby; or

b. Collect a reasonable use charge for the account of the subdividers from persons not within the subdivision using the oversized improvements.

5. Reimbursement Procedures: Upon the expiration of thirty (30) days from the date of the notice of completion and upon full occupancy of the development or phased development, money shall be disbursed

from the master facilities construction fund to pay for or to reimburse others for the cost of all the work referred to in said notice of completion; said money disbursed shall be the actual value of the work completed, as determined by the city engineer. The developer shall submit all documentation necessary to support final payment within ninety (90) days of full occupancy of the development or phased development. Failure to do so shall void developer's right to request reimbursements.

K. Utility Fees And Off Site Charges:

1. The subdivider shall pay utility fees for sewer, water and storm drainage as may be required by applicable council resolution or ordinance.

2. Engineering plan checking, inspection fees, acreage fees and off site charges, i.e., street signs, subdivision trees, etc., shall be paid prior to approval of the subdivision agreement by the city council. (Ord. 1801, 12-3-2013)

407.03: DESIGN AND CONSTRUCTION STANDARDS:

A. Streets And Highways:

1. Conformance With Various Plans: The street and highway design shall conform both in width and alignment with any general plan circulation element, precise street plans and other precise plans adopted by the city council, and right of way for any such street or highway indicated on the general plan or precise plans shall be dedicated to the city by the subdivider.

2. Street Classification; Width: Streets and highways not otherwise designated on the circulation element of the general plan shall not be less than those set forth in this section, except where it can be shown by the subdivider that the topography of the land is such as to justify narrower width. Increased widths may be required for bicycle lanes and, when determined necessary, by the city council in the public interest. Approval or determination of street classification shall be made by the city council.

a. Major arterial rights of way shall not be less than one hundred sixteen feet (116') in width.

b. Minor arterial rights of way shall not be less than ninety four feet (94') in width.

c. Collectors without on street parking rights of way shall not be less than fifty three feet (53') in width.

d. Collectors with median and without on street parking rights of way shall not be less than sixty five feet (65') in width.

e. Collectors with on street parking rights of way shall not be less than sixty seven feet (67') in width.

f. Local residential rights of way shall not be less than forty seven feet (47') in width.

g. Local commercial street rights of way shall not be less than sixty feet (60') in width.

h. Cul-de-sac or other dead end street serving less than ten (10) homes shall not be less than forty seven feet (47') in width.

3. Relationship To Existing Streets: The street system in the proposed subdivision shall relate functionally to the existing streets in the area adjoining the subdivision and be designed to maximize access points to existing local and collector streets.

4. Centerlines: The centerlines of all streets, wherever practicable, shall be the continuations of the centerlines of existing streets, or shall be offset at least one hundred fifty feet (150').

5. Intersections: Each street intersection shall be as near to a right angle as is practicable, and no intersection of streets at angles less than sixty degrees (60°) shall be approved, unless necessitated by topographical conditions as determined by the city engineer.

6. Corner Cutoffs: At street intersections, the block corners shall have a corner cutoff sufficient to accommodate a city standard street intersection return, inclusive of a wheelchair ramp.

7. Cul-De-Sac Or Dead End Streets: Cul-de-sac or dead end streets shall be no more than six hundred feet (600') in length and shall have a turnaround having a minimum radius of forty seven feet (47'), measured to the property line, and minimum of forty feet (40') to curb face unless the city engineer determines that such turnaround is not necessary.

a. Cul-de-sacs and dead end streets shall be prohibited in R districts except where necessary to give access to or permit satisfactory future development of adjoining land. If cul-de-sacs and dead end streets cannot be avoided, bicycle and pedestrian connections shall be provided from the cul-de-sac or dead end street to nearby public areas and main streets.

b. Cul-de-sacs and dead end streets shall be avoided in all other districts. If cul-de-sacs and dead end streets cannot be avoided, bicycle and pedestrian connections shall be provided from the cul-de-sac or dead end street to nearby public areas and main streets.

8. Curve Radius: The centerline curve radius on all streets shall be designed in accordance with acceptable safe engineering practices. In no case shall the curve radius for an arterial be less than five hundred feet (500'). Centerline curve radius on all other streets shall not be less than two hundred feet (200').

9. Frontage Streets: When any lots front or side on any arterial, collector, expressway or freeway, the subdivider may be required to dedicate and improve a frontage street to provide ingress to and egress from such lots. Residential properties shall not take access to/from arterial or collector streets.

10. Private Roads And Alleys: Private roads and alleys shall not be permitted unless a conditional use permit is approved by the city council and, if approved, all private roads or alleys shall be constructed to city standards. Private roads and alleys shall also comply with subsection 408.01E, "Warranty And Reserves", of this series.

11. Grades Of Streets: Streets shall not be less than 0.2 percent and not greater than seven percent (7%), unless because of topographical conditions or other exceptional conditions the city engineer determines that a grade less than 0.2 percent, or in excess of seven percent (7%), is necessary.

12. Fire Hydrants: The position of any street within twenty feet (20') of a fire hydrant shall not have a grade in excess of seven percent (7%) to allow for the positioning of a fire suppression unit.

13. Access On Arterials: Arterial streets shall not be used to provide direct access to individual single-family residential lots. When the rear or side of any lot borders an arterial, the subdivider may be required to execute and deliver to the city an instrument prohibiting the right of vehicular ingress and egress from said arterial to said lot.

14. Access On Collectors: The use of a collector as primary direct access to individual single-family residential lots shall not be allowed.

B. Alleys:

1. The city council, for any one of the following reasons, may require alleys (if alleys are required, they shall be constructed to city standards):

a. Unusual size, shape or topographical character of the property to be subdivided.

b. The relationship to existing or proposed commercial, industrial or high density residential development or adjacent railroad right of way.

c. The special nature of the design or density of a residential subdivision where dwellings are grouped in such a manner as to require access from other than the street frontage.

d. The need to maintain continuity of existing alleys where the property to be subdivided is located immediately between existing residential blocks where alleys are provided.

2. Residential alleys shall have a minimum dedicated width of twenty feet (20').

3. Alleys shall be provided where needed to serve existing or proposed commercial or industrial areas, and shall have a minimum dedicated width of thirty feet (30'), with adequate provisions for ingress and egress.

4. A twenty foot (20') corner diagonal cutoff, measured along the property lines from the point of intersection, will be required where two (2) alleys intersect. An ADA compliant accessibility ramp shall be constructed pursuant to the city design standards.

5. Alleys shall be so laid out and aligned as to provide reasonable access for utilities and other services.

6. Dead end alleys shall be prohibited.

C. Pedestrianways:

1. Pedestrianways ten feet (10') or more in width may be required:

- a. Through the middle of blocks that are more than six hundred feet (600') in length;
- b. To connect cul-de-sacs;
- c. To provide access to playgrounds, parks, schools, shopping centers, or similar community facilities; and/or
- d. To provide access to trails or bikeways shown in the general plan.

2. The subdivider shall install paving, landscaping, and fences as approved by the city council or parcel map committee unless otherwise waived.

D. Bikeways: Bikeways shall be required in all locations shown in the general plan or as approved by the city council or parcel map committee. Bikeway width, paving, landscaping, fencing, and signs shall be as approved by the city council or parcel map committee.

E. Street Names:

1. All street names shall be approved by the city council. Duplication of existing names shall not be allowed, unless the streets are approximately in alignment with existing streets and not so far removed as to be confusing.

2. Names of through streets in a north-south alignment shall be followed by the designation "street", and the names of through streets in an east-west alignment shall be followed by the designation "avenue".

3. Cul-de-sac streets in a north-south alignment shall be followed by the designations of either "place", "way" or "drive", and cul-de-sac streets in an east-west alignment shall be followed by the designations of either "lane", "circle" or "court".

F. Blocks:

1. Block Length: Blocks shall not exceed six hundred feet (600') in length, unless existing adjacent property alignment, topographic, or traffic conditions justify a variation. Blocks longer than six hundred feet (600') in length shall provide mid block pedestrian crossings so that there is no more than six hundred feet (600') of continuous block without a pedestrian crossing. Blocks in the HZ overlay zone are exempt from the block length limitations and requirement for mid block crossings.

2. Block Width: The width of each block shall be sufficient for an ultimate layout of two (2) tiers of lots therein, of a size required by the provisions of this article, unless the conditions justify or make necessary a variation from this requirement.

G. Lots:

1. Lot Width: Each residential lot or parcel shall have frontage width of not less than that required by this chapter except as approved by the city council as provided for in section 400.05, "Authority To Vary Regulations", of this series.

2. Lot Depth: Lot depths shall not exceed two and one-half (2.5) times the proposed lot width except where existing topography makes such dimensions infeasible.

3. Lot Area: The area of all lots shall comply with the requirements of this chapter relative to each particular zoning district.

4. Lot Frontage: Lots shall have a single frontage on a street; double frontage lots or lots without street frontage will not be permitted except where, in the opinion of the city council, topographic or unusual physical conditions justify a deviation from this rule.

5. Flag Lot: Residential flag lots may be permitted with a parcel map, if it meets the standard requirements for lot width and lot depth.

6. Side Lines: The side lines of lots shall, wherever practicable, be required to run at right angles or radially to the street upon which the lot faces.

7. Lot Numbering: Lot numbers shall begin with the numeral "1", and shall continue consecutively through all of the units of the tract with no omissions or duplications, and no block numbers shall be used.

8. Division Of Lots: No lot shall be divided by a county, city, school, or any other taxing district boundary lines.

9. Suitability Of Lots: All lots shall be suitable for the purpose for which they are intended to be used. Land subject to flooding or deemed by the parcel map committee or city council to be uninhabitable shall be indicated on the final map.

10. Land Remnants: All remnants of below minimum size left over after the subdivision of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.

H. Access Limitation Strips:

1. A one foot (1') access limitation strip shall be provided at the dead end of a stubbed street or at the edge of a partial width street, and shall be offered for dedication to the city for future street purposes.

2. Access limitation strips shall be designated on the final map of the subdivisions and shall be specifically referred to in dedication and acceptance certificates.

I. Landscaping And Lighting Maintenance Districts: Each subdivision shall be subject to the creation of a landscaping and lighting maintenance district in compliance with the landscaping and lighting act of 1972 ¹ to address the extension of improvements such as, but not limited to, lighting, common landscape areas, including pocket parks, perimeter walls, drainage systems beneficial to specific subdivision, drainage reservoirs, and open space areas, and the maintenance of such facilities through appropriate mechanisms as approved by the city attorney. If a landscaping and lighting maintenance district, benefit assessment district, or similar district is required, the following standards apply:

1. Prior to the approval of improvement plans for a development, the applicant shall submit the following information for the establishment of a landscaping and lighting maintenance district, the extension of the subject improvements into the assessment area, and the maintenance of the improvements once constructed:

a. A petition on a form provided by the city requesting to have the subdivision placed in a district at the time the final map is approved by the city.

b. Completed and approved landscaping and lighting improvement plans, and legal description.

2. The district shall be established, or the annexation into an existing district concluded, and improvements completed and accepted concurrently with the other improvements in the subdivision.

3. Exclusive of assessments for a district, the applicant shall pay all service fees and maintain all new district improvements in a safe and healthy manner for the greater of a ninety (90) day plant establishment period following acceptance of the subdivision improvements, or until assessment begins for the district.

J. Waiver Of Right To Protest District Formation: Prior to final map approval, each subdivider shall record a document waiving their right to protest a new assessment or an assessment increase equal to or less than a CPI adjustment for a citywide landscaping and lighting maintenance district or other maintenance district when at least fifty one percent (51%) of the city is already in such district under the provisions of Government Code section 53753.

K. Grading And Erosion Control: Every map approved pursuant to this series shall be conditioned on compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damage to off site property, set forth in appendix J of the California building code of the most recently adopted edition. Steep terrain and other topographical features may limit the abilities of a subdivider to perform mass grading operations. At the discretion of the city engineer or public works director, individual grading plans for each individual lot may be submitted with the building permit in lieu of a mass grading plan normally submitted with the improvement plans.

L. Protection Of Natural Features And Trees:

1. Natural Features: Significant rock outcroppings and other unusual landforms shall be shown and identified on the tentative map and on improvement and landscape plans. Such features shall be preserved as required by the parcel map committee or city council.

2. Trees:

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

M. Stormwater Management Plan: Every map approved pursuant to this series shall be conditioned to comply with the requirements of the city's stormwater management plan, which includes measures that control construction site runoff and postconstruction runoff.

N. Watercourses:

1. In accordance with sections 66478.1 through 66478.10 inclusive of the subdivision map act, if the land division will front upon a public waterway, river, or stream, as defined in section 66478.4(c), access routes and easements along the bank shall be provided as follows:

- a. The land division shall provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of such river or stream bordering or lying within the proposed land division, as determined by the parcel map committee or city council in accordance with section 66478.5 of the California Government Code;

- b. The land division shall provide for a dedication of a public easement along a portion of the bank of such river or stream bordering or lying within the proposed land division, as determined by the city council in accordance with section 66478.5 of the California Government Code; and

- c. The parcel map committee or city council shall determine the governmental entity to which such access route or easement shall be dedicated, and all dedications shall be in accordance with section 66478.6 of the California Government Code.

2. In accordance with section 66478.12 of the California Government Code, if the land division will front upon any lake or reservoir that is owned in part or entirely by any public agency, including, but not limited to, the United States, state of California, or the city of Porterville, the land division shall be provided with or have available reasonable access by fee or easement from public highways to the water of the lake or reservoir upon which the land division borders either within the land division or a reasonable distance from the land division, as determined by the city council or the parcel map committee, as appropriate, in accordance with said statute. The parcel map committee or city council shall determine the governmental entity to which such dedication shall be made.

3. If a land division is traversed by a river, stream, or creek, the subdivider shall leave such river, stream, or creek in its natural condition whenever practical. Sufficient right of way shall be dedicated to the city or other public entity and improved for flood control purposes as necessary to accommodate flows of water that would be generated by a flood of one hundred (100) year frequency. In the event that a land division is to front upon a river, stream, or creek, the provisions of this paragraph shall apply to that portion of the bank thereof bordering or lying within the proposed land division. The parcel map committee or city council shall determine the governmental entity to which such dedication shall be made.

4. The city council may disapprove a tentative map because of flood hazard and inundation, and require protective improvements to be constructed as a condition precedent to approval of the map.

O. Drainage Reservoirs:

1. Temporary drainage reservoirs will only be allowed in areas where it has been determined by the city engineer or public works director that it is not practical to implement the intent of the latest adopted version of the storm drain master plan. Landscape and irrigation systems shall be installed as approved by the director of parks and leisure services. Maintenance of these facilities shall be part of the maintenance district created for the benefit of the subdivision.

2. Temporary drainage reservoirs may be approved until such time as storm drain master facilities are available for connection and shall be dedicated to the city as an easement.

3. Drainage reservoirs designated in the storm drain master plan shall be considered permanent facilities and title of the land shall be held by the city in fee. Property acquisitions shall be in the form of a dedication or purchased in accordance with the city's storm drain master plan and city's property and right of way acquisitions policy and procedures manual. Landscaping and irrigation systems shall be installed as approved by the director of parks and leisure services. (Ord. 1801, 12-3-2013)

Notes

1. SHC § 22500 et seq.



ARTICLE 408. COMMON INTEREST DEVELOPMENTS (CONDOMINIUMS)

SECTION:

408.01: New Residential Condominiums

408.02: Residential Condominium Conversions

408.03: New Commercial And Industrial Condominiums

408.04: Commercial And Industrial Condominium Conversions

408.01: NEW RESIDENTIAL CONDOMINIUMS:

A. Purpose: The ownership of residential condominiums is distinguished by a sharing of responsibility that is not common to most other types of residential development. As a result, the purpose of this section is to establish criteria for the construction of new residential condominiums to prevent problems inherent in community ownership that might be detrimental to the health, safety, and welfare of residents of such projects and the community at large.

B. Applicability: The regulations set forth in this section shall apply to the construction of new residential condominiums.

C. Conditional Use Permit And Maps Required: A conditional use permit and tentative map approved by the city council is required for all residential condominium applications.

D. Application And Fees: The applicant of a proposed condominium project shall submit the required number of copies of the conditional use permit application and tentative maps to the zoning administrator, together with the requested filing and inspection fees. In addition to the required permit and map submittals, the applicant shall submit:

1. Development Plan: Schematic development plans with dimensions, consisting of at least a site plan, parking plan, typical floor plan, and building elevations showing natural and proposed grades;

2. Landscaping Plan: A preliminary landscaping plan of the project indicating the types and sizes of landscaping materials and permanent irrigation facilities;

3. Department Of Real Estate Application: A copy of the project application submitted to the state of California's department of real estate for a subdivision public report;

4. Conditions, Covenants, And Restrictions: The proposed conditions, covenants, and restrictions (CC&Rs); and

5. Additional Information: Any other information the zoning administrator finds necessary to evaluate the project.

E. Warranty And Reserves:

1. **Warranty For Improvements:** The subdivider shall provide to the homeowners' association and/or purchaser a one year warranty on all physical improvements required under this chapter.

2. **Long Term Reserves:** Prior to approval of the final map, or parcel map if no final map is required, the subdivider shall provide evidence to the city that a long term reserve fund for replacement has been established in the name of the homeowners' association. Such fund shall equal two (2) times the estimated monthly homeowner's assessment for each dwelling unit.

F. **Covenants, Conditions, And Restrictions:** Project covenants, codes, and restrictions (CC&Rs) shall be developed, and shall be reviewed and approved by the city attorney and zoning administrator prior to approval of the final or parcel map. In addition to the following provisions, the CC&Rs shall reference by incorporation the approved conditions of approval, and shall be recorded in conjunction with the final or parcel map.

1. **Conveyance Of Private Open Space:** The surface area and appurtenant airspace of private open space areas, including, but not limited to, the patio, deck, balcony, solarium, or atrium and any integral portion of that space that may exceed the minimum area requirements, shall be described and conveyed in the grant deed as an integral part of the unit.

2. **Assignment And Use Of Required Parking Spaces:** Required parking spaces shall be permanently and irrevocably specifically assigned to particular units within the project. To the maximum practicable extent, the spaces assigned to each unit shall be contiguous. In no case shall the private storage area of one unit overhang or take its access from the required parking space of another unit. All studio and one bedroom units shall be assigned one parking space and may rent additional spaces from the homeowners' association. An occupant of a unit with two (2) or more bedrooms may rent one parking space back to the homeowners' association. All parking spaces, except those specifically designated for recreational vehicles, shall be used solely for the purpose of parking motor vehicles as defined by the California Vehicle Code, and shall not be used for trailers, unmounted campers, boats, or similar recreational vehicles.

3. **Right Of Public Entry To Common Area:** Officers, agents, and employees of the city, the county, the state, and the United States government, and any department, bureau, or agency thereof, shall have the right of immediate access to all common areas at all times for the purpose of preserving the public health, safety, and welfare, except in those instances where a common area is accessible only through a private unit.

4. **Maintenance Of Common Area:** Provision shall be made both for annual assessments of the owners for maintenance and special assessments for capital improvements. The amount of the regular annual assessment and the procedure for its change shall be specified. The manner in which special assessments may be levied for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement upon the common area shall be specified. Both annual and special assessments may be collected on a monthly basis. The remedies which the homeowners' association may bring for the nonpayment of assessments shall be specified and may include penalties for late payment. Assignment of the maintenance responsibilities of all improvements and utility systems for each unit shall be specified.

5. **Utility Easements Over Private Streets And Other Areas:** Required public utility easements shall be referenced and any required access routes necessary to assure that firefighting equipment can reach and operate efficiently in all areas.

6. **Access For Construction, Maintenance, Or Repairs:** Each owner and the homeowners' association shall have an easement for entry upon any privately owned unit, where necessary, in connection with construction, maintenance, or repair for the benefit of the common area or the owners of the units in common.

7. **Right To Terminate Management And Maintenance Contracts:** Unless otherwise prohibited by law, or any local, state, or federal regulation, reference shall be made to the homeowners' association's right to terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties three (3) months after the homeowners' association assumes control of the project, or at that time renegotiate any such contracts.

8. **CC&R Amendments:** A statement that the CC&Rs shall not be amended, modified, or changed without first obtaining the written consent of the city. (Ord. 1801, 12-3-2013)

408.02: RESIDENTIAL CONDOMINIUM CONVERSIONS:

A. Purpose: The purpose of this section is to establish criteria for the conversion of existing multiple-family rental housing to condominiums and to reduce the impact of such conversions on residents in rental housing who may be required to relocate due to the conversion.

B. Applicability: The regulations set forth in this section shall apply to the conversion of existing multiple-family rental housing to condominiums. This section shall not apply to a "limited equity housing cooperative" as defined in section 11003.4 of the California Business And Professions Code.

C. Conditional Use Permit And Maps Required: A conditional use permit and tentative map approved by the city council is required for all residential condominium conversion applications.

D. Application And Fees: The applicant of a proposed condominium conversion project shall submit the required number of copies of the conditional use permit application and tentative maps to the zoning administrator, together with the requested filing and inspection fees. In addition to the required permit and map submittals, the applicant shall submit:

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

a. Structural Condition Of Elements: A report detailing the structural condition of all elements of the property, including foundations, electrical, plumbing, utilities, walls, roofs, ceilings, windows, recreational facilities, sound transmission of each building, mechanical equipment, parking facilities and appliances. The report shall state, to the best knowledge or estimate of the applicant, when such element was built; the condition of each element; when said element was replaced; the approximate date upon which said element will require replacement; the cost of replacing said element; and any variation of the physical condition of said element from the current zoning and from the building code in effect on the date that the last building permit was issued for the subject structure. The report shall identify any defective or unsafe elements and set forth the proposed corrective measures to be employed.

b. Pest Control: A report from a licensed structural pest control operator, approved by the city, on each structure and each unit within the structure.

c. Soil Conditions: A report on soil and geological conditions regarding soil deposits, faults, and groundwater in the vicinity of the project and a statement regarding any known evidence of soils problems relating to the structures. Reference shall be made to any previous soils reports for the site and a copy submitted with said report.

d. Repairs And Improvements: A statement of repairs and improvements to be made by the subdivider necessary to refurbish and restore the project to achieve a high degree of appearance and safety.

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

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

a. Square footage and number of rooms in each unit;

b. Rental rate history for each type of unit for previous five (5) years;

c. Monthly vacancy rate for each month during preceding two (2) years;

d. Makeup of existing tenant households, including family size, length of residence, age of tenants, and whether receiving federal or state rent subsidies;

e. Proposed sale price of units;

f. Proposed homeowners' association fee;

g. Financing available; and

h. Names and addresses of all tenants.

4. Notice Of Intent To Convert: Signed copies from each tenant of notice of intent to convert, as specified in subsection G of this section. The subdivider shall submit evidence that a letter of notification was sent to

each tenant for whom a signed copy of said notice is not submitted. This requirement shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

5. Additional Information: Any other information the zoning administrator finds necessary to evaluate the project.

E. Filing And Processing:

1. Acceptance Of Reports: The final form of the physical elements report and other documents shall be as approved by the city. The reports in their acceptable form shall remain on file with the community development department for review by any interested persons. The report shall be referenced in the subdivision report to the review authority.

2. Submittal Of Budget: Prior to final map approval, the subdivider shall provide the city with a copy of the proposed budget for maintenance and operation of common facilities, including needed reserves. The budget shall show estimated monthly costs to the owner of each unit, projected over a five (5) year period, or such time as is required by the department of real estate. Such budget shall be prepared or reviewed and analyzed by a professional management firm, experienced with management of condominium complexes. The management firm shall submit a statement of professional qualifications.

3. Copy To Buyers: The subdivider shall provide each purchaser with a copy of all submittals (in their final, acceptable form) required by subsection D of this section prior to said purchaser executing any purchase agreement or other contract to purchase a unit in the project, and said developer shall give the purchaser sufficient time to review said information. Copies of the submittals shall be made available at all times at the sales office and shall be posted at various locations, as approved by the city, at the project site. Copies shall be provided to the homeowners' association upon its formation.

4. Final Information Submitted: No later than six (6) months from the date the subdivider closes escrow on the first sale of a unit, the subdivider shall submit the following information to the community development department:

- a. Name, address and phone number of homeowners' association;
- b. Actual sale price of units;
- c. Actual homeowners' association fee;
- d. Number of prior tenants who purchased units; and
- e. Number of units purchased with intent to be used as rentals.

F. Development Standards: All condominium conversions must conform to the municipal code in effect at the time of tentative map approval except as otherwise provided in this series. The building official shall perform an assessment of building conditions prior to tentative map approval. A report of violations shall be specified in the tentative map staff report to the city council, as the case may be. A physical inspection of every unit shall be required prior to final map approval or tentative map approval if no final map is required.

1. Modification Of Development Standards: The base district development standard requirements of series 200, "Base Districts", of this chapter, may be modified by the city council based on findings that the quality of life accommodated by the project will not be compromised and that residents will benefit from other amenities that are located in close proximity to the project site.

2. Warranty For Improvements: The subdivider shall provide to the homeowners' association and/or purchaser a one year warranty on all physical improvements required under this section.

3. Long Term Reserves: Prior to approval of the final map, or parcel map if no final map is required, the subdivider shall provide evidence to the city that a long term reserve fund for replacement has been established in the name of the homeowners' association. Such fund shall equal two (2) times the estimated monthly homeowner's assessment for each dwelling unit.

G. Tenant Provisions: Notices to tenants shall be provided as required in section 66427.1 of the subdivision map act. All written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail. In addition, at least three (3) days before any hearing or action on a proposed tentative map for a conversion, the community development department shall provide a copy of the staff report to the subdivider and to each tenant of the property.

1. Notice Of Intent: A notice of intent to convert shall be delivered by the subdivider to each tenant at least sixty (60) days prior to filing of the tentative map. The form of the notice shall be in the form outlined in section 66452.18 of the subdivision map act and approved by the zoning administrator.

2. Notice Of Public Report: Each tenant shall receive ten (10) days' written notice that an application for a public report will be or has been submitted to the department of real estate and that such report will be available on request.

3. Notice Of Final Map Approval: Each tenant shall receive written notification within ten (10) days of approval of a final map for the proposed conversion.

4. Tenant's Right To Purchase: Any present tenant shall be given notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than ninety (90) days from the date of issuance of the subdivision public report unless the tenant gives prior written notice of his or her intention not to exercise the right. Evidence of receipt by each tenant shall be submitted prior to approval of the final map.

5. Vacation Of Units: Each tenant not in default under the obligations of the rental agreement or lease under which he/she occupies his/her unit shall be given one hundred eighty (180) days' written notice of intention to convert his or her unit prior to termination of tenancy. The subdivider shall notify each tenant immediately prior to the time of final map approval of the anticipated date required to vacate the unit. Evidence of receipt by each tenant shall be submitted prior to approval of the final map.

6. No Increase In Rents: The rents charged tenants at the time when a completed tentative map application was accepted by the community development department shall not be increased for two (2) years from that acceptance time, or until the unit is sold or the subdivision is denied, withdrawn or reverted to acreage. The increase in rent on a unit which has been vacated after receipt of the application by the community development department shall not be subject to control.

7. Notice To New Tenants: At least thirty (30) days prior to the filing of the tentative map, the subdivider shall give notice of the filing of the map to each person applying after such date for rental of a unit immediately prior to acceptance of any rent or deposit. The notice shall be in the form outlined in section 66452.17(b) of the subdivision map act and shall advise the prospective tenant that notice will be provided at least one hundred eighty (180) days prior to the actual conversion. If the subdivider fails to give notice in accordance with this section, he or she shall pay to each prospective tenant who becomes a tenant and who was entitled to such notice and who does not purchase his or her unit, an amount equal to two (2) times monthly rent for moving expenses.

H. Covenants, Conditions, And Restrictions: Project covenants, codes, and restrictions (CC&Rs) shall be developed, and shall be reviewed and approved by the city attorney and zoning administrator prior to approval of the final or parcel map. In addition to the following provisions, the CC&Rs shall reference by incorporation the approved conditions of approval, and shall be recorded in conjunction with the final or parcel map.

1. Conveyance Of Private Open Space: The surface area and appurtenant airspace of private open space areas, including, but not limited to, the patio, deck, balcony, solarium, or atrium and any integral portion of that space that may exceed the minimum area requirements, shall be described and conveyed in the grant deed as an integral part of the unit.

2. Assignment And Use Of Required Parking Spaces: Required parking spaces shall be permanently and irrevocably specifically assigned to particular units within the project. To the maximum practicable extent, the spaces assigned to each unit shall be contiguous. In no case shall the private storage area of one unit overhang or take its access from the required parking space of another unit. All studio and one bedroom units shall be assigned one parking space and may rent additional spaces from the homeowners' association. An occupant of a unit with two (2) or more bedrooms may rent one parking space back to the homeowners' association. All parking spaces, except those specifically designated for recreational vehicles, shall be used solely for the purpose of parking motor vehicles as defined by the California Vehicle Code, and shall not be used for trailers, unmounted campers, boats, or similar recreational vehicles.

3. Right Of Public Entry To Common Area: Officers, agents, and employees of the city, the county, the state, and the United States government, and any department, bureau, or agency thereof, shall have the right of immediate access to all common areas at all times for the purpose of preserving the public health, safety, and welfare, except in those instances where a common area is accessible only through a private unit.

4. Maintenance Of Common Area: Provision shall be made both for annual assessments of the owners for maintenance and special assessments for capital improvements. The amount of the regular annual assessment and the procedure for its change shall be specified. The manner in which special assessments may be levied for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement upon the common area shall be specified. Both annual and special assessments may be collected on a monthly basis. The remedies which the homeowners' association may bring for the nonpayment of assessments shall be specified and may include penalties for late payment. Assignment of the maintenance responsibilities of all improvements and utility systems for each unit shall be specified.

5. Utility Easements Over Private Streets And Other Areas: Required public utility easements shall be referenced and any required access routes necessary to assure that firefighting equipment can reach and operate efficiently in all areas.

6. Access For Construction, Maintenance, Or Repairs: Each owner and the homeowners' association shall have an easement for entry upon any privately owned unit, where necessary, in connection with construction, maintenance, or repair for the benefit of the common area or the owners of the units in common.

7. Right To Terminate Management And Maintenance Contracts: Unless otherwise prohibited by law, or any local, state, or federal regulation, reference shall be made to the homeowners' association's right to terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties three (3) months after the homeowners' association assumes control of the project, or at that time renegotiate any such contracts.

8. CC&R Amendments: A statement that the CC&Rs shall not be amended, modified, or changed without first obtaining the written consent of the city.

I. Required Findings: In addition to any other findings that this subdivision ordinance requires, the city council shall not approve a final map for conversion unless it finds that each tenant has been given and received notice in compliance with the requirements of section 66427.1 of the subdivision map act. (Ord. 1801, 12-3-2013)

408.03: NEW COMMERCIAL AND INDUSTRIAL CONDOMINIUMS:

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

B. Applicability: The regulations set forth in this section shall apply to the construction of new commercial and industrial condominiums.

C. Condominium Combination: If a commercial or industrial condominium is proposed in combination with a residential condominium, the requirements of this section and section 408.01, "New Residential Condominiums", of this article, shall be read together, with the relevant requirements applying to the portions of the project.

D. Conditional Use Permit And Maps Required: A conditional use permit and tentative map approved by the city council is required for all commercial and industrial condominium applications.

E. Application And Fees: The applicant of a proposed commercial or industrial condominium project shall submit the required number of copies of the conditional use permit application and tentative maps to the zoning administrator, together with the requested filing fee. In addition to the required permit and map submittals, the applicant shall submit:

1. Development Plan: A development plan of the project including location and sizes of structures, exterior elevations, parking layout, and access areas;

2. Landscaping Plan: A preliminary landscaping plan of the project indicating the types and sizes of landscaping materials and permanent irrigation facilities;

3. Reserve Fund Study: A reserve study showing the amount which must be set aside as long term reserves for capital and maintenance replacement;

4. Conditions, Covenants, And Restrictions: The proposed conditions, covenants, and restrictions (CC&Rs); and

5. Additional Information: Any other information the zoning administrator finds necessary to evaluate the project.

F. Development Standards: In addition to the development standards contained in the applicable zoning district that permit commercial and industrial condominiums, the following development standards shall apply:

1. Sound Transmission:

a. Shock Mounting Of Mechanical Equipment: All permanent mechanical equipment, such as motors, compressors, pumps, and compactors, which is determined by the building official to be a source of structural vibration or structure borne noise shall be shock mounted with inertia blocks or bases and/or vibration isolators in a manner approved by the building official.

b. Noise Standards: Common walls and floors between dwelling units shall comply with the building code provisions governing noise resistance for newly constructed common wall and floors.

G. Trash And Recycling Collection Areas: Trash and recycling collection areas shall be provided within two hundred fifty feet (250') of the units they are designed to serve, and shall comply with the city of Porterville or its contracted solid waste and recycling collector(s) specifications for trash enclosures.

H. Utilities: All units shall have separate gas and electric meters and provisions for individual shutoff of all utility valves, including water.

I. Warranty For Improvements: The subdivider shall provide to the condominium association and/or purchaser a one year warranty on all physical improvements required under this section.

J. Long Term Reserves: Prior to approval of the final map, or parcel map if no final map is required, the subdivider shall provide evidence to the city that a long term reserve fund for replacement has been established in the name of the condominium association. Such fund shall be based on a reserve study showing the amount which must be set aside monthly for the reserve account.

K. Covenants, Conditions, And Restrictions: Project covenants, codes, and restrictions (CC&Rs) shall be developed, and shall be reviewed and approved by the city attorney and zoning administrator prior to approval of the final or parcel map. In addition to the following provisions, the CC&Rs shall reference by incorporation the approved conditions of approval, and shall be recorded in conjunction with the final or parcel map.

1. Right Of Public Entry To Common Area: Officers, agents, and employees of the city, the county, the state, and the United States government, and any department, bureau, or agency thereof, shall have the right of immediate access to all common areas at all times for the purpose of preserving the public health, safety, and welfare, except in those instances where a common area is accessible only through a private unit.

2. Maintenance Of Common Area: Provision shall be made both for annual assessments of the owners for maintenance and special assessments for capital improvements. The amount of the regular annual assessment and the procedure for its change shall be specified. The manner in which special assessments may be levied for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement upon the common area shall be specified. Both annual and special assessments may be collected on a monthly basis. The remedies which the condominium association may bring for the nonpayment of assessments shall be specified and may include penalties for late payment. Assignment of the maintenance responsibilities of all improvements and utility systems for each unit shall be specified.

3. Utility Easements Over Private Streets And Other Areas: Required public utility easements shall be referenced and any required access routes necessary to assure that firefighting equipment can reach and operate efficiently in all areas.

4. Access For Construction, Maintenance, Or Repairs: Each owner and the condominium association shall have an easement for entry upon any privately owned unit, where necessary, in connection with construction, maintenance, or repair for the benefit of the common area or the owners of the units in common.

5. Right To Terminate Management And Maintenance Contracts: Unless otherwise prohibited by law, or any local, state, or federal regulation, reference shall be made to the condominium association's right to terminate the contract of any person or organization engaged by the developer to perform management or

maintenance duties three (3) months after the condominium association assumes control of the project, or at that time renegotiate any such contracts.

6. CC&R Amendments: A statement that the CC&Rs shall not be amended, modified, or changed without first obtaining the written consent of the city. (Ord. 1801, 12-3-2013)

408.04: COMMERCIAL AND INDUSTRIAL CONDOMINIUM CONVERSIONS:

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

B. Applicability: The regulations set forth in this section shall apply to the conversion of existing buildings into commercial or industrial condominiums.

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

C. Conditional Use Permit And Maps Required: A conditional use permit and tentative map approved by the city council is required for all commercial and industrial condominium conversion applications.

D. Application And Fees: The applicant of a proposed commercial or industrial condominium conversion project shall submit the required number of copies of the conditional use permit application and tentative maps to the zoning administrator, together with the requested filing fee. In addition to the required permit and map submittals, the applicant shall submit:

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

a. Structural Condition Of Elements: A report detailing the structural condition of all elements of the property, including foundations, electrical, plumbing, utilities, walls, roofs, ceilings, windows, recreational facilities, sound transmission of each building, mechanical equipment, parking facilities and appliances. The report shall state, to the best knowledge or estimate of the applicant, when such element was built; the condition of each element; when said element was replaced; the approximate date upon which said element will require replacement; the cost of replacing said element; and any variation of the physical condition of said element from the current zoning and from the building code in effect on the date that the last building permit was issued for the subject structure. The report shall identify any defective or unsafe elements and set forth the proposed corrective measures to be employed.

b. Pest Control: A report from a licensed structural pest control operator, approved by the city, on each structure and each unit within the structure.

c. Soil Conditions: A report on soil and geological conditions regarding soil deposits, faults, and groundwater in the vicinity of the project and a statement regarding any known evidence of soils problems relating to the structures. Reference shall be made to any previous soils reports for the site and a copy submitted with said report.

d. Repairs And Improvements: A statement of repairs and improvements to be made by the subdivider necessary to refurbish and restore the project to achieve a high degree of appearance and safety;

2. Notice To Tenants: Evidence of written notice provided to each tenant explaining that the owner intends to apply to the city for a condominium conversion. The notice to tenants must be sent at least six (6) months before the application is submitted to the city, and further notice must be given to any tenant who occupies the building after the original notice was sent;

3. Plot Plan: A plot plan of the project including location and sizes of structures, square footage of each building and unit, exterior elevations, parking layout, and access areas;

4. Budget: A proposed budget for maintenance and operation of common facilities, including needed reserves. The budget shall show estimated monthly costs to the owner of each unit, projected over a five (5)

year period. Such budget shall be prepared or reviewed and analyzed by a professional management firm, experienced with management of similar condominium complexes. The management firm shall submit a statement of professional qualifications;

5. Conditions, Covenants, And Restrictions: The proposed conditions, covenants, and restrictions (CC&Rs); and

6. Additional Information: Any other information the zoning administrator finds necessary to evaluate the project.

E. Filing And Processing:

1. Acceptance Of Reports: The final form of the physical elements report and other documents shall be as approved by the city. The reports in their acceptable form shall remain on file with the community development department for review by any interested persons. The report shall be referenced in the subdivision report to the review authority.

2. Copy To Buyers: The subdivider shall provide each purchaser with a copy of all submittals (in their final, acceptable form) required by subsection D, "Application And Fees", of this section, prior to said purchaser executing any purchase agreement or other contract to purchase a unit in the project, and said developer shall give the purchaser sufficient time to review said information. Copies of the submittals shall be made available at all times at the sales office and shall be posted at various locations, as approved by the city, at the project site. Copies shall be provided to the condominium association upon its formation.

F. Development Standards: All condominium conversions must conform to the municipal code in effect at the time of tentative map approval except as otherwise provided in this section. The building official shall perform an assessment of building conditions prior to tentative map approval. A report of violations shall be specified in the tentative map staff report to the city council. A physical inspection of every unit shall be required prior to final map approval or tentative map approval if no final map is required. In addition to the requirements required in other sections of the municipal code, the conversion shall comply with the following requirements:

1. Sound Transmission:

a. Shock Mounting Of Mechanical Equipment: All permanent mechanical equipment, such as motors, compressors, pumps, and compactors, which is determined by the building official to be a source of structural vibration or structure borne noise shall be shock mounted with inertia blocks or bases and/or vibration isolators in a manner approved by the building official.

b. Noise Standards: The structure shall conform to all interior and exterior sound transmission standards of the municipal code. In such cases where present standards cannot reasonably be met, the applicant may be required to notify potential buyers of the noise deficiency currently existing within these units.

2. Trash And Recycling Collection Areas: Trash and recycling collection areas shall be provided within two hundred fifty feet (250') of the units they are designed to serve, and shall comply with the city of Porterville or its contracted solid waste and recycling collector(s) specifications for trash enclosures.

3. Utilities: All units shall have separate gas and electric meters and provisions for individual shutoff of all utility valves, including water.

4. Warranty For Improvements: The subdivider shall provide to the condominium association and/or purchaser a one year warranty on all physical improvements required under this section.

5. Long Term Reserves: Prior to approval of the final map, or parcel map if no final map is required, the subdivider shall provide evidence to the city that a long term reserve fund for replacement has been established in the name of the condominium association. Such fund shall be based on a reserve study showing the amount which must be set aside monthly for the reserve account.

G. Covenants, Conditions, And Restrictions: Project covenants, codes, and restrictions (CC&Rs) shall be developed, and shall be reviewed and approved by the city attorney and zoning administrator prior to approval of the final or parcel map. In addition to the following provisions, the CC&Rs shall reference by incorporation the approved conditions of approval, and shall be recorded in conjunction with the final or parcel map.

1. Right Of Public Entry To Common Area: Officers, agents, and employees of the city, the county, the state, and the United States government, and any department, bureau, or agency thereof, shall have the right

of immediate access to all common areas at all times for the purpose of preserving the public health, safety, and welfare, except in those instances where a common area is accessible only through a private unit.

2. **Maintenance Of Common Area:** Provision shall be made both for annual assessments of the owners for maintenance and special assessments for capital improvements. The amount of the regular annual assessment and the procedure for its change shall be specified. The manner in which special assessments may be levied for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement upon the common area shall be specified. Both annual and special assessments may be collected on a monthly basis. The remedies which the condominium association may bring for the nonpayment of assessments shall be specified and may include penalties for late payment. Assignment of the maintenance responsibilities of all improvements and utility systems for each unit shall be specified.

3. **Utility Easements Over Private Streets And Other Areas:** Required public utility easements shall be referenced and any required access routes necessary to assure that firefighting equipment can reach and operate efficiently in all areas.

4. **Access For Construction, Maintenance, Or Repairs:** Each owner and the condominium association shall have an easement for entry upon any privately owned unit, where necessary, in connection with construction, maintenance, or repair for the benefit of the common area or the owners of the units in common.

5. **Right To Terminate Management And Maintenance Contracts:** Unless otherwise prohibited by law, or any local, state, or federal regulation, reference shall be made to the condominium association's right to terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties three (3) months after the condominium association assumes control of the project, or at that time renegotiate any such contracts.

6. **CC&R Amendments:** A statement that the CC&Rs shall not be amended, modified, or changed without first obtaining the written consent of the city. (Ord. 1801, 12-3-2013)



ARTICLE 409. AMENDMENTS AND ENFORCEMENT

SECTION:

409.01: Correction And Amendment Of Maps

409.02: Enforcement And Judicial Review

409.01: CORRECTION AND AMENDMENT OF MAPS:

A. **Applicability:** The city may approve corrections and amendments to the following maps:

1. **Tentative Maps:**

a. **Minor Changes:** Minor changes in an approved tentative map may be approved by the zoning administrator and city engineer upon application by the subdivider or on the city's own initiative provided that:

- (1) No lots, units or building sites or structures are added;
- (2) Changes are consistent with the intent and spirit of the original tentative map approval; and
- (3) There are no resulting violations of the municipal code.

b. **Substantive Changes:** Amendments of an approved tentative map for a subdivision that, in the opinion of the zoning administrator and city engineer are not minor, shall be presented to the city council for approval subject to the procedures for processing a tentative map set forth in article 402, "Tentative Maps", of this series. The zoning administrator and city engineer may approve substantive changes to an approved tentative parcel map in the same manner set forth in article 405, "Parcel Maps", of this series.

c. **Effect Of Amendments:** Any approved amendment shall not alter the expiration date of the tentative map.

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

- a. To correct an error in any course or distance shown on the map.
- b. To show any course or distance that was omitted from the map.
- c. To correct an error in the description of the real property shown on the map.
- d. To indicate monuments set after the death, disability, replacement or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments.
- e. To show the proper location of any monument that has been changed in location, or character, or that was originally shown at the wrong location or incorrectly as to its character.
- f. To correct any additional information filed or recorded as part of the final map in accordance with section 66434.2 of the subdivision map act, if the correction does not impose any additional burden on the present owners of the property and does not alter any right, title, or interest in the property reflected on the recorded map.
- g. To correct any other type of map error or omission as approved by the city engineer that does not affect any property right. Errors and omissions may include, but not be limited to, lots and numbers, acreage, street names and identification of adjacent record maps. Error does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final map.
- h. To make modifications when there are changes that make any or all of the conditions of the map no longer appropriate or necessary and:
 - (1) The modifications do not impose any additional burden on the owners of the property;
 - (2) The modifications do not alter any right, title, or interest in the real property reflected on the recorded map; and
 - (3) The city finds that the map as modified does not meet the findings in section 400.04, "Grounds For Denial", of this series.

B. Form And Contents: Amendments to either tentative or final maps may be made with a certificate of correction or an amending map. The amending map or certificate of correction shall be prepared by a registered civil engineer or licensed land surveyor. The form and contents of the amending maps shall conform to the applicable requirements of this series. The amending map shall set forth in detail the corrections made and show the names of the owners of the property affected by the correction or omission as of the date of the filing or recording of the original recorded map.

C. Review And Approval:

1. General Review: The amending map or certificate of correction shall be submitted to the city engineer for review and approval, accompanied by the required fee. The city engineer shall examine the amending map or certificate of correction and, if the only changes are those set forth in subsection A of this section, the city engineer shall certify to this fact on the amending map or certificate of correction.

2. Certificate Of Correction: The city engineer shall have twenty (20) days to examine the certificate of correction for compliance with subsections A and B of this section, endorse a statement on it of his or her examination and certification, and present it to the county recorder for recordation. If the city engineer determines that the certificate of correction fails to comply with this section, the city engineer shall return the certificate to the applicant with a written statement of the changes necessary. The city engineer shall have ten (10) days after resubmission and approval of the amended certificate of correction to present it to the county recorder for recordation.

D. Filing With The County Recorder: The amending map or certificate of correction certified by the city engineer shall be filed in the office of the Tulare County recorder in which the original map was filed. Upon such filing, the county recorder shall index the names of the fee owners and the appropriate subdivision designation shown on the amending map or certificate of correction in the general index and map index, respectively. The original map shall be deemed to have been conclusively so corrected and shall impart constructive notice of all the corrections in the same manner as though upon the original map. (Ord. 1801, 12-3-2013)

409.02: ENFORCEMENT AND JUDICIAL REVIEW:

A. Purpose: This section establishes procedures the city will use to enforce the requirements of this series, including compliance with any conditions of approval imposed to protect public health, safety, and welfare and promote development in accordance with the general plan.

B. Prohibition:

1. No Sale Or Lease Until Final Maps Are In Full Compliance: No person shall sell, lease, or finance any parcel or parcels of real property, or commence construction of any building for sale, lease or financing except for model homes, or allow occupancy thereof, for which a final map is required by this series or the subdivision map act, until a map, in full compliance with the provisions of this series and the subdivision map act, has been filed with the Tulare County recorder.

2. No Conveyances Made By Parcel Number Until Final Maps Are Filed: Conveyances of any part of a division of real property for which a final map is required shall not be made by parcel number, letter or other designation, unless and until the final map has been filed for record with the Tulare County recorder.

3. Exceptions:

a. This section does not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law regulating the design and improvement of subdivisions in effect at the time the subdivision was established.

b. Subsections B1 and B2 of this section shall not prohibit an offer or contract to sell, lease, or finance real property or to construct improvements where the sale, lease or financing, or the commencement of construction, is expressly conditioned upon the approval and filing of a final or parcel map.

c. This section shall not, in any way, modify or affect the provisions of section 11018.2 of the Business And Professions Code.

C. Remedies:

1. Voidable Sale: Any deed of conveyance, sale or contract to sell real property that has been divided, or that has resulted from a division, in violation of the provisions of this series or the subdivision map act, is voidable at the sole option of the grantee, buyer or person contracting to purchase, any heir, personal representative, or trustee in insolvency or bankruptcy within one year after the date of discovery of the violation. The deed of conveyance, sale, or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or his or her assignee, heir or devisee.

2. Action In Superior Court: Any grantee, or successor in interest, of real property that has been divided, or that has resulted from a division, in violation of the provisions of this series or the subdivision map act may, within one year of the date of discovery of such violation, bring an action in the superior court to recover any damages suffered by reason of the division of property. The action may be brought against the person who divided the property in violation and against any successors in interest who have actual or constructive knowledge of such division of property.

3. Exceptions:

a. Certificate Of Compliance: The provisions of this section shall not apply to the conveyance of any parcel of real property identified in a certificate of compliance filed in accordance with subsection E of this section, or identified in a recorded final map, from and after the date of recording.

b. Other Provisions Of Law: The provisions of this section shall not limit or affect in any way the rights of a grantee or successor in interest under any other provision of law.

4. Limitation Period: For purposes of this section, the limitation period for commencing an action, either civil or criminal, against the subdivider or owner of record at the time of a violation of this series or the subdivision map act, shall be tolled for any time period during which there is no constructive notice of the violation, because the owner of record, at the time of the violation or at any time thereafter, failed to record a deed, lease, or financing document with the county recorder.

D. Effect On City Permits And Approvals:

1. No Issuance Of Permit Or Approval: The city shall not issue a permit or grant any approval necessary to develop any real property that has been divided, or that has resulted from a division, in violation of the provisions of this series or the subdivision map act if it finds that development of the real property is contrary to the public health or the public safety. The authority to deny a permit or approval shall apply whether the applicant was the owner of the real property at the time of the violation or whether the applicant is the current owner of the real property, with or without actual or constructive knowledge of the violation at the time of the acquisition of interest in the real property.

2. Imposing Additional Conditions: If the city issues a permit or grants approval for the development of any real property illegally subdivided, it may impose only those conditions that would have been applicable to the division of the property at the time the applicant acquired his or her interest in the property, and that had been established at such time by this series. If the applicant was the owner of record at the time of the initial violation, the city may impose conditions applicable to a current division of the property. If a conditional certificate of compliance has been filed for record in accordance with subsection E of this section, only those conditions stipulated in that certificate shall be applicable.

E. Certificate Of Compliance: Any person owning real property or in contract of sale of the real property may request the zoning administrator to determine whether such property complies with the provisions of this series and the subdivision map act. A recorded final map or parcel map shall constitute a certificate of compliance with respect to the parcels of real property described.

1. Form And Contents: An application for a determination of compliance shall be submitted to the community development department together with a plat map, required fee, and such information the city deems necessary, including, but not limited to:

- a. The name or names of owners of the parcel.
- b. The assessor parcel number or numbers of the parcel.
- c. The number of parcels for which the certificate of compliance or conditional certificate of compliance is being issued and recorded.
- d. The legal description of the parcel or parcels for which the certificate of compliance or conditional certificate of compliance is being issued and recorded.
- e. A notice stating:

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

f. Any conditions to be fulfilled and implemented prior to subsequent issuance of a permit or other grant of approval for development of the property, as specified in the conditional certificate of compliance.

2. Determination Of Compliance: If the zoning administrator determines that the real property complies with this series and the subdivision map act, the zoning administrator shall forward a certificate of compliance to be filed for record with the county recorder. The certificate of compliance shall identify the real property and shall state that the division of land complies with this series and the subdivision map act.

3. Determination Of Noncompliance: If the zoning administrator determines that the real property does not comply with the provisions of this series or the subdivision map act, the zoning administrator may issue a conditional certificate of compliance by imposing any conditions that would have been applicable to the division of land at the time the applicant acquired his or her interest and that had been established at that time by this series and the subdivision map act.

4. Recording The Certificate: Upon making a determination and establishing the conditions, the zoning administrator shall file a conditional certificate of compliance for record with the county recorder. The certificate shall serve as notice to the property owner who has applied for the certificate, a grantee of the property owner, or any subsequent transferee or assignee of the property, that the fulfillment and implementation of the conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property. Compliance with these conditions shall not be required until a permit or other grant of approval for development of the property is issued.

F. Notice Of Violation:

1. Notice Of Intention: If the zoning administrator has knowledge that real property has been divided in violation of the provisions of this series or the subdivision map act, a notice of intention to record a notice of violation shall be mailed by certified mail to the current owner of record. The notice shall describe the property in detail, name the owner, describe the violation, and state that the owner will be given opportunity to present evidence. The notice shall specify the date, time and place for a meeting at which the owner may present evidence to the zoning administrator why a notice of violation should not be recorded.

2. Determination By The Zoning Administrator: The meeting shall be held no sooner than thirty (30) days and no later than sixty (60) days from the date of mailing. If, within fifteen (15) days of receipt of the notice, the owner fails to notify the zoning administrator objecting to the recording of the notice of violation, the zoning administrator shall record it. If, after the owner presents evidence, the zoning administrator determines that the property has in fact been illegally divided, the zoning administrator shall record the notice of violation. If, after the owner presents evidence, the zoning administrator determines that there has been no violation, the zoning administrator shall mail a clearance letter to the owner.

3. Notice Of Violation: The notice of violation, when recorded, shall be constructive notice of the violation to all successors in interest in the property.

G. Penalties: A violation of this series by a person who is the subdivider or an owner of record, at the time of the violation, of property involved in the violation is punishable by imprisonment in the county jail not exceeding one year or in the state prison, by a fine not exceeding ten thousand dollars (\$10,000.00), or by both fine and imprisonment. Every other violation of this series is a misdemeanor.

H. Judicial Action: Any action or proceeding to attack, review, set aside, void or annul the decision of the city engineer, zoning administrator, or city council concerning a subdivision, or of any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless the action or proceeding is commenced and service of summons effected within ninety (90) days after the date of the decision. Thereafter, all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of the decision or of the proceedings, acts or determinations. Any such proceeding shall take precedence over all matters of the calendar of the court except criminal, probate, eminent domain and forcible entry and unlawful detainer proceedings.

I. Other Legal Action: This series does not bar any legal, equitable or summary remedy to which the city or other public agency, or any person, firm or corporation may otherwise be entitled, and the city or other public agency, or any person, firm or corporation may file a suit in the superior court of Tulare County, to restrain or enjoin any attempted or proposed subdivision for sale, lease or financing in violation of this series or the subdivision map act. (Ord. 1801, 12-3-2013)



CITY COUNCIL AGENDA – APRIL 6, 2021

SUBJECT: Consider the Scheduling of a Study Session to Consider the Agreement Between the City and the Porterville Chamber of Commerce and Establish Mutual Goals and Objectives

SOURCE: City Manager's Office

COMMENT: At its meeting on March 16, 2021, Vice Mayor Flores had requested and the City Council approved the consideration of scheduling a Study Session to consider the Agreement between the City and the Porterville Chamber of Commerce and establish mutual goals and objectives as a Scheduled Matter at its meeting of April 6, 2021.

The City and the Porterville Chamber of Commerce have a long-standing agreement in the provision of community promotion activities, the agreement last being modified in October 2019 (please see attached).

RECOMMENDATION: That the City Council consider the scheduling of a Study Session to consider the Agreement between the City and the Porterville Chamber of Commerce and establish mutual goals and objectives.

ATTACHMENTS:

1. Porterville Chamber of Commerce Agreement - September 2006
2. Porterville Chamber of Commerce Agreement Amendment - October 2019

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

AGREEMENT BETWEEN
THE **CITY OF PORTERVILLE** AND
THE **PORTERVILLE CHAMBER OF COMMERCE**

This agreement is made and entered into on the 4th day of September, 2006, by and between the CITY OF PORTERVILLE, hereinafter referred to as "City", and the PORTERVILLE CHAMBER OF COMMERCE, hereinafter referred to as "Chamber," both of whom understand and agree as follows:

WHEREAS, the City is desirous of maintaining and asserting positive community values, of disseminating information relative to promoting the advantages of Porterville, and of supporting public interest activities; and

WHEREAS, Section 37110 of the Government Code of the State of California authorizes the expenditure of not more than five percent (5%) of monies accruing to the General Fund in any one fiscal year for music and promotional activities, including promotion of sister city and town affiliation programs; and

WHEREAS, the Chamber is actively engaged in promoting civic, social, and cultural events and activities, and is therefore believed to be organized, equipped, and capable of conducting promotional activities on behalf of the City; and

WHEREAS, it is not the intent of the City to fully underwrite, subsidize, or sponsor any particular program or activity, but to provide contributing support towards the maintenance and continuance of certain existing programs and activities of the Chamber, which best achieve the promotional objectives of the City.

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

I. Chamber Responsibilities. The Chamber shall:

- A. Continue to carry on programs and promotional activities that include:
 - 1. Mail solicitations, information pool, referral services, and the visitor information bureau.
 - 2. Holiday advertising campaigns, and the design and construction of the Porterville booth for the Tulare County Fair.
 - 3. Printing and distribution of informational pamphlets and brochures.
- B. Assume all duties and responsibilities relating to the following:
 - 1. Locating, scheduling, coordinating, and programming for Centennial Park's Friday night activities for September, October, April, May, and June except for the two Fridays coinciding with the Porterville Fair and local high school graduations. Events will include music venues at the Centennial Gazebo, and special themes (i.e. Farmer's Market, Art in the Park, Arts & Crafts Booths, and Community Focus). The City will provide logistical support.
 - 2. Providing any other assistance as may be mutually agreed upon from time to time during the period of this Agreement.
- C. By May 15 of each year, furnish an annual activity report to the City covering the prior year's promotional programs and activities for the reporting period from May 1 through April 30, with specific emphasis on sufficient relevant information to satisfy the terms and intent of this Agreement as heretofore enumerated. The Chamber shall also furnish the City with copies of its annual financial reports within thirty (30) days after they are prepared.

II. Payment By City. As consideration for the above-mentioned responsibilities, the City shall, during the term of this agreement, pay the Chamber the sum of Thirty-Five Thousand Dollars (\$35,000.00) per year. Such annual payments shall be made on or

before September 1 of each year, commencing in 2006. However, such annual payments shall not be made until the City receives and reviews the annual activity report referred to in paragraph I(C) for the proceeding reporting period (May 1 through April 30).

III. Term. This agreement shall be in effect commencing date of execution of this Agreement and shall continue in effect until June 31, 2007, and thereafter on a year-to-year basis, beginning on July 1 of each year, until terminated according to paragraph IV of this Agreement.

IV. Unilateral Termination. This Agreement may be terminated by either party, and for any reason, providing thirty (30) days written notice to the other. This Agreement shall terminate forthwith thirty (30) days following the date such notice is received by the non-terminating party.

V. Annual Review. This Agreement shall be reviewed annually to determine whether it should be amended to increase or decrease the amount of consideration required of either party, including the amount payable to the Chamber. Subject to City budgetary limitations, any increases or decreases shall be based on services provided and expected to be provided during the then current and next fiscal years by the Chamber, and the expected tax revenues to the City from business activities during the then current and next fiscal years.

VI. Amendment. This Agreement may be amended or modified only by a writing signed by both parties. Failure on the part of either party to enforce any provision of this Agreement shall not be construed as a waiver of the right to compel enforcement of such provisions.

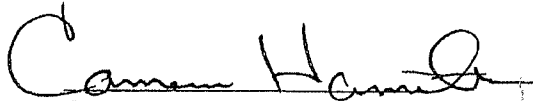
VII. Assignment. This Agreement shall not be assigned by the Chamber without the written consent of the City, and such consent may be withheld for any reason.

VIII. Notices. All notices required by the Agreement shall be in writing and delivered in person or sent by registered mail, postage prepaid.

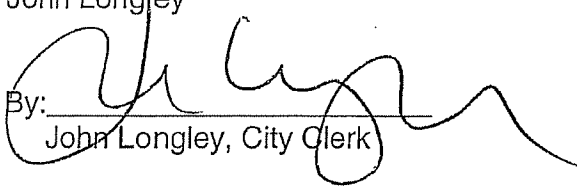
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IX. Relationship of Parties. It is understood that the contractual relationship of the Chamber to the City is that of an independent contractor.

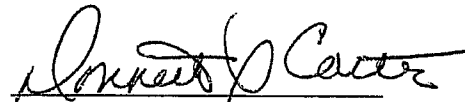
CITY:

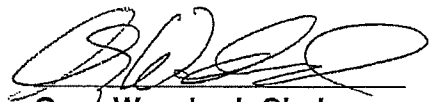

Cameron Hamilton, Mayor

ATTEST
John Longley

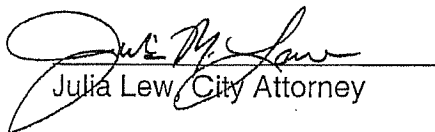
By: 
John Longley, City Clerk

CHAMBER:


Donnette Silva Carter
President/CEO


Greg Woodard, Chair
Chamber Board of Directors

APPROVED AS TO FORM:


Julia Lew, City Attorney

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**AMENDMENT NO. 1 TO THE AGREEMENT BETWEEN
THE CITY OF PORTERVILLE AND
THE PORTERVILLE CHAMBER OF COMMERCE**

Pursuant to “Article VI. Amendment” of the Agreement between the CITY OF PORTERVILLE, hereinafter referred to as “City”, and the PORTERVILLE CHAMBER OF COMMERCE, hereinafter referred to as “Chamber,” both of whom understand and agree to amend its Agreement as follows:

I. Chamber Responsibilities. The Chamber shall:

- A. Continue to carry on programs and promotional activities that include:
 - 1. Mail solicitations, information pool, referral services, and the visitor information bureau.
 - 2. Holiday advertising campaigns, and the business showcase.
 - 3. Printing and distribution of informational pamphlets and brochures.

- B. Assume all duties and responsibilities relating to the following:
 - 1. Locating, scheduling, coordinating, and programming for Centennial Park’s Friday night activities for September, October, April, May, and June except for the Fridays coinciding with the Porterville Fair, local high school and college graduations, and weeks coinciding with KJUG free concert series events. Events will include music venues at the Centennial Gazebo, and special themes (e.g. Farmer’s Market, Art in the Park, Halloween Movie in the Park, Arts & Crafts Booths, and Community Focus). The City will provide logistical support, including attendee seating, promotional signage, and park reservation.
 - 2. Providing any other assistance as may be mutually agreed upon from time to time during the period of this Agreement.

- C. At the first City Council meeting of each quarter (July, October, January, and April), furnish an activity report to the City covering the prior quarter's promotional programs and activities, with specific emphasis on sufficient relevant information to satisfy the terms and intent of this Agreement as heretofore enumerated. The Chamber shall also furnish the City with copies of its annual financial reports within thirty (30) days after they are prepared.

II. Payment by City. As consideration for the above-mentioned responsibilities, the City shall, during the term of this Agreement, pay the Chamber the sum of Thirty-Five Thousand Dollars (\$35,000) per year, which quarterly payments of Eight Thousand Seven Hundred and Fifty Dollars (\$8,750) shall be made on or before the first of the month following the furnishing of the quarterly activity report to the City Council, commencing in 2019.

III. Insurance Requirements. Chamber shall procure and maintain for the duration of this agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the services provided under this agreement. Coverage shall be as broad as required below.

- A. Commercial General Liability (CGL) insurance on an "occurrence" basis, including property damage, bodily injury and personal injury with limits no less than \$1,000,000 per occurrence, and an aggregate limit of \$2,000,000. This CGL coverage is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to the City.
- B. Workers Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limits of no less than \$1,000,000 per accident for bodily injury or disease.

The City, its officers, officials, employees, and volunteers are to be covered as insureds with respect to liability arising out of or in connection with the services provided by Chamber under this agreement.

Each insurance policy required above shall contain, or be endorsed to contain, a waiver of all rights of subrogation against the City. Further, the policies required above shall be endorsed to state that coverage shall not be canceled except after thirty (30) days' prior written notice (10 days for non-payment) has been given to the City.

Chamber shall furnish the City with certificates of coverage and amendatory endorsements or copies of the applicable policy language.

IV. Indemnification. To the fullest extent permitted by law, the Chamber shall hold harmless, defend and indemnify the City, its agents, officers, employees and volunteers ("City Indemnitees"), from and against any and all causes of action, claims, liabilities, obligations, judgments, or damages, including reasonable legal counsels' fees and costs of litigation ("claims"), arising out of the Chamber's performance of obligations under this Agreement and Amendment or out of the operations conducted by the Chamber, including the City's active or passive negligence, except for such loss or damages arising from the sole negligence or willful misconduct of the City. In the event the City Indemnitees are made a party to any action, lawsuit, or other adversarial proceeding arising from the Chamber's performance of this Agreement and Amendment, the Chamber shall provide a defense to the City's Indemnitees, or at the City's option, reimburse the City Indemnitees their costs of defense, including reasonable legal counsels' fees, incurred in defense of such claims. This indemnification obligation shall continue beyond the term of this Agreement and Amendment as to any acts or omissions occurring under this Agreement and Amendment or any extension of this Agreement.

V. Effective Date. This Amendment shall be in effect as the latest execution date indicated below.

VI. Prior Agreement. All other terms and conditions of the Agreement between the City and the Chamber, not inconsistent with this Amendment, shall remain in full force and effect.

CITY:

DATE:



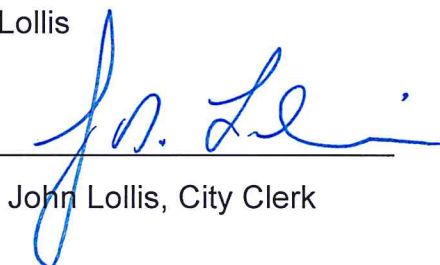
10/15/19

Martha A. Flores, Mayor

ATTEST

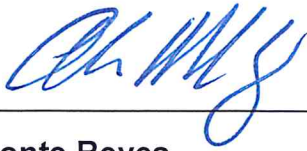
John Lollis

By:



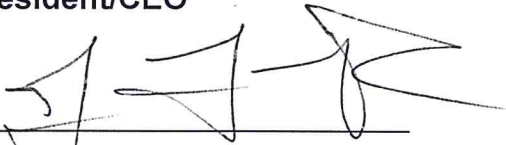
John Lollis, City Clerk

CHAMBER:



Monte Reyes

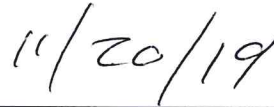
President/CEO



Jason Pommier, Chair

Chamber Board of Directors

DATE:



APPROVED AS TO FORM:



Julia Lew, City Attorney



CITY COUNCIL AGENDA – APRIL 6, 2021

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 meeting on March 16, 2021, 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-eight (58) 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. On December 3, 2020, in response to rapidly increasing positive cases and hospitalizations (especially requiring ICU care), the State issued new stay home Orders that prohibited all gatherings with members of other households. On January 25, 2021, the State ended its stay home Orders, removing the prohibited gathering restriction.

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. In its regional stay at home order issued on December 3, 2020, the State ordered the closing of all indoor and outdoor playgrounds, but did encourage residents to experience outdoor recreation without gathering with anyone outside their immediate household. On December 9, 2020, the State changed its guidance on outdoor playgrounds, allowing to remain open to facilitate physically distanced personal health and wellness through outdoor exercise. At its meeting on February 2, 2021, the Council acted to reopen the City's public playgrounds and skatepark in accordance with State guidance and restrictions. On February 19, 2021, the State released new guidance for both indoor and outdoor youth and recreational adult sports, effective February 26, 2021. Adhering and consistent with State guidance, the City began offering the reservation of park arbors and pavilions on March 27, 2021, and reopened the Zalud House Museum on March 25, 2021.

Due to the pandemic and to avoid mass gatherings, the community has suffered from the cancellation in the prior calendar year of the Iris Festival, Cinco de Mayo Parade, Porterville Fair, Military Banner Ceremony, KJUG Summer Concert Series, Freedom Fest, Pioneer Days, Veterans Day Parade, Christmas Tree-Lighting Ceremony and the Children's Christmas Parade (December), which further cancellations in the current calendar year may likely occur.

Governor Newsom's Executive Order N-28-20, issued on March 16, 2020, strongly advised that both private and public utilities not shutoff utilities or charge late fees for lack of payment until May 31, 2020, and directed the California Public Utilities Commission to review both private and public utilities for conformance. At its meeting on March 17, 2020, the Council acted

to suspend the shutoff of utilities and the charging of late fees for lack of payment until at least its meeting of April 21, 2020 for review. Governor Newsom issued Executive Order N-42-20 on April 2, 2020, which mandated that private and public water utilities not shutoff service due to non-payment, retroactive to March 4, 2020 - the Order did not reference the charging of late fees. Given the suspension of shutoff and charging of late fees, the City initially experienced a dramatic increase in accounts not making payment since the Council's action, which staff 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 and as of February 28, 2021, there was \$1,237,636 in unpaid City utility accounts (water: \$571,535; sewer: \$349,334; and refuse: \$316,766), with the corresponding total loss in late fees of \$327,440 - more than 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 ninety-five (95) total hotel rooms available to homeless individuals participating in the Project Roomkey program across the county, with seventy-two (72) 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. However, Helping Hands recently decided to close its program in October 2020 due to limited donations and participation.

The City's contract operator of the planned navigation center, Turning Point of Central California, had 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. With the final completion of the requisite fire suppression and monitoring system, Turning Point began offering emergency shelter and transitional housing on November 15, 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. At its meeting on December 15, 2020, the Council acted to appoint Council Member Carrillo to replace former Council Member Gurrola on the Committee.

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 eleven (11) documented business-oriented incidents, and the Police Department has eighty-five (85) 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 Red (Substantial) tier given its daily positive case rate per 100,000 population exceeds four (4.8 at the time of this report), however, the positivity rate meets the Orange (Moderate) tier requirement of less than five percent (2.3% at the time of this report). At the time of this report, there are three counties in the Purple (Widespread) tier, thirty-six (36) counties in the Red (Substantial) tier, seventeen (17) counties in the Orange (Moderate) tier and two 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, and allowed nail salons to reopen indoor operations on September 22, 2020, if permitted by local county public health officials. The State further allowed expanded personal care services to reopen indoor operations on October 20, 2020, including esthetic, skin care, electrology, body art professionals, tattoo parlors, piercing shops and massage therapy (in non-healthcare settings).

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.

On November 19, 2020, due to the observed significant rise in positive cases, the State announced a "Limited Stay At Home Order" that in all counties in the

Purple (Widespread) tier under the State's Blueprint for a Safer Economy, requiring that all non-essential business and public activities cease to occur between 10:00 PM and 5:00 AM, effective November 21, 2020 through December 21, 2020 or as may be extended. On January 25, 2021, the State removed this Order effective immediately.

On December 3, 2020, due to the continued significant rise in positive cases and hospitalizations (especially ICU care), the State issued a "Regional Stay At Home Order" with the state separated into five regions by county and centered around maintaining a minimum of fifteen percent (15%) regional hospital ICU capacity, with Tulare County joining eleven (11) other counties in the "San Joaquin Valley" region. The San Joaquin Valley region experienced 14.1% ICU capacity on December 5th and 6.6% capacity on December 6th, causing the new regional order to go into effect in the San Joaquin Valley region at 11:59 P.M. on December 6th. At the time of this report, the San Joaquin Valley region has 22.8% ICU capacity. The regional order modified business operations, including: 1) limit indoor retail to no more than twenty percent (20%) capacity; 2) limit restaurants to delivery/pick-up/take-out only; 3) limit worship and political expression to outdoor only; 4) limit outdoor recreation to no drink or food sales; 5) limit essential office work only when remote work is not possible; and 6) limit hotels and lodging to only supporting critical infrastructure. The regional order closes business operations, including: 1) barber and hair salons; 2) personal care services (esthetician, massage, nail and tattoo); and 3) museums. On January 25, 2021, the State removed this Order, returning to the State's Blueprint for a Safer Economy and the county tiers system.

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 Porterville Unified School District received waiver approval and began in-person instruction on December 1, 2020. Burton, Pleasant View Elementary and Rockford Elementary have each also received both County and State waiver approval and have begun in-person instruction.

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. Nine entities had 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, Habi Sushi, Black Bear Diner and Birria Y Pollos El Guero, and several more were in the application process prior to outdoor dining being prohibited by the State's regional stay at home orders on December 3, 2020. On January 25, 2021, the State removed the regional stay at home Order, again allowing outdoor dining and the consideration of the outdoor dining permits that were in process. The Council's initial approval of the outdoor dining permit process was effective through January 31, 2021, which at its meeting on February 2, 2021, the Council acted to extend its outdoor dining permit process until June 30, 2021. Subsequently, an additional seven entities have been approved to provide outdoor dining, including Birria y Pupusas Las Favoritas, Denny's, El Nuevo Mexicali, El Tapatio, Landing 13, Taco Truck Cantina and The Mud House.

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, and on January 20, 2021, Governor Newsom signed legislation to extend the protections through June 30, 2021.

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. The State has indicated that due to rising hospitalizations, it anticipated that PDC would be reopened as a regional alternate site, which was activated on December 15, 2020, and at the time of this report is currently not treating any patients and has been returned to "warm closure" status.

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 for the next several months. In addition, the City has partnered with the County in providing free community walkup testing, occurring weekly on Tuesdays in the public parking lot south of the Centennial Plaza building.

The United States Food and Drug Administration (FDA) provided emergency use authorization for the Pfizer-BioNTech COVID-19 vaccine on December 11, 2020, the Moderna vaccine on December 18, 2020 and the Johnson & Johnson vaccine on February 27, 2021, which the State provided guidelines for the distribution of vaccines in three phases. Consistent with the State's identified Phase 1A/Tier 1 priority, Tulare County began vaccinations the week of December 14, 2020, with approximately 3,000 vaccines administered. At the time of this report, the County has received 185,365 vaccines and administered 105,999 vaccines to residents, in the process of transitioning through Tiers 1 and 3 in Phase 1A, Tier 1 in Phase 1B and all individuals ages 16-64 with underlying health conditions. The County has identified large-scale community vaccination sites, with locations in Porterville (Porterville College), Tulare (Ag Center) and Visalia (College of the Sequoias).

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.

On December 27, 2020, President Trump signed a \$900 billion COVID-19 relief bill into law, which included enhanced unemployment benefits, direct cash payments, small business assistance, childcare and education funding, rental assistance, vaccine and hospital funding, and payroll tax repayment, but did not include local government funding. Tulare County has reported that it

would be receiving \$13 million in direct funding for rental and utility assistance, which it opted to dedicate to the State under SB 91 legislation for matching funds of \$14 million, with the total estimated \$27 million to be administered by the Local Initiatives Support Corporation (LISC) through local non-profit organizations beginning by March 15, 2021.

On March 11, 2021, President Biden signed the \$1.9 trillion American Rescue Plan Act, which includes \$65 billion in local government funding assistance, with estimates by adopted population formulas would provide \$20,725,496 in direct federal financial assistance to the City. Guidelines for the eligible use of funds are currently being drafted by the U.S. Department of the Treasury, which will administer the funds. The City's first allocation of \$10,362,748 is expected to be received by May 11, 2021, which the second allocation could be accessed no less than twelve (12) months later if the first allocation is fully expended, with all funds required to be expended by December 31, 2024.

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, which due to the State's current regional stay at home order, at its meeting on December 15, 2020, the Council acted to defer the biannual collection again until July 2021.

On December 3, 2020, given the new Regional Stay-at-Home Orders, the State announced that a new \$500 million in grants would be made available to assist small businesses impacted by the Orders, which the application period for the first round of funding opened on December 30, 2020, and closed on January 13, 2021. A second round of funding was committed to by the State, with the application period having opened on February 2 and closed on February 8, 2021. Four additional rounds of funding were announced by the State on March 3, 2021, with the third round (waitlisted applicants from the first and second rounds only) having opened on March 5 and closed March 11, 2021, the fourth round (nonprofit cultural institutions only) opened on March 16 and closed on March 23, 2021, the fifth round (open to all eligible applicants) opened on March 25 and closed on March 31, 2021, and the sixth round (open to all eligible applicants) opening on April 28, 2021 and closing on May 4, 2021.

Given challenges of access and gaps in available small business assistance, some cities have developed self-funded small business assistance programs. As

an example, the City of Whittier recently developed a \$500,000 small business assistance grant program, with eligible businesses required to have a valid business license, be independently owned and operated, and have a physical commercial location (home based businesses are not eligible). The program provides \$500 to personal care services providers (i.e. hair, massage, nail, skincare, tattoo), \$2,000 to businesses that generate less than \$250,000 in gross taxable sales, and \$2,500 to businesses that generate more than \$250,000 in gross taxable sales. Small businesses are defined generating less than \$1.25 million in gross taxable sales.

From a City financial perspective, there is uncertainty as to how the pandemic would affect local sales tax and transient occupancy tax, which could be further compounded by a potential 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.

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.

On Friday, January 8, 2021, Governor Newsom announced the State's proposed \$227 billion budget for the upcoming 2021-2022 fiscal year, allocating \$15 billion for COVID-19 recovery and support, focused on vaccinations, safe reopening of schools, support for small businesses, and funding for California residents, but did not include financial support for cities.

On Tuesday, February 23, 2021, Governor Newsom signed the Golden State Stimulus legislation, that provides \$9.6 billion in financial assistance to eligible individuals and families, and economic aid to qualifying small businesses and non-profits.

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

30. State of California Guidance for Expanded Personal Care Services: October 20, 2020
31. State of California Limited Stay At Home Order - November 19, 2020
32. State of California Regional Stay At Home Order - December 3, 2020
33. State of California COVID-19 Vaccine Prioritization - January 7, 2021
34. Tulare County COVID-19 Vaccine Distribution Plan - January 7, 2021
35. Tulare County COVID-19 Vaccine Schedule
36. Tulare County Emergency Rental and Utility Assistance Program
37. State of California Outdoor and Indoor Youth and Recreational Adult Sports Guidance - February 19, 2021

Appropriated/Funded:

Review By:

Department Director:

John Lollis, City Manager

Final Approver: John Lollis, City Manager

RESOLUTION NO. 22-2020

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Martha A. Flores, Mayor

ATTEST:

John D. Lollis, City Clerk

By: 

Patrice Hildreth, Chief Deputy City Clerk

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

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a meeting of the Porterville City Council duly called and held on the 17th day of March, 2020.

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

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

JOHN D. LOLLIS, City Clerk


By: Fernando Gabriel-Moraga, Deputy City Clerk

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

PROCLAMATION OF A STATE OF EMERGENCY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IT IS HEREBY ORDERED THAT:

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

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

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

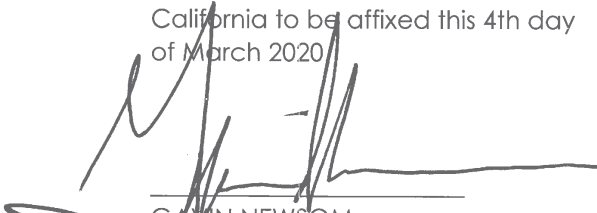
notification requirement of Civil Code section 1798.24, subdivision (i), is suspended.

13. Notwithstanding Health and Safety Code sections 1797.52 and 1797.218, during the course of this emergency, any EMT-P licensees shall have the authority to transport patients to medical facilities other than acute care hospitals when approved by the California EMS Authority. In order to carry out this order, to the extent that the provisions of Health and Safety Code sections 1797.52 and 1797.218 may prohibit EMT-P licensees from transporting patients to facilities other than acute care hospitals, those statutes are hereby suspended until the termination of this State of Emergency.

14. The Department of Social Services may, to the extent the Department deems necessary to respond to the threat of COVID-19, waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations, interim licensing standards, or other written policies or procedures with respect to the use, licensing, or approval of facilities or homes within the Department's jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

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

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



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

**PROCLAMATIONS**

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

Issued on: March 13, 2020



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

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

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

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

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

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

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

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

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

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

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

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

DONALD J. TRUMP



Health & Human Services Agency COUNTY OF TULARE AGENDA ITEM

BOARD OF SUPERVISORS

KUYLER CROCKER
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

EDDIE VALERO
District Four

DENNIS TOWNSEND
District Five

AGENDA DATE: March 17, 2020

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

CONTACT PERSON: Andrew Lockman PHONE: 624-8000

SUBJECT: Ratify Proclamations of Emergency for COVID-19

REQUEST(S):

That the Board of Supervisors:

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

SUMMARY:

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

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

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

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

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

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

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

FISCAL IMPACT/FINANCING:

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

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

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

ADMINISTRATIVE SIGN-OFF:



Timothy W. Lutz
Agency Director

Cc: County Administrative Office

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

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

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

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

AYES:
NOES:
ABSTAIN:
ABSENT:

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

BY: _____
Deputy Clerk

* * * * *

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

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

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

WHEREAS, the Director of Emergency Services hereby finds:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

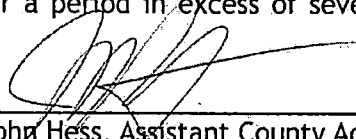
1. Proclaims that a local emergency, as defined in Government Code Section 8558 and Tulare County Ordinance Code Section 1-15-1005, now exists within the County due to the presence of COVID-19; and
2. Requests that the Governor of the State of California request a federal declaration to provide assistance,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

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

Date: March 11, 2020

Time: 10:33 pm

By:


John Hess, Assistant County Administrative Officer
and Emergency Services Coordinator

APPROVED AS TO FORM:
COUNTY COUNSEL

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

Jlk/03-11-2020/2020217/1444043

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

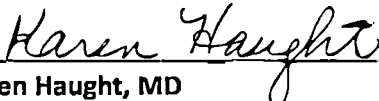
WHEREAS, the Board of Supervisors is not in session, and cannot immediately be called into session; and

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

Date: March 11, 2020

Time: 10:50 pm

Issued by:



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

Approved as to Form:
COUNTY COUNSEL

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

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



TULE RIVER INDIAN TRIBE OF CALIFORNIA

IN THE MATTER OF:

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

RESOLUTION NO. FY2020-100

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

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

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

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

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

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

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

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

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

Page 2.

Resolution No. FY2020-100

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

CERTIFICATION

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

AYES: 8

NOES: 0

ABSTAIN 0


NEIL PEYRON, CHAIRMAN
TULE RIVER TRIBAL COUNCIL


HEATHER TERAN, SECRETARY
TULE RIVER TRIBAL COUNCIL

ATTEST TO:


RECORDING SECRETARY

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-25-20

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

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

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

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

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

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

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

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

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

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

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

IT IS HEREBY ORDERED THAT:

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

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

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

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

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

In particular, any otherwise-applicable requirements that

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

are hereby suspended, on the conditions that:

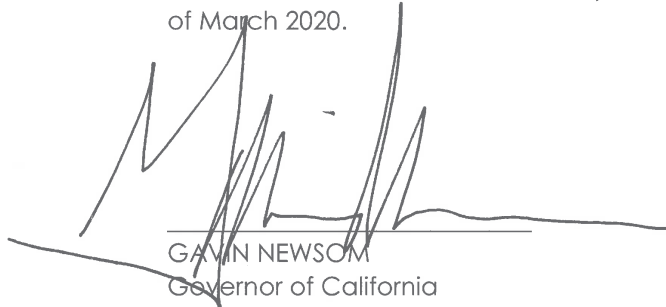
- (i) each state or local body must give advance notice of each public meeting, according to the timeframe otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) consistent with the notice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

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

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

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

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



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-28-20

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

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

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

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

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

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

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

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

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

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

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

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

IT IS HEREBY ORDERED THAT:

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

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

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

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

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

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

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

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

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

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

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 16th day of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-32-20

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

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

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

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

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

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

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

IT IS HEREBY ORDERED THAT:

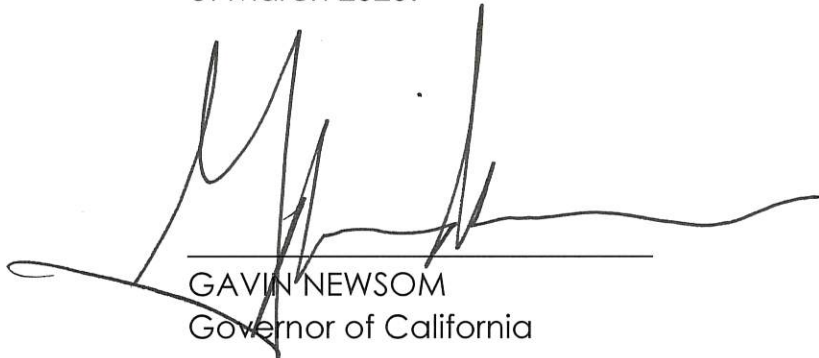
- 1) To the limited extent that any part of Health & Safety Code section 50214, subdivision (a), restricts a local jurisdiction from expending Homeless Emergency Aid Program funds on preparing for and addressing the impacts of the COVID-19 pandemic on homeless individuals, including through implementing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

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

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

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

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



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-33-20

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

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

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

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

IT IS HEREBY ORDERED THAT:

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

ORDER OF THE STATE PUBLIC HEALTH OFFICER
March 19, 2020

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

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

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

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

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

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

- 2) The healthcare delivery system shall prioritize services to serving those who are the sickest and shall prioritize resources, including personal protective equipment, for the providers providing direct care to them.
- 3) The Office of Emergency Services is directed to take necessary steps to ensure compliance with this Order.
- 4) This Order shall be enforceable pursuant to California law, including, but not limited to, Government Code section 8665.

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

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

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 19th day
of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

ESSENTIAL WORKFORCE

On March 19, 2020, Governor Newsom issued Executive Order N-33-20 directing all residents immediately to heed current State public health directives to stay home, except as needed to maintain continuity of operations of essential critical infrastructure sectors and additional sectors as the State Public Health Officer may designate as critical to protect health and well-being of all Californians.

In accordance with this order, the State Public Health Officer has designated the following list of “Essential Critical Infrastructure Workers” to help state, local, tribal, and industry partners as they work to protect communities, while ensuring continuity of functions critical to public health and safety, as well as economic and national security.

Sector Index:

1. [Health and Public Health Sector](#)
2. [Emergency Services Sector](#)
3. [Food and Agriculture Sector](#)
4. [Energy Sector](#)
5. [Water and Wastewater Sector](#)
6. [Transportation and Logistics Sector](#)
7. [Communications and Information Technology Sector](#)
8. [Government Operations and Other Community-Based Essential Functions](#)
9. [Critical Manufacturing Sector](#)
10. [Financial Services Sector](#)
11. [Chemical Sector](#)
12. [Defense Industrial Base Sector](#)
13. [Industrial, Commercial, Residential and Sheltering Facilities and Services](#)

Relevant Guidance For All Sectors:

- [Face Coverings Guidance](#)
 - [Orientación Sobre el Uso de Mascarillas de Tela](#)
- [Self-Isolation for Older Adults and Those Who Have Elevated Risk](#)
 - [Aislamiento para Adultos Mayores y Personas que Tienen un Riesgo Elevado](#)
- [Employers, health care workers and workers in general industry](#)

1. HEALTHCARE / PUBLIC HEALTH

Sector Profile

The Healthcare and Public Health (HPH) Sector is large, diverse, and open, spanning both the public and private sectors. It includes publicly accessible healthcare facilities, research centers, suppliers, manufacturers, and other physical assets and vast, complex public-private information technology systems required for care delivery and to support the rapid, secure transmission and storage of large amounts of HPH data.

Essential Workforce, if remote working is not practical:

1. Health care providers and caregivers (including physicians, dentists, psychologists, mid-level practitioners, nurses, assistants, and aids; infection control and quality assurance personnel; pharmacists; physical, respiratory, speech and occupational therapists and assistants; social workers and providers serving individuals with disabilities including developmental disabilities; optometrists; speech pathologists; chiropractors; diagnostic and therapeutic technicians; and radiology technologists).
2. Workers required for effective clinical, command, infrastructure, support service, administrative, security and intelligence operations across the direct patient care and full healthcare and public health spectrum, including accounting, administrative, admitting and discharge, engineering, accrediting, certification, licensing, credentialing, epidemiological, source plasma and blood donation, food service, environmental services, housekeeping, medical records, information technology and operational technology, nutritionists, sanitarians; emergency medical services workers; prehospital workers including but not limited to urgent care workers; inpatient and hospital workers; outpatient care workers; home care workers; workers at long-term care facilities, residential and community-based providers; workplace safety workers).
3. Workers needed to support transportation to and from healthcare facilities and provider appointments.
4. Workers needed to provide laundry services, food services, reprocessing of medical equipment, and waste management.
5. Vendors and suppliers (including imaging, pharmacy, oxygen services, durable medical equipment)
6. Workers who perform critical clinical research, development, and testing needed for COVID-19 response.
7. Workers in other medical and life science facilities (including Ambulatory Health and Surgical, Blood Banks, Clinics, Community Mental Health, Comprehensive Outpatient rehabilitation, End Stage Renal Disease, Health Departments, Home Health care, Hospices, Hospitals, Long Term Care, Organ Pharmacies, Procurement Organizations, Psychiatric, Residential, Rural Health Clinics and Federally Qualified Health Centers, and retail facilities specializing in medical goods and supplies, including cannabis).
8. Workers for health manufacturing (including life science companies, and companies that have shifted production to medical supplies), materials and parts suppliers, technicians, logistics and warehouse operators, printers, packagers, and distributors of medical equipment (including those who test and repair), personal protective equipment (PPE), isolation barriers, medical

- gases, pharmaceuticals (including materials used in radioactive drugs, and cannabis products), dietary supplements, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, personal hygiene products, and tissue and paper towel products.
9. Public health / community health workers, including those who compile, model, analyze and communicate public health information.
 10. Behavioral and mental health workers responsible for coordination, outreach, engagement, and treatment to individuals in need of mental health and/or behavioral services.
 11. Donors of blood bone marrow, blood stem cell, or plasma and the workers of the organizations that operate and manage related activities.
 12. Workers that manage health plans, billing, and health information.
 13. Workers who conduct community-based public health functions, conducting epidemiologic surveillance, compiling, analyzing and communicating public health information.
 14. Workers performing IT and cybersecurity functions at healthcare and public health facilities.
 15. Workers performing security, incident management, and emergency operations functions at or on behalf of healthcare entities including healthcare coalitions.
 16. Pharmacy employees, including workers necessary to maintain uninterrupted prescription filling.
 17. Workers in retail facilities specializing in medical goods and supplies.
 18. Public health and environmental health workers, including workers specializing in environmental health that focus on implementing environmental controls, sanitary and infection control interventions, healthcare facility safety and emergency preparedness planning, engineered work practices, and developing guidance and protocols for appropriate PPE to prevent COVID-19 disease transmission; Public health/ community health workers (including call center workers) who conduct community- based public health functions, conducting epidemiologic surveillance and compiling, analyzing, and communicating public health information.
 19. Mortuary services providers, including workers performing mortuary, funeral, cremation burial, cemetery, and related services, including funeral homes, crematoriums, cemetery workers and coffin makers.
 20. Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death; and facilitate access to behavioral and mental health services to the family members, responders, and survivors of an incident.
 21. Workers supporting veterinary hospitals and clinics.

Relevant Sector Guidance:

- [All Facility Letters for health care facilities, including long-term care facilities](#)
- [Health care facilities, Skilled Nursing Facilities](#)
- [Individuals with Access and Functional Needs](#)
- [Medical Waste Management - Interim Guidelines](#)
- [Outpatient Healthcare Facility Infection Control Recommendations for Suspect COVID-19 Patients](#)
- [Prioritization of Patients for Laboratory Testing for COVID-19](#)
- [Veterinary Professionals and Premises](#)
- Regional Centers:
 - [Visits to Licensed Residential Facilities](#)
 - [Risk Mitigation Strategies for ARFPSHN, ICF/DD-CN](#)
- [Adult and Senior Care Facilities](#)

- [Cuidado a los Adultos Mayores](#)
- [Community care facilities, including assisted living facilities and child care](#)
- [Medi-Cal Managed Care Health Plans: COVID – 19 Screening and Testing](#)
- [Coverage Options Fact Sheet](#)
 - [Opciones De Cobertura](#)
- [Department of Managed Health Care All Plan Letter](#)
- [California Department of Insurance Bulletin](#)

2. EMERGENCY SERVICES SECTOR

Sector Profile

The Emergency Services Sector (ESS) is a community of highly-skilled, trained personnel, along with the physical and cyber resources, that provide a wide range of prevention, preparedness, response, and recovery services during both day-to-day operations and incident response. The ESS includes geographically distributed facilities and equipment in both paid and volunteer capacities organized primarily at the federal, state, local, tribal, and territorial levels of government, such as city police departments and fire stations, county sheriff's offices, Department of Defense police and fire departments, and town public works departments. The ESS also includes private sector resources, such as industrial fire departments, private security organizations, and private emergency medical services providers.

Essential Workforce, if remote working is not practical:

1. Public, private, and voluntary personnel (front line and management) in emergency management, law enforcement, fire and rescue services, emergency medical services, corrections, rehabilitation and reentry, search and rescue, hazardous material response, and technicians supporting maritime and aviation emergency response.
2. Public Safety Answering Points and 911 call center employees; personnel involved in access to emergency services including the emergency alert system and wireless emergency alerts.
3. Fusion Center employees
4. Workers who support weather disaster / natural hazard monitoring, response, mitigation, and prevention, including personnel conducting, supporting, or facilitating wildfire mitigation activities
5. Workers – including contracted vendors -- who maintain, manufacture, or supply equipment and services supporting law enforcement, fire, EMS, and emergency service response operations (including safety equipment, electronic security, and uniforms)
6. Workers responding to abuse and neglect of children, elders and dependent adults.
7. Animal control officers and humane officers
8. Security staff to maintain building access control and physical security measures
9. Workers and contracted vendors who maintain and provide services and supplies to public safety facilities, including emergency communication center, public safety answering points, public safety communications centers, emergency operation centers, fire and emergency medical services stations, police and law enforcement stations and facilities.

Relevant Sector Guidance:

- [Public Health Guidance about COVID-19 for California State Prisons](#)
- [First responders, including paramedics and EMTs](#)

3. FOOD AND AGRICULTURE

Sector Profile

The Food and Agricultural (FA) Sector is composed of complex production, processing, and delivery systems and has the capacity to feed people and animals both within and beyond the boundaries of the United States. Beyond domestic food production, the FA Sector also imports many ingredients and finished products, leading to a complex web of growers, processors, suppliers, transporters, distributors, and consumers. This sector is critical to maintaining and securing our food supply.

Essential Workforce, if remote working is not practical:

1. Workers supporting groceries, pharmacies, convenience stores, and other retail that sells food or beverage products, and animal/pet food, retail customer support service, information technology support staff, for online orders, pickup/takeout or delivery.
2. Workers supporting restaurant carry-out and quick serve food operations, including food preparation, carry-out and delivery food employees.
3. Food manufacturer employees and their supplier employees to include those employed in food ingredient production and processing-facilities; aquaculture and seafood harvesting facilities; livestock, poultry, seafood slaughter facilities; pet and animal feed processing facilities; human food facilities producing by-products for animal food; beverage production facilities; and the production of food packaging, including recycling operations and processing.
4. Farmers, farm and ranch workers, and agribusiness support services to include those employed in auction and sales; grain and oilseed handling, storage, processing and distribution; animal food, feed, and ingredient production, packaging, and distribution; manufacturing, packaging, and distribution of veterinary drugs; truck delivery and transport.
5. Farmers, farm and ranch workers, support service workers and their supplier employees producing food supply domestically and for export to include those engaged in raising, cultivating, harvesting, packing, storing, or delivering to storage or to market or to a carrier for transportation to market any agricultural or horticultural commodity for human consumption; those engaged in producing and harvesting field crops; cannabis growers; agricultural and commodity inspection; fuel ethanol facilities; storage facilities; biodiesel and renewable diesel facilities; and other agricultural inputs
6. Employees and firms supporting food, feed, and beverage distribution and ingredients used in these products including warehouse workers, vendor-managed inventory controllers, and blockchain managers.
7. Workers supporting the sanitation of all food manufacturing processes and operations from wholesale to retail.
8. Workers supporting the growth and distribution of plants and associated products for home gardens.
9. Workers in cafeterias used to feed workers, particularly worker populations sheltered against COVID-19
10. Workers in animal diagnostic and food testing laboratories
11. Workers essential for assistance programs and government payments
12. Government, private, and non-governmental organizations' workers essential for food assistance programs (including school lunch programs) and government payments.

13. Employees of companies engaged in the production, storage, transport, and distribution of chemicals; medicines, including cannabis; vaccines; and other substances used by the food and agriculture industry, including seeds, pesticides, herbicides, fertilizers, minerals, enrichments, and other agricultural production aids.
14. Animal agriculture workers to include those employed in veterinary health (including those involved in supporting emergency veterinary or livestock services); raising of animals for food; animal production operations; livestock markets; slaughter and packing plants, manufacturers, renderers, and associated regulatory and government workforce.
15. Transportation supporting animal agricultural industries, including movement of animal medical and reproductive supplies and material, animal vaccines, animal drugs, feed ingredients, feed, and bedding, live animals, animal medical materials; transportation of deceased animals for disposal; and associated regulatory and government workforce
16. Workers who support sawmills and the manufacture and distribution of fiber and forest products, including, but not limited to timber, paper, and other wood and fiber products
17. Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary to agricultural production and distribution
18. Workers at animal care facilities that provide food, shelter, veterinary and/or routine care and other necessities of life for animals.

Relevant Sector Guidance:

- [Food, Beverage, Other Services](#)
 - [Alimentos, Bebidas y Otros Sitios de Servicios Relacionados](#)
- [Food Industry and Food Supply Chain](#)

4. ENERGY

Sector Profile

The Energy Sector consists of widely diverse and geographically dispersed critical assets and systems that are often interdependent of one another. This critical infrastructure is divided into three interrelated segments or subsectors—electricity, oil, and natural gas—to include the production, refining, storage, and distribution of oil, gas, and electric power. The Energy Sector supplies fuels to the transportation industry, electricity to households and businesses, and other sources of energy that are integral to growth and production across the Nation. In turn, it depends on the Nation's transportation, information technology, communications, finance, water, and government infrastructures.

Essential Workforce, if remote working is not possible:

1. Workers supporting the energy sector, regardless of the energy source, segment of the system, or infrastructure the worker is involved in, or who are needed to monitor, operate, engineer, and maintain the reliability, safety, environmental health, physical and cyber security of the energy system, including power generation, transmission and distribution.
2. Workers supporting the energy sector, regardless of the energy source, needed for construction, manufacturing, transportation and logistics, maintenance, and permitting.
3. IT and OT technology for essential energy sector operations including support workers, customer service operations, call centers, and emergency response and customer emergency operations; energy management systems, control systems, Supervisory Control and Data Acquisition SCADA systems, and energy sector entity data centers; cybersecurity engineers; and cybersecurity risk management.
4. Workers providing services related to energy sector fuels and supply chains, supporting the procurement, mining, drilling, processing, refining, manufacturing, refueling, construction, logistics, transportation (including marine transport, terminals, rail and vehicle transport), permitting operation and maintenance, security, waste disposal, storage, and monitoring of support for resources;
5. Workers supporting environmental remediation and monitoring.
6. Workers supporting manufacturing and distribution of equipment, supplies, and parts necessary to maintain production, maintenance, restoration, and service at energy sector facilities across all energy sectors, and regardless of the energy source.
7. Workers at Independent System Operators and Regional Transmission Organizations, and Network Operations staff, engineers and technicians to manage the network or operate facilities.
8. Workers at Reliability Coordinator, Balancing Authorities, and primary and backup Control Centers, including but not limited to independent system operators, regional transmission organizations, and balancing authorities; and workers involved in energy commodity trading and scheduling.
9. Mutual assistance personnel, which may include workers from outside of the state or local jurisdiction
10. Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them.

5. WATER AND WASTEWATER

Sector Profile

The Water and Wastewater Sector is a complex sector composed of drinking water and wastewater infrastructure of varying sizes and ownership types. Multiple governing authorities pertaining to the Water and Wastewater Sector provide for public health, environmental protection, and security measures, among others.

Essential Workforce, if remote working is not practical:

Employees needed to operate and maintain drinking water and wastewater/drainage infrastructure, including:

1. Operational staff at water authorities
2. Operational staff at community water systems
3. Operational staff at wastewater treatment facilities
4. Workers repairing water and wastewater conveyances and performing required sampling or monitoring
5. Operational staff for water distribution and testing
6. Operational staff at wastewater collection facilities
7. Operational staff and technical support for SCADA Control systems
8. Chemical disinfectant suppliers for water and wastewater and personnel protection
9. Workers that maintain digital systems infrastructure supporting water and wastewater operations

6. TRANSPORTATION AND LOGISTICS

Sector Profile

The Transportation Systems Sector consists of seven key subsectors, or modes:

- Aviation includes aircraft, air traffic control systems, and airports, heliports, and landing strips. Commercial aviation services at civil and joint-use military airports, heliports, and sea plane bases. In addition, the aviation mode includes commercial and recreational aircraft (manned and unmanned) and a wide variety of support services, such as aircraft repair stations, fueling facilities, navigation aids, and flight schools.
- Highway and Motor Carrier encompasses roadway, bridges, and tunnels. Vehicles include trucks, including those carrying hazardous materials; other commercial vehicles, including bicycles, commercial motor coaches and school buses; vehicle and driver licensing systems; taxis, transportation services including Transportation Network Companies, and delivery services including Delivery Network Companies; traffic management systems; AND cyber systems used for operational management.
- Maritime Transportation System consists of coastline, ports, waterways, and intermodal landside connections that allow the various modes of transportation to move people and goods to, from, and on the water.
- Mass Transit and Passenger Rail includes terminals, operational systems, and supporting infrastructure for passenger services by transit buses, trolleybuses, monorail, heavy rail—also known as subways or metros—light rail, passenger rail, and vanpool/rideshare.
- Pipeline Systems consist of pipelines carrying natural gas hazardous liquids, as well as various chemicals. Above-ground assets, such as compressor stations and pumping stations, are also included.
- Freight Rail consists of major carriers, smaller railroads, active railroad, freight cars, and locomotives.
- Postal and Shipping includes large integrated carriers, regional and local courier services, mail services, mail management firms, and chartered and delivery services.

Essential Workforce, if remote working is not practical:

1. Employees supporting or enabling transportation functions, including truck drivers, bus drivers, dispatchers, maintenance and repair technicians, warehouse workers, truck stop and rest area workers, towing and recovery services, roadside assistance workers, intermodal transportation personnel, and workers that maintain and inspect infrastructure
2. Working supporting or providing services that enable logistics operations for essential sectors, wholesale and retail sale, including warehousing, cooling, storing, packaging, and distributing products for wholesale or retail sale or use.
3. Workers supporting maintenance and operation of essential highway infrastructure, including roads, bridges, and tunnels.

4. Workers of firms providing services, supplies, and equipment that enable warehouse and operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use.
5. Mass transit workers providing critical transit services and/or performing critical or routine maintenance to mass transit infrastructure or equipment.
6. Employees supporting personal and commercial transportation services, including taxis, bicycle services, Transportation Network Companies, and delivery services including Delivery Network Companies
7. Workers responsible for operating dispatching passenger, commuter and freight trains and maintaining rail infrastructure and equipment
8. Maritime transportation and inland waterway workers – to include maintenance and repair – including port authority and commercial facility personnel, dredgers, port workers, mariners, ship crewmembers, ship pilots and tugboat operators, ship supply, Chandler, and equipment operators.
9. Workers who support the operation, inspection, and maintenance of essential dams, locks, and levees.
10. Workers who support the inspection and maintenance of aids to navigation and other government-provided services that ensure continued maritime commerce.
11. Workers supporting transportation of chemicals, hazardous, medical, waste and recyclable materials to support critical sectors and infrastructure.
12. Automotive repair, maintenance, and transportation equipment manufacturing and distribution facilities.
13. Transportation safety inspectors, including hazardous material inspectors and accident investigator inspectors
14. Manufacturers and distributors (to include service centers and related operations) of lighting and communication systems, specialized signage and structural systems, emergency response equipment and support materials, printers, printed materials, packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations
15. Postal, parcel, courier, last-mile delivery, and shipping workers, to include private companies who accept, process, transport, and deliver information and goods.
16. Workers who supply equipment and materials for maintenance of transportation equipment.
17. Employees who repair and maintain vehicles, aircraft, rail equipment, marine vessels, bicycles, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers
18. Workers who support air transportation for cargo and passengers, including operation distribution, maintenance, and sanitation. This includes air traffic controllers, flight dispatchers, maintenance personnel, ramp workers, fueling agents, flight crews, airport safety inspectors and engineers, airport operations personnel, aviation and aerospace safety workers, security, commercial space personnel, operations personnel, accident investigators, flight instructors, and other on- and off-airport facilities workers.
19. Workers critical to the manufacturing, distribution, sales, rental, leasing, repair, and maintenance of vehicles and other transportation equipment (including electric vehicle charging stations) and the supply chains that enable these operations, subject to adhering public health guidance issued by CDPH.
20. Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, construction material

suppliers, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues

21. Workers who support, such as road and line clearing, to ensure the availability of needed facilities, transportation, energy and communications.

7. COMMUNICATIONS AND INFORMATION TECHNOLOGY

Sector Profile

The Communications Sector provides products and services that support the efficient operation of today's global information-based society. Communication networks enable people around the world to contact one another, access information instantly, and communicate from remote areas. This involves creating a link between a sender (including voice signals) and one or more recipients using technology (e.g., a telephone system or the Internet) to transmit information from one location to another. Technologies are changing at a rapid pace, increasing the number of products, services, service providers, and communication options. The national communications architecture is a complex collection of networks that are owned and operated by individual service providers. Many of this sector's products and services are foundational or necessary for the operations and services provided by other critical infrastructure sectors. The nature of communication networks involves both physical infrastructure (buildings, switches, towers, antennas, etc.) and cyber infrastructure (routing and switching software, operational support systems, user applications, etc.), representing a holistic challenge to address the entire physical-cyber infrastructure.

The IT Sector provides products and services that support the efficient operation of today's global information-based society and are integral to the operations and services provided by other critical infrastructure Sectors. The IT Sector is comprised of small and medium businesses, as well as large multinational companies. Unlike many critical infrastructure Sectors composed of finite and easily identifiable physical assets, the IT Sector is a functions-based Sector that comprises not only physical assets but also virtual systems and networks that enable key capabilities and services in both the public and private sectors.

Essential Workforce – Communications, if remote working is not practical:

1. Maintenance of communications infrastructure- including privately owned and maintained communication systems- supported by technicians, operators, call-centers, wireline and wireless providers, cable service providers, satellite operations, Internet Exchange Points, Network Access Points, back haul and front haul facilities, and manufacturers and distributors of communications equipment.
2. Workers performing functions related to undersea cable infrastructure and support facilities, including cable landing sites, beach manhole vaults and covers, submarine cable depots, and submarine cable ship facilities
3. Government and private sector employees supporting Department of Defense internet and communications facilities.
4. Workers who support radio, television, and media service, including, but not limited to front line news reporters, studio, and technicians for newsgathering, reporting, and publishing news.
5. Network Operations staff, engineers and/or technicians to include IT managers and staff, HVAC & electrical engineers, security personnel, software and hardware engineers, and database administrators that manage the network or operate facilities
6. Workers responsible for infrastructure construction and restoration, including contractors for construction and engineering of fiber optic cables, buried conduit, small cells, other wireless facilities, and other communications sector-related infrastructure. This includes construction of

new facilities and deployment of new technology required to address congestion or customer usage on remote services.

7. Installation, maintenance and repair technicians that establish, support or repair service as needed.
8. Central office personnel to maintain and operate central office, data centers, and other network office facilities, and critical support personnel assisting front line employees
9. Customer service and support staff, including managed and professional services as well as remote providers of support to transitioning employees to set up and maintain home offices, who interface with customers to manage or support service environments and security issues, including payroll, billing, fraud, logistics and troubleshooting
10. Workers providing electronic security, fire, monitoring, and life safety services, and who ensure physical security, cleanliness, and the safety of facilities and personnel, including those who provide temporary licensing waivers for security personnel to work in other States or Municipalities.
11. Dispatchers involved with service repair and restoration
12. Retail customer service personnel at critical service center locations for onboarding customers, distributing and repairing equipment and other supply chain personnel, to support individuals' remote emergency communications needs;
13. External Affairs personnel to assist in coordinating with local, state, and federal officials to address communications needs supporting COVID-19 response, public safety, and national security.
14. Workers responsible for ensuring that persons with disabilities have access to and the benefits of various communications platforms, including those involved in the provision of telecommunication relay services, closed captioning of broadcast television for the deaf, video relay services for deaf citizens who prefer communication via American Sign Language over text, and audio-description for television programming.

Essential Workforce - Information Technology, if remote working is not practical:

15. Workers who support command centers, including, but not limited to Network Operations Command Centers, Broadcast Operations Control Center and Security Operations Command Centers
16. Data center operators, including system administrators, HVAC & electrical engineers, security personnel, IT managers and purchasers, data transfer solutions engineers, software and hardware engineers, and database administrators
17. Workers who support client service centers, field engineers, and other workers supporting critical infrastructure, as well as manufacturers and supply chain vendors that provide hardware and software, support services, research and development, information technology equipment (to include microelectronics and semiconductors), and HVAC and electrical equipment for critical infrastructure and test labs and certification agencies that qualify such equipment for critical infrastructure.
18. Workers needed to pre-empt and respond to cyber incidents involving critical infrastructure,, and entities supporting the functioning of critical infrastructure sectors
19. Suppliers, designers, transporters and other workers supporting the manufacture, distribution, and construction of essential global, national and local infrastructure for computing services (including cloud computing services and teleworking capabilities), business infrastructure, financial transactions, web-based services, and critical manufacturing

20. Workers supporting communications systems, information technology, and work from home solutions
21. Employees required to support Software as a Service businesses that enable remote working, performance of business operations, distance learning, media services, and digital health offerings, or required for technical support crucial for business continuity and connectivity.

8. GOVERNMENT OPERATIONS AND OTHER COMMUNITY-BASED ESSENTIAL FUNCTIONS

Essential Workforce, if remote working is not practical.

1. Critical government workers, as defined by the employer and consistent with Continuity of Operations Plans and Continuity of Government plans.
2. County workers responsible for determining eligibility for safety net benefits
3. The Courts, consistent with guidance released by the California Chief Justice
4. Workers who support administration and delivery of unemployment insurance programs, income maintenance, employment service, disaster assistance, workers' compensation insurance and benefits programs, and pandemic assistance
5. Workers to ensure continuity of building functions, including but not limited to security and environmental controls, the manufacturing and distribution of the products required for these functions, and the permits and inspection for construction.
6. Elections personnel
7. Federal, State, and Local, Tribal, and Territorial employees who support Mission Essential Functions and communications networks
8. Trade Officials (FTA negotiators; international data flow administrators)
9. Weather forecasters
10. Workers that maintain digital systems infrastructure supporting other critical government operations
11. Workers who support necessary credentialing, vetting and licensing operations for critical sector workers and operations.
12. Workers who are critical to facilitating trade in support of the national, state, and local emergency response supply chain
13. Workers supporting public and private childcare establishments, pre-K establishments, K-12 schools, colleges, and universities for purposes of distance learning, provision of school meals, or care and supervision of minors to support essential workforce across all sectors
14. Staff at government offices who perform title search, notary, and recoding services in support of mortgage and real estate services and transactions;
15. Workers and instructors supporting academies and training facilities and courses for the purpose of graduating students and cadets that comprise the essential workforce for all identified critical sectors
16. Clergy for essential support and faith-based services that are provided through streaming or other technologies that support physical distancing and state public health guidelines.
17. Human services providers, especially for at risk populations, including home delivered meal providers for older adults, people with disabilities, and others with chronic health conditions; home-maker services for frail, homebound, older adults; personal assistance services providers to support activities of daily living for older adults, people with disabilities, and others with chronic health conditions who live independently in the community with supports and services; home health providers who deliver health care services for older adults, people with disabilities, and others with chronic health conditions who live independently in the community with supports and services.
18. Government entities, and contractors that work in support of local, state, and federal public health and medical mission sets, including but not limited to supporting access to healthcare and associated payment functions, conducting public health functions, providing medical care,

supporting emergency management, or other services necessary for supporting the COVID-19 response.

Relevant Sector Guidance:

- Schools and institutions of higher education
 - [Guidance for schools \(PDF\)](#)
 - [Directrices para las escuelas sobre el nuevo coronavirus o COVID-19 \(PDF\)](#)
 - [Guidance for colleges and universities](#)
 - [Directrices para las instituciones de educación superior sobre el nuevo coronavirus o COVID-19](#)
- [Guidance for K-12 Schools: Distance Learning, School Meals, Child Care and Student Supervision](#)
- [Guidance for Using Disinfectants at Schools and Child Cares](#)
 - [Recordatorios para el uso de desinfectantes en las escuelas y guarderías](#)
- [Community care facilities, including assisted living facilities and child care](#)

9. CRITICAL MANUFACTURING

Sector Profile

The Critical Manufacturing Sector identifies several industries to serve as the core of the sector: Primary Metals Manufacturing, Machinery Manufacturing, Electrical Equipment, Appliance, and Component Manufacturing, Transportation Equipment Manufacturing Products made by these manufacturing industries are essential to many other critical infrastructure sectors.

Essential Workforce, if remote working is not practical

1. Workers necessary for the manufacturing of metals, industrial minerals, semiconductors, materials and products needed for supply chains of the critical infrastructure sectors.
2. Workers necessary for the manufacturing of materials and products needed to manufacture medical equipment and personal protective equipment
3. Workers necessary for mining and production of critical minerals, materials and associated essential supply chains, and workers engaged in the manufacture and maintenance of equipment and other infrastructure necessary for mining production and distribution.
4. Workers who produce or manufacture parts or equipment that supports continued operations for any essential services and increase in remote workforce, including computing and communication devices, semiconductors, and equipment such as security tools for Security Operations Centers (SOCs) or data centers.
5. Workers manufacturing or providing parts and equipment that enable the maintenance and continued operation of essential businesses and facilities.

10. FINANCIAL SERVICES

Sector Profile

The Financial Services Sector includes thousands of depository institutions, providers of investment products, insurance companies, other credit and financing organizations, and the providers of the critical financial utilities and services that support these functions. Financial institutions vary widely in size and presence, ranging from some of the world's largest global companies with thousands of employees and many billions of dollars in assets, to community banks and credit unions with a small number of employees serving individual communities. Whether an individual savings account, financial derivatives, credit extended to a large organization, or investments made to a foreign country, these products allow customers to: Deposit funds and make payments to other parties; Provide credit and liquidity to customers; Invest funds for both long and short periods; Transfer financial risks between customers.

Essential Workforce, if remote working is not practical:

1. Workers who are needed to process and maintain systems for processing financial transactions and services, including payment, clearing, and settlement; wholesale funding; insurance services; and capital markets activities
2. Workers who are needed to maintain orderly market operations to ensure the continuity of financial transactions and services.
3. Workers who are needed to provide business, commercial, and consumer access to banking and non-bank financial and lending services, including ATMs, lending money transmission, and to move currency, checks, securities, and payments
4. Workers who support financial operations, such as those staffing call, data and security operations centers, managing physical security, or providing accounting services.
5. Workers supporting production and distribution of debit and credit cards.
6. Workers providing electronic point of sale support personnel for essential businesses and workers.

11. CHEMICAL & HAZARDOUS MATERIALS

Sector Profile

The Chemical Sector—composed of a complex, global supply chain—converts various raw materials into diverse products that are essential to modern life. Based on the product produced, the sector can be divided into five main segments, each of which has distinct characteristics, growth dynamics, markets, new developments, and issues: Basic chemicals; Specialty chemicals; Agricultural chemicals; Pharmaceuticals; Consumer products.

Essential Workforce, if remote working is not practical:

1. Workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, workers in laboratories, workers at distribution facilities, workers who transport basic raw chemical materials to the producers of industrial and consumer goods, including hand sanitizers, food and food additives, pharmaceuticals, textiles, building materials, plumbing, electrical and paper products.
2. Workers supporting the safe transportation of chemicals, including those supporting tank truck cleaning facilities and workers who manufacture packaging items
3. Workers supporting the production of protective cleaning and medical solutions, personal protective equipment, disinfectants, and packaging that prevents the contamination of food, water, medicine, among others essential products
4. Workers supporting the operation and maintenance of facilities (particularly those with high risk chemicals and/ or sites that cannot be shut down) whose work cannot be done remotely and requires the presence of highly trained personnel to ensure safe operations, including plant contract workers who provide inspections
5. Workers who support the production and transportation of chlorine and alkali manufacturing, single-use plastics, and packaging that prevents the contamination or supports the continued manufacture of food, water, medicine, and other essential products, including glass container manufacturing
6. Workers at nuclear facilities, workers managing medical waste, workers managing waste from pharmaceuticals and medical material production, and workers at laboratories processing test kits
7. Workers who support hazardous materials response and cleanup
8. Workers who maintain digital systems infrastructure supporting hazardous materials management operations
9. Workers who support the removal, storage, and disposal of residential and commercial solid waste and hazardous waste, including landfill and recycling operations.

12. DEFENSE INDUSTRIAL BASE

Sector Profile

The Defense Industrial Base Sector is the worldwide industrial complex that enables research and development, as well as design, production, delivery, and maintenance of military weapons systems, subsystems, and components or parts, to meet U.S. military requirements. The Defense Industrial Base partnership consists of Department of Defense components, Defense Industrial Base companies and their subcontractors who perform under contract to the Department of Defense, companies providing incidental materials and services to the Department of Defense, and government-owned/contractor-operated and government-owned/government-operated facilities. Defense Industrial Base companies include domestic and foreign entities, with production assets located in many countries. The sector provides products and services that are essential to mobilize, deploy, and sustain military operations.

Essential Workforce, if remote working is not practical:

1. Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military, including, but are not limited to, space and aerospace workers, nuclear matters workers, mechanical and software engineers (various disciplines), manufacturing and production workers, IT support, security staff, security personnel, intelligence support, aircraft and weapon system mechanics and maintainers, and sanitary workers who maintain the hygienic viability of necessary facilities.
2. Personnel working for companies, and their subcontractors, who perform under contract or sub-contract to the Department of Defense (DoD) and the Department of Energy (DoE) (on nuclear matters), as well as personnel at government-owned/contractor operated facilities, and who provide materials and services to the DoD and DoE (on nuclear matters), including support for weapon systems, software systems and cybersecurity, defense and intelligence communications, surveillance, sale of U.S. defense articles and services for export to foreign allies and partners (as authorized by the U.S. government), and space systems and other activities in support of our military, intelligence, and space forces.

13. INDUSTRIAL, COMMERCIAL, RESIDENTIAL, and SHELTERING FACILITIES AND SERVICES

Essential Workforce, if remote working is not practical:

1. Construction Workers who support the construction, operation, inspection, and maintenance of construction sites and construction projects (including housing, commercial, and mixed-use construction); and workers who support the supply chain of building materials from production through application/installation, including cabinetry, fixtures, doors, cement, hardware, plumbing, electrical, heating/cooling, refrigeration, appliances, paint/coatings, and employees who provide services that enable repair materials and equipment for essential functions.
2. Workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, construction material sources, and essential operation of construction sites and construction projects (including those that support such projects to ensure the availability of needed facilities, transportation, energy and communications; and support to ensure the effective removal, storage, recycling and disposal of solid waste and hazardous waste)
3. Workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, businesses, and buildings such as hospitals and senior living facilities, including any facility supporting COVID-19 response.
4. Workers who support the supply chain of building materials from production through application and installation, including cabinetry, fixtures, doors, cement, hardware, plumbing (including parts and services), electrical, heating and cooling, refrigeration, appliances, paint and coatings, and workers who provide services that enable repair materials and equipment for essential functions.
5. Workers in hardware and building materials stores, consumer electronics, technology and appliances retail, and related merchant retailers, wholesalers and distributors that support essential workforce functions where sales and operations cannot be conducted online
6. Warehouse operators, including vendors and support personnel critical for business continuity (including heating, ventilation, and air conditioning (HVAC) and electrical engineers, security personnel, and janitorial staff), e-commerce or online commerce, and customer service for essential functions.
7. Workers supporting the operations of commercial buildings that are critical to safety, security, and the continuance of essential activities, such as on-site property managers, building engineers, security staff, fire safety directors, janitorial personnel, and service technicians (e.g., mechanical, HVAC, plumbers, electricians, and elevator).
8. Workers supporting ecommerce through distribution, warehouse, call center facilities, and other essential operational support functions, that accept, store, and process goods, and that facilitate their transportation and delivery
9. Workers distributing, servicing, repairing, installing residential and commercial HVAC systems, boilers, furnaces and other heating, cooling, refrigeration, and ventilation equipment.
10. Workers managing or servicing hotels or other commercial and residential buildings that are used for COVID-19 mitigation and containment measures, treatment measures, provide accommodation for essential workers, or providing housing solutions, including measures to protect homeless populations.

11. Workers responsible for the leasing of residential and commercial properties to provide individuals and families with ready access to available housing.
12. Residential and commercial real estate workers, limited to scheduled property viewings to a potential buying party. This does not extend to open-house viewings, nor viewings with more than one buying party at a time.
13. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities and critical sector services
14. Workers responsible for handling property management, maintenance, and related service calls who can coordinate the response to emergency “at-home” situations requiring immediate attention, as well as facilitate the reception of deliveries, mail, and other necessary services.
15. Workers supporting the entertainment industries, studios, and other related establishments, provided they follow covid-19 public health guidance around physical distancing.
16. Workers that provide or determine eligibility for food, shelter, in-home supportive services, child welfare, adult protective services and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals (including family members)
17. Workers performing services in support of the elderly and disabled populations who coordinate a variety of services, including health care appointments and activities of daily living.
18. Workers who provide support to vulnerable populations to ensure their health and well-being including family care providers.
19. Workers providing dependent care services, particularly those whose services ensure essential workers can continue to work.
20. Workers who support food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, such as those residing in shelters.
21. Workers in laundromats, laundry services, and dry cleaners.
22. Workers providing disinfection services, for all essential facilities in essential sectors
23. Workers necessary for the installation, maintenance, distribution, and manufacturing of water and space heating equipment and its components.
24. Support required for continuity of services, including commercial disinfectant services, janitorial/cleaning personnel, and support personnel functions that need freedom of movement to access facilities in support of front-line employees.

Relevant Sector Guidance:

- [Cleaning & Waste Management for Residences 2/2020](#)
- [Essential/Emergency Personnel Providing Critical In-Home Services](#)
- [Home cleaning with COVID-19 positive individuals](#)
- [Recommended Strategic Approaches for COVID-19 Response for Individuals Experiencing Homelessness](#)
- [Flow Chart: COVID-19 Recommended Protocol for People Experiencing Homelessness](#)
- [Homeless Assistance Providers](#)
- [Immigrant Communities](#)
 - [Las Comunidades de Inmigrantes](#)
- [Pets & People](#)

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-37-20

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

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

WHEREAS on March 16, 2020, I issued Executive Order N-28-20, suspending state law limitations on local jurisdictions that impose restrictions on evictions; and

WHEREAS on March 19, 2020, I issued Executive Order N-33-20, ordering all residents to immediately heed the Order of the State Public Health Officer for all residents, unless exempted, to stay home or at their place of residence; and

WHEREAS many Californians are experiencing or will experience substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rent, and leaving them vulnerable to eviction; and

WHEREAS minimizing evictions during this period is critical to reducing the spread of COVID-19 in vulnerable populations by allowing all residents to stay home or at their place of residence in compliance with Executive Order N-33-20; and

WHEREAS Chief Justice Tani Cantil-Sakauye issued advisory guidance on March 20, 2020 for superior courts to suspend most civil trials and hearings for at least 60 days, and on March 23, 2020, suspended all jury trials for a period of 60 days, and extended by 60 days the time period for the holding of a civil trial; and

WHEREAS on March 25, 2020 the Department of Business Oversight secured support from national banks, state banks and credit unions for temporary delays in mortgage payments and foreclosure sales and evictions for homeowners who have economic impacts from COVID-19 with the objective of maximizing consistency and minimizing hurdles potentially faced by borrowers.

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

IT IS HEREBY ORDERED THAT:

- 1) The deadline specified in Code of Civil Procedure section 1167 shall be extended for a period of 60 days for any tenant who is served, while

this Order is in effect, with a complaint that seeks to evict the tenant from a residence or dwelling unit for nonpayment of rent and who satisfies all of the following requirements:

- a. Prior to the date of this Order, the tenant paid rent due to the landlord pursuant to an agreement.
 - b. The tenant notifies the landlord in writing before the rent is due, or within a reasonable period of time afterwards not to exceed 7 days, that the tenant needs to delay all or some payment of rent because of an inability to pay the full amount due to reasons related to COVID-19, including but not limited to the following:
 - (i) The tenant was unavailable to work because the tenant was sick with a suspected or confirmed case of COVID-19 or caring for a household or family member who was sick with a suspected or confirmed case of COVID-19;
 - (ii) The tenant experienced a lay-off, loss of hours, or other income reduction resulting from COVID-19, the state of emergency, or related government response; or
 - (iii) The tenant needed to miss work to care for a child whose school was closed in response to COVID-19.
 - c. The tenant retains verifiable documentation, such as termination notices, payroll checks, pay stubs, bank statements, medical bills, or signed letters or statements from an employer or supervisor explaining the tenant's changed financial circumstances, to support the tenant's assertion of an inability to pay. This documentation may be provided to the landlord no later than the time upon payment of back-due rent.
- 2) No writ may be enforced while this Order is in effect to evict a tenant from a residence or dwelling unit for nonpayment of rent who satisfies the requirements of subparagraphs (a)-(c) of paragraph 1.
- 3) The protections in paragraphs 1 and 2 shall be in effect through May 31, 2020.

Nothing in this Order shall prevent a tenant who is able to pay all or some of the rent due from paying that rent in a timely manner or relieve a tenant of liability for unpaid rent.

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

IT IS FURTHER ORDERED that this Order supersedes Executive Order N-28-20 to the extent that there is any conflict with that Order.

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

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

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 27th day of March 2020.

A handwritten signature in black ink, appearing to read 'Gavin Newsom', written over a horizontal line.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-39-20

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

WHEREAS despite sustained efforts, COVID-19 continues to spread at a rapid rate, threatening to overwhelm California's healthcare delivery system; and

WHEREAS California is preparing for a surge in the number of people who will need hospital care during the COVID-19 outbreak by increasing the number of hospital beds and post-acute care facilities that can treat and serve patients; and

WHEREAS this anticipated increase in the use of the healthcare system will require an increase in the health care workforce such as nurses, doctors, medical assistants, and emergency medical technicians; and

WHEREAS maximizing the number of qualified and capable medical and healthcare workers in service in California is imperative to ensure that Californians impacted by COVID-19 can access medical treatment; and

WHEREAS, the anticipated surge requires temporary adjustment of California's staffing and health and safety standards for health providers and health facilities, which are among the strongest in the nation, as numerous professionals are unable to satisfy professional licensing requirements in light of the COVID-19 pandemic that then subsequently prevent them from providing necessary medical and healthcare assistance to the public; and

WHEREAS, our most vulnerable residents who rely on state and local government for social services need additional support during this time; and

WHEREAS the Department of Developmental Services operates Stabilization, Training, Assistance and Reintegration (STAR) community crisis homes to treat individuals with developmental disabilities in acute crisis and additional STAR homes are required to provide treatment to such individuals and to protect the public health during the COVID-19 crisis; and

WHEREAS federal guidance permits monthly caseworker visits with children under court jurisdiction to be accomplished through videoconferencing in limited circumstances, such as a declaration of an emergency that prohibits or strongly discourages face-to-face contact for public health reasons; and

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

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

IT IS HEREBY ORDERED THAT:

- 1) To assist in the care and/or to protect the health of individuals in hospitals and other health facilities, and due to the COVID-19 outbreak, the director of the State Department of Public Health may, to the extent necessary and only for the duration of the declared emergency, waive any of the licensing and staffing requirements of chapters 2 and 2.4 of division 2 of the Health and Safety Code and any accompanying regulations with respect to any hospital or health facility identified in Health and Safety Code section 1250. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to treat patients while protecting public health and safety. To the extent the facility maintains a disaster and mass casualty plan, the facility granted a waiver shall be established and operate in accordance with that plan. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.
- 2) To facilitate the continued provision of care due to the COVID-19 outbreak, the director of the State Department of Public Health may, to the extent necessary and only for the duration of the declared emergency, waive any of the professional licensing and certification requirements and amend scopes of practice of chapters 2, 2.35, and 8 of division 2 of the Health and Safety Code and any accompanying regulations with respect to certified nursing assistants, home health aides, and nursing home administrators, and chapter 3, division 2 of the Business and Professions Code and accompanying regulations with respect to certified hemodialysis technicians. The Department shall provide guidance to facilities directing the appropriate qualifications and scope of practice for each classification operating under a waiver based on sound clinical guidelines and the individual's training, education, and work experience. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to treat patients while protecting public health and safety. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.
- 3) The certification and permitting requirements of the Radiologic Technology Act (as identified in Health and Safety Code section 27) are, only for the duration of the declared emergency, suspended for all persons:
 - (i) whose certificate or permit issued pursuant to the Radiological Technology Act is expired, regardless of expiration date, or has been canceled; or
 - (ii) who hold Radiography certification issued by the American Registry of Radiologic Technologists or are an American Registry of Radiologic Technologists Registered Radiologist Assistant; or
 - (iii) who are credentialed as Radiology Practitioner Assistants by the Certification Board for Radiology Practitioner Assistants; or

- (iv) who are certified, permitted or otherwise authorized to perform radiologic technology by passing a State-required examination by a state other than the State of California; and
- (v) who are working under the supervision of a person licensed under the Medical Practice Act, except that the requirement to be under supervision shall not apply to a licentiate of the healing arts, as defined in the Radiological Technology Act; and
- (vi) who are deemed by a health facility as necessary workforce for purposes of this Order.

The specific certification requirements of Health and Safety Code section 107110 are suspended for any person who is licensed under the Medical Practice Act (Business and Professions Code sections 2000, et seq.). Except for persons licensed under the Medical Practice Act, this suspension of certification and permitting requirements shall not apply to persons who have never been either certified or permitted by the Department of Public Health, or certified, permitted, or otherwise authorized by the American Registry of Radiologic Technologists, the Certification Board for Radiology Practitioner Assistants, or any other state. This suspension of certification and permitting requirements shall also not apply to persons whose certificate, permit, or other authorization has been revoked or suspended for cause by the Department of Public Health, the American Registry of Radiologic Technologists, the Certification Board for Radiology Practitioner Assistants, or any other state.

- 4) To ensure hospitals are adequately prepared and staffed to treat COVID-19 patients, the Director of the State Department of Public Health may temporarily waive licensing requirements in Health and Safety Code section 1277 and sections 70203(a)(2), 70701(a)(1)(E), 70703(b), and 70705(a) of Chapter 1, Article 3, of Title 22, that pertain to the credentialing and privileging of physicians. Any waiver shall include alternate measures that, under the circumstances, ensure the competency of physicians providing medical services at the hospital.
- 5) To facilitate the continued provision of care to individuals affected by the COVID-19 outbreak, the Director of the Department of Consumer Affairs may to the extent necessary and only for the duration of the declared emergency, waive any of the professional licensing requirements and amend scopes of practice in Division 2 of the Business and Professions Code, and any accompanying regulations. Professional licensing requirements should be interpreted broadly to effectuate the purposes of this executive order, and they include, but are not limited to, the examination, education, experience, and training requirements necessary to obtain and maintain licensure, and requirements governing the practice and permissible activities for licensees. The Department, in conjunction with the relevant licensing board, shall provide guidance identifying the appropriate qualifications and scope of practice for each classification operating under a waiver based on sound clinical guidelines and the individual's training, education, and work experience. Any waiver may include alternative measures that, under the circumstances, will allow the regulated individual to treat patients while protecting public health

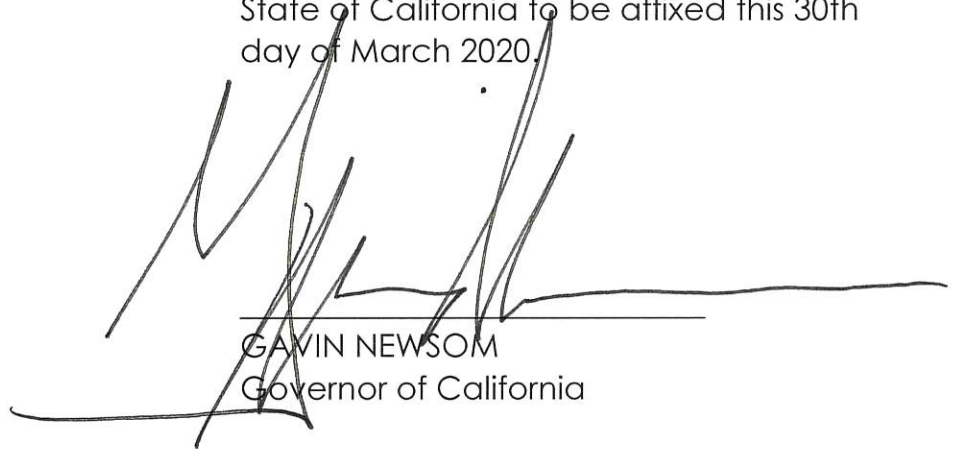
and safety. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

- 6) To ensure the continued operation of the Emergency Medical Services (EMS) system without unduly endangering the people of California during the COVID-19 outbreak, the Director of the California Emergency Medical Services Authority may as necessary and only for the duration of the declared emergency, suspend any licensing, certification, or training requirements for EMS personnel as contained in the EMS Act Chapters 2, 3, and 4, and accompanying regulations, including the authority to permit EMS personnel to provide services in any setting as authorized by the Director for the performance of the current scope of practice. The Authority shall provide guidance to local emergency medical services authorities directing the appropriate qualifications and scope of practice for each classification operating under a waiver based on sound clinical guidelines and the individual's training, education, and work experience. Any waivers granted pursuant to this paragraph shall be posted on the Authority's website.
- 7) Notwithstanding the Government Code section 14669, or any other law, the Director of the Department of Developmental Services has the authority to enter into a lease, lease-purchase, lease with option to purchase any real or personal property or any other agreement to procure residences or facilities and necessary equipment, goods or services to serve those individuals with development disabilities in crisis, to respond to, mitigate the effects or prevent the spread of COVID-19 to individuals with developmental disabilities or the general community. The leases or agreements may be executed without the review or prior approval of any other state department or agency. The leases or agreements executed pursuant to this provision shall be in effect so long as necessary to address the COVID-19 crisis or its effects.
- 8) The Department of Social Services may, to the extent the Department deems necessary to respond to the COVID-19 crisis, allow any state monthly face-to-face caseworker visitation requirement, standard, or criteria set forth in the Welfare and Institutions Code sections 16501.1, subdivision (l), 16516.5, and 16516.6, as well as accompanying regulations or other written directives, policies or procedures, to be accomplished through videoconferencing, instead of in-person contact. This flexibility shall only be utilized by caseworkers in keeping with guidance from the Department and after a child-specific decision based on the training and experience of the social worker, considering all available information, that an in-person visit is not necessary to ensure the child's safety and well-being. Any flexibility granted pursuant to this paragraph shall not waive or conflict with applicable federal requirements in United States Code, Title 42, sections 622, subdivision (b)(17) and 624, subdivision (f), as modified for emergency waivers in guidance issued March 18, 2020, in the Child Welfare Policy Manual Title IV-B, section 7.3, question 8 and shall expire at the end of the emergency declaration, in 90 days, or sooner as determined by the Department. Any flexibility granted pursuant to this paragraph shall be posted to the Department's website.

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

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

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 30th day of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-42-20

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

WHEREAS it is the established policy of the State under Water Code section 106.3 that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes; and

WHEREAS to limit the spread of COVID-19 it is crucial that Californians wash their hands regularly and thoroughly; and

WHEREAS many Californians are experiencing or will experience substantial losses of income as a result of business closures, the loss of work hours or wages, or layoffs related to COVID-19, which may hinder their ability to make payments for water service and subject them to water shutoffs due to non-payment; and

WHEREAS many small businesses that provide services essential to the health and well-being of Californians have experienced substantial reductions in income, which may hinder their ability to make payments for water service and subject them to water shutoffs due to non-payment; and

WHEREAS the California Public Utilities Commission has directed private water utilities under its jurisdiction to implement customer service protections, including a moratorium on service disconnections, during the COVID-19 emergency; and

WHEREAS more than 100 public and private water systems have voluntarily agreed to halt disconnections as well; and

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

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and the statutes of the State of California, and in particular, Government Code sections 8567, 8570, 8571, and 8627, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) The authority of urban and community water systems, as defined in Health and Safety Code section 116902, subdivision (d), to discontinue residential service, as defined in Health and Safety Code section 116902, subdivision (c), for non-payment under Health and Safety Code sections 116908 and 116910, is suspended.
- 2) Water systems not subject to the requirements of Health and Safety Code sections 116908 and 116910 shall not discontinue residential

service, as defined in Health and Safety Code section 116902, subdivision (c), for non-payment.

- 3) Water systems shall restore any residential service to occupied residences that has been discontinued for nonpayment since March 4, 2020.
- 4) Water systems shall not discontinue service to any business in the critical infrastructure sectors designated by the State Public Health Officer as critical to protect the health and well-being of all Californians that qualifies as a small business under 13 C.F.R. § 121.201 of the Small Business Administration's regulations.
- 5) The State Water Resources Control Board shall identify best practices, guidelines, or both to be implemented during the COVID-19 emergency (i) to address non-payment or reduced payments, (ii) to promote and to ensure continuity of service by water systems and wastewater systems, and (iii) to provide measures such as the sharing of supplies, equipment and staffing to relieve water systems under financial distress.

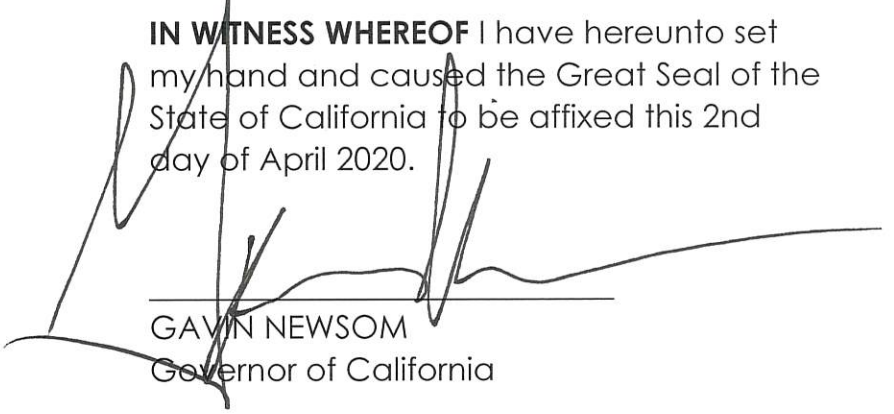
Nothing in this Order eliminates the obligation of water customers to pay for water service, prevents a water system from charging a customer for such service, or reduces the amount a customer already may owe to a water system.

Nothing in this Order modifies the obligations of urban and community waters systems to comply with provisions of the Water Shutoff Protection Act not specifically addressed by this Order or other applicable laws, regulations, and guidelines.

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

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

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 2nd day of April 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

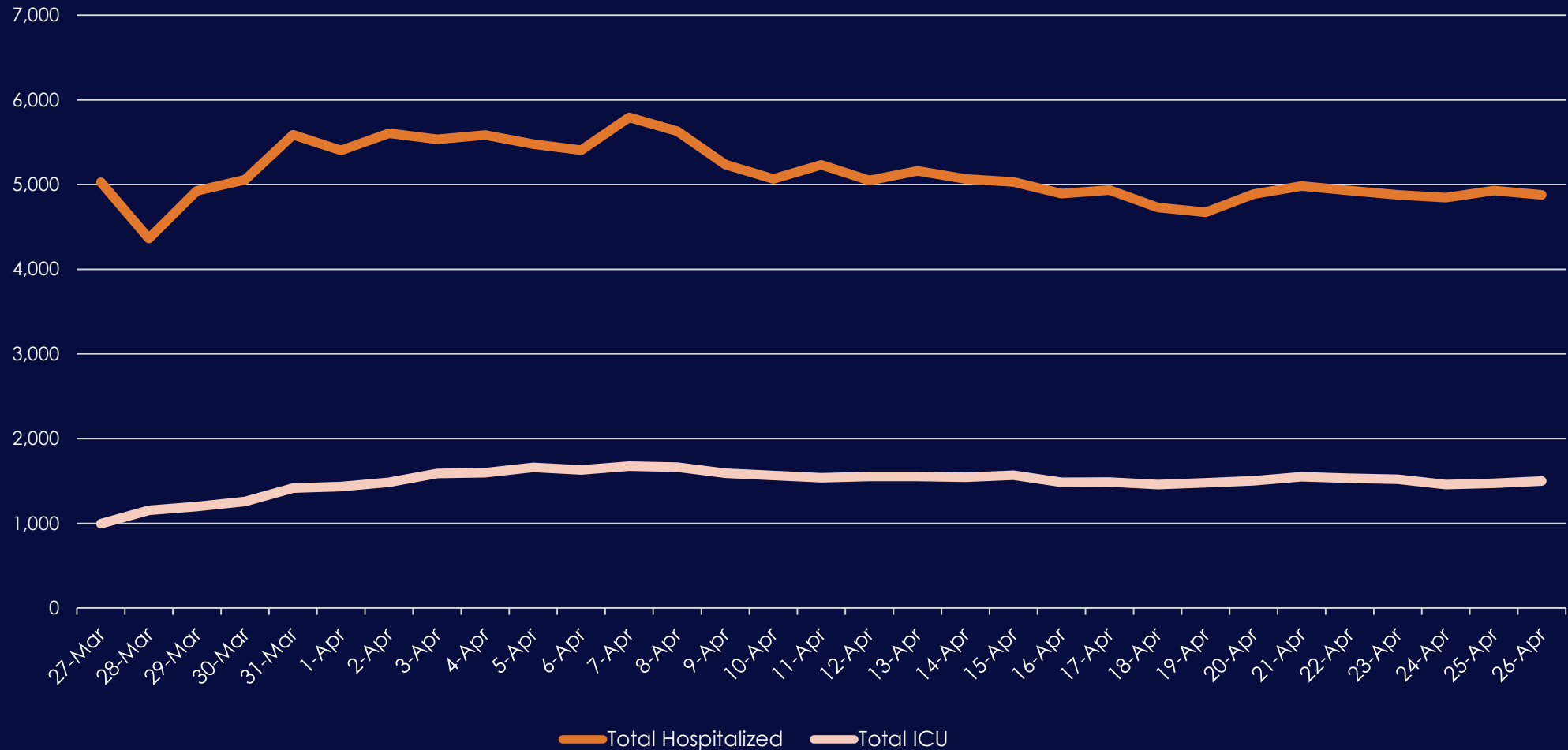


Update on California's Pandemic Roadmap

6 Indicators for Modifying Stay-at-Home Order

- Ability to test, contact trace, isolate, and support the exposed
- Ability to protect those at high risk for COVID-19
- Surge capacity for hospital and health systems
- Therapeutic development to meet the demand
- Ability of businesses, schools, and childcare facilities to support physical distancing
- Determination of when to reinstitute measures like Stay-At-Home

California Hospitalization Trend Lines



Total includes both COVID-19 confirmed positive hospitalizations as well as COVID-19 suspect hospitalizations.

The Basics



COVID-19 is not going away soon.



Modifications to Stay-At-Home Order must be guided by health risk and a commitment to equity.



Taking responsibility is key at all levels – individual, business, and government.

Resilience Roadmap Stages

STAGE 1: Safety and Preparedness

Making essential workforce environment as safe as possible.

STAGE 2: Lower Risk Workplaces

Creating opportunities for lower risk sectors to adapt and re-open.

Modified school programs and childcare re-open.

STAGE 3: Higher Risk Workplaces

Creating opportunities for higher risk sectors to adapt and re-open.

STAGE 4: End of Stay-At-Home Order

Return to expanded workforce in highest risk workplaces.

Requires
Therapeutics.

Stage 1: Safety and Preparedness

This is where we are now.

- **Continue to build out testing, contact tracing, PPE, and hospital surge capacity.**
- **Continue to make essential workplaces as safe as possible.**
 - Physical and work flow adaption
 - Essential workforce safety net
 - Make PPE more widely available
 - Individual behavior changes
- **Prepare sector-by-sector safety guidelines for expanded workforce.**

Stage 2: Lower Risk Workplaces

Gradually opening some lower risk workplaces with ADAPTATIONS:

- Retail (e.g. curbside pickup)
- Manufacturing
- Offices (when telework not possible)
- Opening more public spaces

Expanded Workforce Safety Net:

- Wage replacement so workers can stay home when sick

Stage 2: Lower Risk Workplaces

Schools and Childcare Facilities with Adaptations:

- Summer programs and next school year potentially starting sooner (July/August)
- Childcare facilities to provide more care
- Address learning gaps
- Ensure students and staff are protected
- Allow broader workforce to return to work

Actions needed to get from Stage 1 to Stage 2



Government Actions

- Policies that allow people to stay home when they're sick
- Guidance provided on how to reduce risk



Business Actions

- Wage replacement so workers can stay home when sick
- Implement adaptations to lower-risk workplaces NOW
- Employees continue to work from home when possible



Individual Actions

- Safety precautions – physical distancing, face coverings, etc.
- Avoid all non-essential travel
- Support and care for people who are at high risk

When are we ready for Stage 2?

Key indicator considerations to move to Stage 2:

- Hospitalization and ICU trends stable.
- Hospital surge capacity to meet demand.
- Sufficient PPE supply to meet demand.
- Sufficient testing capacity to meet demand.
- Contact tracing capacity statewide.

Transition to Stage 2 will occur through a statewide modification to the Stay-At-Home Order.

Opportunity for Regional Variations

During Stage 2, counties may choose to relax stricter local orders at their own pace.

Following Stage 2, once a statewide COVID-19 surveillance system is made possible through testing, further regional variations could be supported.

State will consult and collaborate closely with local governments.

Stage 3: Higher Risk Workplaces

Open higher risk environments with adaptations and limits on size of gatherings:

- Personal care (hair and nail salons, gyms)
- Entertainment venues (movie theaters, sports without live audiences)
- In-person religious services (churches, weddings)

Stage 4: End of Stay-At-Home Order

Re-open highest risk workplaces with all indicators satisfied once therapeutics have been developed:

- Concerts
- Convention Centers
- Live audience sports

Be Part of the Solution

Stay Home. Practice Physical Distancing.

We are enlisting all Californians to help inform the development of guidance for sectors across our economy.

This guidance will provide a framework for how to safely re-open.

CALIFORNIA
ALL

**Your Actions
Save Lives**

covid19.ca.gov

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-60-20

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

WHEREAS on March 19, 2020, I issued Executive Order N-33-20, which directed all California residents to immediately heed current State public health directives; and

WHEREAS State public health directives, available at <https://covid19.ca.gov/stay-home-except-for-essential-needs/>, have ordered all California residents stay home except for essential needs, as defined in State public health directives; and

WHEREAS COVID-19 continues to menace public health throughout California; and

WHEREAS the extent to which COVID-19 menaces public health throughout California is expected to continue to evolve, and may vary from place to place within the State; and

WHEREAS California law promotes the preservation of public health by providing for local health officers—appointed by county boards of supervisors and other local authorities—in addition to providing for statewide authority by a State Public Health Officer; and

WHEREAS these local health officers, working in consultation with county boards of supervisors and other local authorities, are well positioned to understand the local needs of their communities; and

WHEREAS local governments are encouraged to coordinate with federally recognized California tribes located within or immediately adjacent to the external geographical boundaries of such local government jurisdiction; and

WHEREAS the global COVID-19 pandemic threatens the entire State, and coordination between state and local public health officials is therefore, and will continue to be, necessary to curb the spread of COVID-19 throughout the State; and

WHEREAS State public health officials have worked, and will continue to work, in consultation with their federal, state, and tribal government partners; and

WHEREAS the State Public Health Officer has articulated a four-stage framework—which includes provisions for the reopening of lower-risk businesses and spaces (“Stage Two”), to be followed by the reopening of higher-risk businesses and spaces (“Stage Three”)—to allow Californians to gradually resume various activities while continuing to preserve public health in the face of COVID-19; and

WHEREAS the threat posed by COVID-19 is dynamic and ever-changing, and the State's response to COVID-19 (including implementation of the four-stage framework) should likewise retain the ability to be dynamic and flexible; and

WHEREAS to preserve this flexibility, and under the provisions of Government Code section 8571, I find that strict compliance with the Administrative Procedure Act, Government Code section 11340 et seq., would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, 8627, and 8665; and also in accordance with the authority vested in the State Public Health Officer by the laws of the State of California, including but not limited to Health and Safety Code sections 120125, 120130, 120135, 120140, 120145, 120150, 120175, and 131080; do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) All residents are directed to continue to obey State public health directives, as made available at <https://covid19.ca.gov/stay-home-except-for-essential-needs/> and elsewhere as the State Public Health Officer may provide.
- 2) As the State moves to allow reopening of lower-risk businesses and spaces ("Stage Two"), and then to allow reopening of higher-risk businesses and spaces ("Stage Three"), the State Public Health Officer is directed to establish criteria and procedures—as set forth in this Paragraph 2—to determine whether and how particular local jurisdictions may implement public health measures that depart from the statewide directives of the State Public Health Officer.

In particular, the State Public Health Officer is directed to establish criteria to determine whether and how, in light of the extent to which the public health is menaced by COVID-19 from place to place within the State, local health officers may (during the relevant stages of reopening) issue directives to establish and implement public health measures less restrictive than any public health measures implemented on a statewide basis pursuant to the statewide directives of the State Public Health Officer.

The State Public Health Officer is further directed to establish procedures through which local health officers may (during the relevant stages of reopening) certify that, if their respective jurisdictions are subject to proposed public health measures (which they shall specify to the extent such specification may be required by the State Public Health Officer) that are less restrictive than public health measures implemented on a statewide basis pursuant to the statewide directives of the State Public Health Officer, the public health will not be menaced. The State Public Health Officer shall additionally establish procedures to permit, in a manner consistent with public health and

safety, local health officers who submit such certifications to establish and implement such less restrictive public health measures within their respective jurisdictions.

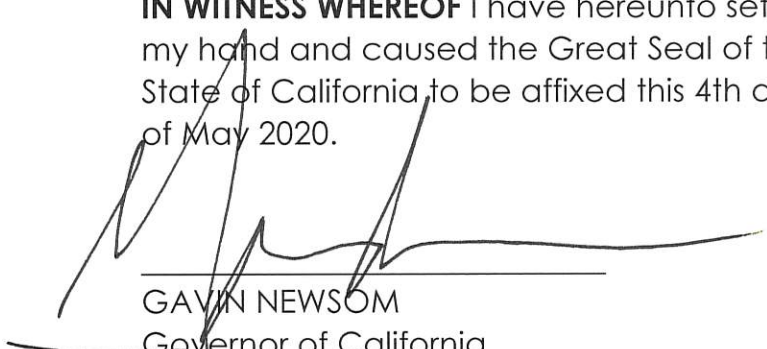
The State Public Health Officer may, from time to time and as she deems necessary to respond to the dynamic threat posed by COVID-19, revise the criteria and procedures set forth in this Paragraph 2. Nothing related to the establishment or implementation of such criteria or procedures, or any other aspect of this Order, shall be subject to the Administrative Procedure Act, Government Code section 11340 et seq. Nothing in this Paragraph 2 shall limit the authority of the State Public Health Officer to take any action she deems necessary to protect public health in the face of the threat posed by COVID-19, including (but not limited to) any necessary revision to the four-stage framework previously articulated by the State Public Health Officer.

- 3) Nothing in this Order shall be construed to limit the existing authority of local health officers to establish and implement public health measures within their respective jurisdictions that are more restrictive than, or that otherwise exist in addition to, the public health measures imposed on a statewide basis pursuant to the statewide directives of the State Public Health Officer.

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

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

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



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

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

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



**EXTENSION OF EMERGENCY ORDER FOR THE PREVENTION OF NOVEL CORONAVIRUS (COVID-19)
TRANSMISSION IN OR ABOUT RESTAURANTS, BARS, FOOD TRUCKS, GROCERY STORES, AND OTHER
RETAIL FOOD AND BEVERAGE SERVICE VENUES, ENTERTAINMENT AND RECREATIONAL VENUES,
GYMS, HEALTH CLUBS, THEATERS, CHURCHES, AND OTHER SOCIAL GATHERINGS**

WHEREAS, on March 11, 2020, the County Health Officer of the County of Tulare proclaimed and declared that a local health emergency now exists in the County of Tulare due to the presence of and threat posed by the novel coronavirus ("COVID-19"); and

WHEREAS, the Tulare County Board of Supervisors ratified said proclamation at its regular meeting of March 17, 2020; and

WHEREAS, said proclamation shall remain in effect until further notice; and

WHEREAS, the severity of the local health emergency appears to be increasing each day, with additional reported cases of COVID-19 infections and related deaths in all areas of California, the U.S., and throughout the world; and

WHEREAS, on March 16, 2020, the California Department of Public Health ("CDPH") and State Emergency officials issued guidance to local communities regarding public safety measures that should be taken with respect to (1) retail food, beverage, and related service venues, (2) entertainment venues; and (3) gyms, health clubs, theaters, and other social gatherings, in order to prevent the transmission of COVID-19;

WHEREAS, on March 19, 2020, the County Public Health Officer issued an Emergency Order For The Prevention Of Novel Coronavirus (COVID-19) Transmission In Or About Restaurants, Bars, Food Trucks, Grocery Stores, And Other Retail Food And Beverage Service Venues, Entertainment And Recreational Venues, Gyms, Health Clubs, Theaters, Churches, And Other Social Gatherings ("ORDER"), which is set to expire on April 19, 2020;

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order N-33-20 directing all California residents immediately to heed current State public health directives to stay home (shelter-in-place), except as needed to maintain continuity of operations of essential critical infrastructure sectors and additional sectors as the State Public Health Officer may designate as critical to protect the health and well-being of all Californians; and

WHEREAS, due to the continued transmission of COVID-19 throughout Tulare County, it is the opinion of the County Public Health Officer that it is necessary to continue to enforce the aforementioned orders to combat further transmission of the disease to Tulare County residents.

NOW, THEREFORE, pursuant to Tulare County Ordinance Code sections 1-15-1033 (b) and 1-15-1040 (b), and California Health and Safety Code sections 101040, 101085, and 120175, the County Public Health Officer extends the ORDER previously issued on March 19, 2020, until such a time that it is terminated or modified by the County Public Health Officer in writing.

IT IS SO ORDERED.

Time: 5:10 p.m.
Date: April 8, 2020

Issued by:



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

Approved as to Form:
COUNTY COUNSEL

By Jennifer M. Flores Digitally signed by Jennifer M. Flores
Date: 2020.04.09 09:46:16 -0700
Chief Deputy
Matter No. 2020217

Attachments: March 19, 2020 Order of the County Public Health Officer

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

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



**AMENDED EMERGENCY ORDER FOR THE PREVENTION OF NOVEL CORONAVIRUS (COVID-19)
TRANSMISSION IN OR ABOUT RESTAURANTS, BARS, FOOD TRUCKS, GROCERY STORES, AND OTHER
RETAIL FOOD AND BEVERAGE SERVICE VENUES, ENTERTAINMENT AND RECREATIONAL VENUES,
GYMS, HEALTH CLUBS, THEATERS, CHURCHES, OTHER SOCIAL GATHERINGS, AND OUTDOOR
RECREATIONAL ACTIVITIES**

WHEREAS, on March 11, 2020, the County Health Officer of the County of Tulare proclaimed and declared that a local health emergency now exists in the County of Tulare due to the presence of and threat posed by the novel coronavirus ("COVID-19"); and

WHEREAS, the Tulare County Board of Supervisors ratified said proclamation at its regular meeting of March 17, 2020; and

WHEREAS, said proclamation shall remain in effect until further notice; and

WHEREAS, the severity of the local health emergency appears to be increasing each day, with additional reported cases of COVID-19 infections and related deaths in all areas of California, the U.S., and throughout the world; and

WHEREAS, the California Department of Public Health ("CDPH") and State Emergency officials have issued ongoing guidance to local communities regarding public safety measures that should be taken with respect to (1) retail food, beverage, and related service venues, (2) entertainment venues, and (3) gyms, health clubs, theaters, other social gatherings, and outdoor recreational activities, in order to prevent the transmission of COVID-19; and

WHEREAS, said guidance is designed to protect individuals attending and working at these venues and prevent the spread of COVID-19 in our communities; and

WHEREAS, under said guidance, available at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx> and <https://covid19.ca.gov/stay-home-except-for-essential-needs/> the following actions have been recommended:

- **Bars, wineries, breweries and pubs** should be closed, except for venues that are currently authorized to provide off sale beer and wine to be consumed off premises be allowed; bars, breweries, pubs, and wineries that include meals provided by a full kitchen should follow the restaurant guidance below if they provide delivery or pick-up options;
- **Restaurants** should be closed for in-restaurant seated dining and should be open only to drive-through or other pick-up/delivery options;
- **Food trucks** should increase the frequency of cleaning of menus, cash registers, receipt trays, condiment holders, writing instruments and other non-food contact surfaces frequently touched by patrons and employees, ensure that social distancing of six feet per person between those who are not members of the same household is maintained and make clear that members of the same household can participate together, stand in line together, etc., but limiting the number of

people in lines;

- **Grocery stores and charitable food distribution sites** should remain fully open and operational, but ensure that social distancing of six feet per person between those who are not members of the same household is maintained and make clear that members of the same household can participate in activities together, stand in line together, etc., and limiting the number of customers at any given time as necessary to reduce outdoor/indoor crowding and lines to meet social distancing guidance, and increase cleaning and sanitizing frequency of restroom and other high contact areas; and stores that have online ordering with outside pick-up or delivery options should encourage use of these when possible in lieu of indoor shopping;
- **Certified Farmers' Markets** should space booths accordingly to increase social distancing among patrons in line and walking about the market; ensure that social distancing of six feet per person between those who are not members of the same household is maintained and make clear that members of the same household can participate in activities together, stand in line together, etc.; limit the number of customers at any given time as necessary to reduce outdoor/indoor crowding and lines to meet social distancing guidance; increase cleaning and sanitizing frequency of restroom and other high contact areas; train employees on best hygiene practices including washing their hands often with soap and water for at least 20 seconds; offer additional hand washing or sanitizing stations throughout the venue; encourage activities such as pre-bagging to expedite purchasing; suspend sampling activities; increase frequency of cleaning of tables, payment devices, and other surfaces; eliminate non-essential/non-related services, such as bands or other entertainment; and at the end of the market, continue to utilize local food recovery systems to feed/donate extra products to populations in need;
- **All retail food and beverage service venues** should remind employees of best hygiene practices including washing their hands often with soap and water for at least 20 seconds;
- **Gambling venues** should eliminate, delay, or reduce conventions/tournaments that increase customer flow above 250 persons in a single room/space; increase frequency of cleaning of chips, shuffling machines, and other objects utilized in games; increase frequency of cleaning and/or disposal of playing cards; eliminate non-essential/non-related services, such as massages or other ancillary services co-housed in gambling venues that could increase customer flow above 250 persons in a single room/space; ensure that social distancing of six feet per person between those who are not members of the same household is maintained and make clear that members of the same household can participate together, stand in line together etc.; limit the number of people in lines; separate spaces on the gaming floor into smaller components; increase frequency of cleaning and sanitizing per CDC Environmental Cleaning and Disinfection guidance of all hard surfaces, including terminals and felt and vinyl surfaces of card tables and chairs; increase cleaning and sanitizing frequency of restroom and other high contact areas; eliminate events/marketing that target individuals that the CDPH has identified higher risk of serious illness for COVID-19 ; provide additional opportunities throughout the venue for persons to reduce the spread of the virus through hand washing or sanitizing stations;
- **Theme Parks and Attractions** should ensure that social distancing of six feet per between those who are not members of the same household is maintained and make clear that members of the same household can participate in activities together, stand in line together etc.; limit attendance as necessary to reduce outdoor/indoor crowding and lines to meet social distancing guidance; increase cleaning and sanitizing frequency of restroom and other high contact areas; train employees on best hygiene practices including washing their hands often with soap and water for at least 20 seconds; increase spacing of show times to allow for more thorough cleaning of single room or space and social distancing during show times; provide additional opportunities throughout the venue for persons to reduce the spread of the virus through hand washing or sanitizing stations; eliminate events/marketing that target individuals that the CDPH has

identified as higher risk of serious illness for COVID-19; extend hours to allow for staggering of attendance; and add distance to locations individuals sit or stand around tables;

- **Gyms, health clubs, and theaters** should be closed;
- **All gatherings** (defined as any event or convening that brings together people in a single room or single space at the same time, such as an auditorium, stadium, arena, large conference room, meeting hall, cafeteria, or any other indoor or outdoor space) should be postponed or cancelled, except for those defined as “essential,” meaning that they cannot be postponed or achieved without gathering, and that some other means of communication could not be used to conduct the essential function.
- **Face coverings**, such as scarves (dense fabric, without holes), bandanas, neck gaiters, or other fabric face coverings, should be worn by all persons over the age of two years at all times while inside of or waiting to enter any business or facility, while riding or waiting to ride any public or shared transportation, and at any other time when it is impossible to maintain a distance of six-feet between persons who are not members of a shared household. All persons, including Essential Workers are discouraged from using Personal Protective Equipment (PPE), such as N95 masks, for non-medical reasons, because supply must be available to healthcare workers.

WHEREAS, the increasing threat posed by COVID-19 in Tulare County makes it advisable that the actions recommended in said guidance become mandatory in the incorporated and unincorporated areas of County of Tulare at least for the time being.

NOW, THEREFORE, pursuant to Tulare County Ordinance Code sections 1-15-1033 (b) and 1-15-1040 (b), and California Health and Safety Code sections 101040, 101085, and 120175, the Health Officer of the County of Tulare hereby orders as follows, which shall be effective immediately and remain in effect until such a time that it is terminated or modified by the County Public Health Officer in writing:

1. Definitions:

- a) Restaurant: Any establishment that sells food for consumption on-premises.
- b) Food Court: Any establishment that sells food for consumption on-premises in a shared setting with other establishments.
- c) Bar and tavern: Any establishment with the following types of California Alcoholic Beverage Control licenses:
 - 1) 40 - On Sale Beer (Bar, Tavern)
 - 2) 42 - On Sale Beer & Wine - Public Premises (Bar, Tavern)
 - 3) 48 - On Sale General - Public Premises (Bar, Night Club)
 - 4) 51 - Club
 - 5) 57 - Special On Sale General
 - 6) 60 - On Sale Beer - Seasonal
 - 7) 61 - On Sale Beer - Public Premises
- d) Food truck: Any “mobile food facility” within the meaning of the California Retail Food Code.
- e) Certified Farmers’ Market: A location that is certified by the State of California through the enforcement officers of the county agricultural commissioners and operated pursuant to Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and regulations adopted pursuant to that chapter.
- f) Grocery Store: Any store primarily engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, and fresh meats, fish, and poultry and any area that is not separately owned within the store where food is prepared and served, including a bakery, deli, and meat and

seafood counter. "Grocery store" includes convenience stores.

- g) Charitable Food Distribution Site: A "food bank" or "limited service charitable feeding operation" within the meaning of the California Retail Food Code.
 - h) Gambling venue: Any cardroom, casino, or similar site where the primary goal of those assembled is the wagering of money or other things of value on events with uncertain outcomes, with the primary intent of winning money or material goods, and over which the Tulare County Public Health Officer has jurisdiction.
 - i) Entertainment and recreational venue: Any site where the primary goal of those assembled is to promote amusement, enjoyment, pleasure, recreation, diversion, relaxation, and other similar uses, including, but not limited to, theme parks, amusement parks, attractions, theaters, museums, roller rinks, skate parks, sports stadiums, bowling alleys, and the like.
 - j) Theme park: Any entertainment venue or amusement park in which rides, games, and buildings are based on a central theme.
 - k) Amusement Park: Any entertainment venue that features various attractions such as rides and games, as well as other events for entertainment purposes.
 - l) Attraction: Any place of interest where persons visit, typically for its inherent or exhibited natural or cultural value, historical significance, natural or built beauty, offering leisure and amusement.
 - m) Gym and Health Club: Any room or building used for various indoor sports or exercise activities, and usually equipped with exercise or gymnastic apparatus, locker and shower rooms, indoor or outdoor swimming pools, sports courts, and similar spaces.
 - n) Theater: Any entertainment venue used for housing dramatic presentations, stage entertainments, or motion-picture shows.
 - o) Church: Any site, with or without structures, the primary use of which is the assemblage of people for any religious worship, education, or expression.
 - p) Social gathering: Any event or convening that brings together people in a single room or single space at the same time, such as an auditorium, stadium, arena, large conference room, meeting hall, cafeteria, or any other indoor or outdoor space.
 - q) Outdoor recreational activities: Any activity that can be done in an outside setting, including but not limited to, individual and group sports.
2. **Restaurants, Food Courts, and other establishments** that offer on-premises dining shall not allow consumption of food or beverages on-premises. Delivery, drive-thru, and pick-up options are allowed.
 3. **Bars and taverns** shall be closed.
 4. **Food Trucks** shall not allow consumption of food or beverages on or about the premises and shall increase the frequency of cleaning of menus, cash registers, receipt trays, condiment holders, writing instruments and other non-food contact surfaces frequently touched by patrons and employees; ensure that social distancing of six feet per person between those who are not members of the same household is maintained and make clear that members of the same household can participate together, stand in line together, etc., but limit the number of people in their lines. All employees of the Food Truck should wear an appropriate face covering at all times.
 5. **Certified Farmers' Markets** shall space booths accordingly to increase social distancing among patrons in line and walking about the market; ensure that social distancing of six feet per between those who are not members of the same household is maintained and make clear that members of the same household can participate in activities together, stand in line together, etc.; limit the number of customers at any given time as necessary to reduce outdoor/indoor crowding and lines to meet social distancing guidance; increase cleaning and sanitizing frequency of restroom and other high contact areas; train employees on best hygiene practices including washing their hands often with

soap and water for at least 20 seconds; offer additional hand washing or sanitizing stations throughout the venue; encourage activities such as pre-bagging to expedite purchasing; suspend sampling activities; increase frequency of cleaning of tables, payment devices, and other surfaces; eliminate non-essential/non-related services, such as bands or other entertainment; and at the end of the market, continue to utilize local food recovery systems to feed/donate extra products to populations in need. All persons providing essential services at a Farmers' Market should wear an appropriate face covering at all times.

6. **Grocery Stores and Charitable Food Distribution Sites** are allowed to remain fully open and operational, but must ensure that social distancing of six feet per person between those who are not members of the same household is maintained and make clear that members of the same household can participate in activities together, stand in line together, etc.; limit the number of customers at any given time as necessary to reduce outdoor/indoor crowding and lines to meet social distancing guidance; increase cleaning and sanitizing frequency of restroom and other high contact areas; and stores that have online ordering with outside pick-up or delivery options should encourage use of these when possible in lieu of indoor shopping. All employees of the grocery store or charitable food distribution site should wear an appropriate face covering at all times.
7. **All retail food, beverage, and other related service venues** shall remind employees of best hygiene practices including washing their hands often with soap and water for at least 20 seconds. All venues should require employees to wear an appropriate face covering at all times.
8. **Gambling venues** shall be closed.
9. **Entertainment and recreational venues**, including, but not limited to, theme parks, amusement parks, attractions, theaters, museums, roller rinks, skate parks, sports stadiums, bowling alleys, and the like, shall be closed.
10. **Gyms and health clubs** shall be closed;
11. **All social gatherings**, including, but not limited to church services, meetings of service and social clubs, conferences, conventions, and the like, shall be postponed or cancelled.
12. **Outdoor recreational activities** are permissible as long as it is feasible to maintain a safe physical distance of six feet and gather only with members of the same household at all times during said activity(ies). Individual outdoor recreational activities are permissible as long as it is feasible to maintain a safe physical distance of six feet at all times during said activity. Any outdoor group sports or activities shall be postponed or cancelled unless the sport or activity can be done individually or with members of the same household only. There should be no shared equipment between persons who are not members of the same household. Visit <https://covid19.ca.gov/stay-home-except-for-essential-needs/#top>, Outdoor Recreation section for a list of requirements, specifically allowed activities, and further guidance from the state of California.
13. For those businesses closed under this Order, business owners, managers, and supervisory staff are allowed to be on site to conduct minimum basic operations, provided that they each observe the social distancing and best personal hygiene practices (including washing their hands often with soap and water for at least 20 seconds) outlined above.
14. No County permits for special events shall be granted. All County permits for special events previously issued are revoked or postponed.
15. No temporary ABC licenses shall be authorized by the County.
16. For personal and public health and safety purposes, all residents of and visitors to Tulare County are strongly urged to practice social distancing of six feet per person when able to do so, wash their hands often with soap and water for at least 20 seconds, wear face coverings, such as scarves (dense fabric, without holes), bandanas, neck gaiters, or other fabric face coverings, at all times while inside of or waiting to enter any business or facility, while riding or waiting to ride any public or shared

transportation, and at any other time when it is impossible to maintain a distance of six-feet between persons who are not members of a shared household and follow all other guidance from public health officials with regard to the threat posed by COVID-19.

17. Each incorporated city within Tulare County is urged and requested to take such actions, if any, as may be reasonably necessary to permit this Order to be fully enforced within its respective jurisdiction.
18. The Public Health Branch of the Tulare County Health and Human Services Agency, the Tulare County District Attorney's office, the Tulare County Counsel's office, and all other applicable County of Tulare Agencies, Departments, and Divisions are requested and directed to enforce this Order within their respective jurisdictions.
19. Pursuant to California Government Code section 26602, the Sheriff of Tulare County is requested to enforce this Order within the Sheriff's jurisdiction to prevent the spread of COVID-19.
20. Pursuant to California Government Code section 41601, the chiefs of the police departments of the Cities of Visalia, Tulare, Porterville, Dinuba, Exeter, Lindsay, Woodlake, and Farmersville are requested to enforce this Order within their respective jurisdictions to prevent the spread of COVID-19.
21. The Order shall be subject to amendment or repeal at any time and shall not be deemed to confer any contractual obligations, property rights, or assume any County or other public agency liability.
22. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
23. This Order shall be immediately translated into Spanish, and accommodations made for disabled persons to read its contents; it shall also be distributed to all local media and made prominently available on the County of Tulare's website.
24. Pursuant to California Health and Safety Code sections 101029 and 120280, and Tulare County Ordinance Code sections 1-15-1040(b) and 125, violations of this Order shall be punishable as a misdemeanor upon conviction by a fine of not exceeding one thousand dollars or by imprisonment for a term of not exceeding six months, or by both such fine and imprisonment.

IT IS SO ORDERED.

Time: 9:10am
Date: May 5, 2020

Issued by:



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

Approved as to Form:
COUNTY COUNSEL

By
Deputy County Counsel
Matter No. 2020217JMS/5-05-2020/2020217/1463907.docx



**TULARE COUNTY
HEALTH & HUMAN SERVICES AGENCY**

Karen M. Elliott, MBA • Public Health Branch Director
Karen Haught, MD, M.P.H. • County Health Officer

Timothy W. Lutz, MBA
Agency Director

May 7, 2020

Health Advisory Recommending Face Coverings for the Public and Essential Workers

This health advisory seeks to inform the public about the need for Face Coverings when outside the home for the prevention and source control of COVID-19.

Summary

- Tulare County Public Health urges the public to use Face Coverings while attending to essential activities in order to reduce the spread of COVID-19
- Individuals are asked to ensure effective use of Face Coverings by washing their hands after putting on and taking of the Face Covering
- Essential businesses and their employees are asked to utilize Face Coverings when providing services to the public
- Essential businesses are asked to post signage informing the public of the requirement to utilize Face Coverings

The United States Centers for Disease Control and Prevention ("CDC"), California Department of Public Health ("CDPH"), and the Tulare County Public Health Branch ("TCPH") have recommended that members of the public, should cover the mouth and nose to prevent inadvertently spreading the virus that causes Coronavirus Disease 2019 ("COVID-19"). One key transmission method for the COVID-19 virus is respiratory droplets that people expel when they breathe or sneeze. Individuals have been found to be infected with COVID-19 and not have any symptoms, meaning they are asymptomatic, but they can still be contagious. People can also be infected and contagious 48 hours before developing symptoms, the time when they are pre-symptomatic. Many people with the COVID-19 virus have mild symptoms and do not recognize they are infected and contagious, and they can unintentionally infect others. Therefore, the CDC, CDPH, and TCPH believe that wearing a face covering, when combined with physical distancing of at least 6 feet and frequent hand washing, may reduce the risk of transmitting coronavirus when in public and engaged in essential activities by reducing the spread of respiratory droplets. *For clarity, although wearing a face covering is one tool for reducing the spread of the virus, doing so is not a substitute for sheltering in place, physical distancing of at least 6 feet, and frequent hand washing.*

This Advisory requires that people wear Face Coverings in three main settings. First, members of the public must wear Face Coverings while inside of or waiting in line to enter Essential Businesses and other businesses or facilities engaged in Minimum Basic Operations, providing Essential Infrastructure, and providing Essential Government Functions (except Healthcare Operations, which are subject to different requirements), when seeking healthcare from Healthcare Operations, and when waiting for or riding on



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public transportation and other types of shared transportation. These settings are defined further below.

Second, this Advisory also requires employees, contractors, owners, and volunteers of all Essential Businesses or those operating public transportation and other types of shared transportation to wear a Face Covering when at work.

And third, this Advisory also requires workers engaged in Minimum Basic Operations, Essential Infrastructure work, and Essential Government Functions to wear a Face Covering in areas where the public is present or likely to be and at any time when others are nearby.

This Advisory does not require that any child aged twelve years or younger wear a Face Covering and recommends that any child aged two years or younger should not wear one because of the risk of suffocation. This Advisory also does not apply to people who are in their own cars alone or with members of their own household. It also does not require people wear Face Coverings while engaged in outdoor recreation such as hiking, bicycling, or running, though it does recommend that they have a Face Covering with them and still requires them to practice social distancing and other measures to protect against transmission of the virus.

Definition of Face Coverings

As used in this Advisory, a "Face Covering" means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face. A covering that hides or obscures the wearer's eyes or forehead is not a Face Covering. Examples of Face Coverings include a scarf or bandana; a neck gaiter; a homemade covering made from a t-shirt, sweatshirt, or towel, held on with rubber bands or otherwise; or a mask, which need not be medical-grade. A Face Covering may be factory-made, or may be handmade and improvised from ordinary household materials. The Face Covering should be comfortable, so that the wearer can breathe comfortably through the nose and does not have to adjust it frequently, so as to avoid touching the face. For as long as medical grade masks such as N95 masks and surgical masks are in short supply, members of the public should not purchase those masks as Face Coverings under this Advisory. In general, even when not required by this Advisory, people are strongly encouraged to wear Face Coverings when in public.

A video showing how to make a face covering and additional information about how to wear and clean Face Coverings may be found at the website of Centers for Disease Control and Prevention, at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>.

Effective Use

Face Coverings must be worn in such a manner as to contain respiratory droplets and minimize transmission of the virus via the hands. To achieve this, Face Coverings should fit snugly and be washed daily. Cloth Face Coverings can be safely cleaned in a washing machine or by hand as the materials



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permit. Individuals should be careful not to touch their eyes, nose, or mouth when removing their Face Coverings and wash their hands immediately after removing.

Members of the Public

All members of the public, except as specifically exempted below, must wear a Face Covering outside their home or other place they reside in the following situations:

1. When they are inside of, or in line to enter, any Essential Business, including, but not limited to, grocery stores, convenience stores, supermarkets, laundromats, and restaurants;
2. When they are inside or at any location or facility engaging in Minimum Basic Operations or seeking or receiving Essential Government Functions inside of any location or facility;
3. When they are engaged in Essential Infrastructure work
4. When they are obtaining services at Healthcare Operations— including hospitals, clinics, COVID-19 testing locations, dentists, pharmacies, blood banks and blood drives, other healthcare facilities, mental health providers, or facilities providing veterinary care and similar healthcare services for animals — unless directed otherwise by an employee or worker at the Healthcare Operation; or
5. When they are waiting for or riding on public transportation or paratransit or are in a taxi, private car service, or ride-sharing vehicle.

Essential Businesses and Infrastructure

All Essential Businesses, as well as entities and organizations with workers engaged in Essential Infrastructure work, Minimum Basic Operations, or Essential Government Functions (except for Healthcare Operations, which are subject to their own regulation regarding specified face coverings), must:

1. Require their employees, contractors, owners, and volunteers to wear a Face Covering at the workplace and when performing work off-site any time the employee, contractor, owner, or volunteer is:
 - a. interacting in person with any member of the public;
 - b. working in any space visited by members of the public, such as by way of example and without limitation reception areas, grocery store or pharmacy aisles, service counters, public restrooms, cashier and checkout waiting rooms, service areas, and other spaces used to interact with the public, regardless of whether anyone from the public is present at the time;
 - c. working in any space where food is prepared or packaged for sale or distribution to others;
 - d. working in or walking through common areas such as hallways, stairways, elevators, and parking facilities; or
 - e. in any room or enclosed area when other people (except for members of the person's own household or residence) are present.



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2. Take reasonable measures, such as posting signs, to remind their customers and the public of the requirement that they wear a Face Covering while inside of or waiting in line to enter the business, facility, or location. Essential Businesses and entities or organizations that engaged in Essential Infrastructure work or Minimum Basic Operations must take all reasonable steps to prohibit any member of the public who is not wearing a Face Covering from entering and must not serve that person if those efforts are unsuccessful and seek to remove that person.

For clarity, a Face Covering is not required when a person is in a personal office (a single room) when others outside of that person's household are not present as long as the public does not regularly visit the room.

Exceptions

1. Any child aged two years or less must not wear a Face Covering because of the risk of suffocation. This Order does not require that any child aged twelve years or less wear a Face Covering. Parents and caregivers must supervise use of Face Coverings by children to avoid misuse.
2. Wearing a Face Covering is recommended, but not required, while engaged in outdoor recreation such as hiking, bicycling, or running. But each person engaged in such activity must comply with social distancing requirements including maintaining at least six feet of separation from all other people. Because running or bicycling causes people to more forcefully expel airborne particles, making the usual minimum 6 feet distance less adequate, runners and cyclists must take steps to avoid exposing others to those particles, which include the following measures: wearing a Face Covering when possible; crossing the street when running to avoid sidewalks with pedestrians; slowing down and moving to the side when unable to leave the sidewalk and nearing other people; never spitting; and avoiding running or cycling directly in front of or behind another runner or cyclist who is not in the same household.
3. This Advisory does not require any person to wear a Face Covering while driving alone, or exclusively with other members of the same family or household, in a motor vehicle.
4. A Face Covering is also not required by this Advisory to be worn by a particular individual if the person can show either: (1) a medical professional has advised that wearing a Face Covering may pose a risk to the person wearing the mask for health-related reasons; or (2) wearing a Face Covering would create a risk to the person related to their work as determined by local, state, or federal regulators or workplace safety guidelines. A Face Covering should also not be used by anyone who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove the Face Covering without assistance.

Conclusion

The intent of this Order is to ensure that all people who are visiting or working at Essential Businesses



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and all people who are seeking care at healthcare facilities or engaged in certain types of public transit or transportation with others wear a Face Covering to reduce the likelihood that they may transmit or receive the COVID-19 virus. The intent of this Advisory is also to ensure that people who work for or seek services from entities engaged in Essential Infrastructure work, Minimum Basic Operations, or Essential Government Functions also wear a Face Covering when they are in close proximity to others. In so doing, this Advisory will help reduce the spread of the COVID-19 virus and mitigate the impact of the virus on members of the public and on the delivery of critical healthcare services to those in need. All provisions of this Advisory must be interpreted to effectuate this intent.

A handwritten signature in black ink that reads "Karen Haught".

Karen Haught MD, MPH
Health Officer of Tulare County

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

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



EMERGENCY ORDER FOR THE PREVENTION OF NOVEL CORONAVIRUS (COVID-19) TRANSMISSION

WHEREAS, on March 4, 2020, the Governor of the State of California proclaimed a state of Emergency now exists in the State of California due to the presence of and threat posed by the novel coronavirus ("COVID-19"); and

WHEREAS, on March 11, 2020, the County Health Officer of the County of Tulare proclaimed and declared that a local health emergency now exists in the County of Tulare due to the presence of and threat posed by COVID-19; and

WHEREAS, the Tulare County Board of Supervisors ratified said proclamation at its regular meeting of March 17, 2020; and

WHEREAS, said proclamation shall remain in effect until further notice; and

WHEREAS, on March 19, 2020, the Governor of the State of California issued Executive Order N-33-20, ordering that all Californians shelter in place to preserve public health and safety ("Shelter in Place Order"); and

WHEREAS, the Shelter in Place Order has been successful in slowing the transmission and infection rate of COVID-19 in the State of California; and

WHEREAS, on March 19, 2020 the County Health Officer of the County of Tulare issued an EMERGENCY ORDER FOR THE PREVENTION OF NOVEL CORONAVIRUS (COVID-19) TRANSMISSION IN OR ABOUT RESTAURANTS, BARS, FOOD TRUCKS, GROCERY STORES, AND OTHER RETAIL FOOD AND BEVERAGE SERVICE VENUES, ENTERTAINMENT AND RECREATIONAL VENUES, GYMS, HEALTH CLUBS, THEATERS, CHURCHES, OTHER SOCIAL GATHERINGS, AND OUTDOOR RECREATIONAL ACTIVITIES, which order was extended on April 8, 2020, and amended on May 5, 2020 (the "Amended Emergency Order"); and

WHEREAS, on April 14, 2020, the State of California presented the Pandemic Roadmap, a four-stage plan for modifying the Shelter in Place Order, and defining the statewide current status under the plan as being at Stage 1; and

WHEREAS, on May 4, 2020, the State announced that entry into Stage 2 of the plan would begin on May 8, 2020 for all Counties, subject to certain conditions and certain guidance; and

WHEREAS, advancement within the Pandemic Roadmap by an individual County can be accomplished by meeting certain State-defined criteria and procedures; and

WHEREAS, the Pandemic Roadmap is designed to prevent the spread of COVID-19 in California while allowing parts of our state to safely reopen; and

WHEREAS, it is advisable that the State criteria, procedures, and guidance for the stages of the Pandemic

Roadmap become mandatory in the incorporated and unincorporated areas of County of Tulare.

NOW, THEREFORE, pursuant to Tulare County Ordinance Code sections 1-15-1033 (b) and 1-15-1040 (b), and California Health and Safety Code sections 101040, 101085, and 120175, the Health Officer of the County of Tulare hereby orders as follows, which shall be effective immediately and remain in effect until such a time that it is terminated or modified by the County Public Health Officer in writing:

1. **The Amended Emergency Order** is hereby terminated. Any previous Public Health Orders, other than the Emergency Declaration dated March 11, 2020, not previously terminated by the Amended Emergency Order are hereby terminated.
2. **The Shelter in Place Order**, the emergency orders of the State Public Health Director related to the COVID-19 pandemic, and the State's Pandemic Roadmap and guidance issued with respect to the roadmap, as may be amended, modified, or supplemented from time-to-time by their makers, are hereby adopted as emergency orders of the County Health Officer of the County of Tulare and enforceable as such.
3. **Only** the activities and businesses authorized by the County's current stage of the Pandemic Roadmap shall be allowed. The County's current stage of the Pandemic Roadmap can be found at <https://covid19.tularecounty.ca.gov/>.
4. **Bars, wineries, breweries and pubs** shall follow the State's guidelines and shall be closed until allowed under the County's current stage of the Pandemic Roadmap.
5. **Restaurants** shall follow the State's guidelines and shall be open only to drive-through or other pickup/delivery options and shall not open their in-restaurant seated dining nor allow consumption of food or beverages on-premises until allowed under the County's current stage of the Pandemic Roadmap.
6. **Food Trucks** shall follow the State's guidelines and shall not allow consumption of food or beverages on or about the premises until allowed under the County's current stage of the Pandemic Roadmap.
7. **Certified Farmers' Markets** shall follow the State's guidelines and shall space booths accordingly to increase social distancing and shall eliminate non-essential/non-related services, such as bands or other entertainment until allowed under the County's current stage of the Pandemic Roadmap.
8. **Gambling venues** shall follow the State's guidelines and shall be closed until allowed under the County's current stage of the Pandemic Roadmap.
9. **Entertainment and recreational venues**, including, but not limited to, theme parks, amusement parks, attractions, theaters, museums, roller rinks, skate parks, sports stadiums, bowling alleys, and the like, shall follow the State's guidelines and shall be closed until allowed under the County's current stage of the Pandemic Roadmap.
10. **Gyms and health clubs** shall follow the State's guidelines and shall be closed until allowed under the County's current stage of the Pandemic Roadmap.
11. **All social gatherings**, including, but not limited to church services, meetings of service and social

clubs, conferences, conventions, and the like, shall be postponed or cancelled until allowed under the County's current stage of the Pandemic Roadmap.

12. **Outdoor recreational activities** shall be permissible as long as it is feasible to maintain a safe physical distance of six feet and gather only with members of the same household at all times during said activity(ies). Individual outdoor recreational activities are permissible as long as it is feasible to maintain a safe physical distance of six feet at all times during said activity. Any outdoor group sports or activities shall be postponed or cancelled unless the sport or activity can be done individually or with members of the same household only. There should be no shared equipment between persons who are not members of the same household. Visit <https://covid19.ca.gov/stay-home-except-for-essential-needs/#top>, Outdoor Recreation section for a list of requirements, specifically allowed activities, and further guidance from the state of California. These social distancing requirements shall remain in place as they relate to Outdoor Recreation Activities until abolished under the County's current stage of the Pandemic Roadmap.
13. For those businesses closed under this Order, business owners, managers, and supervisory staff are allowed to be on site to conduct minimum basic operations, provided that they each observe the social distancing and best personal hygiene practices (including washing their hands often with soap and water for at least 20 seconds) outlined above.
14. No County permits for special events shall be granted, all County permits for special events previously issued are revoked or postponed, and no temporary ABC licenses shall be authorized by the County until social gatherings are permitted under the County's current stage of the Pandemic Roadmap.
15. For personal and public health and safety purposes, all residents of and visitors to Tulare County are strongly urged to practice social distancing of six feet per person when able to do so, wash their hands often with soap and water for at least 20 seconds, wear face coverings, such as scarves (dense fabric, without holes), bandanas, neck gaiters, or other fabric face coverings, at all times while inside of or waiting to enter any business or facility, while riding or waiting to ride any public or shared transportation, and at any other time when it is impossible to maintain a distance of six-feet between persons who are not members of a shared household and follow all other guidance from public health officials with regard to the threat posed by COVID-19.
16. Each incorporated city within Tulare County is urged and requested to take such actions, if any, as may be reasonably necessary to permit this Order to be fully enforced within its respective jurisdiction.
17. The Public Health Branch of the Tulare County Health and Human Services Agency, the Tulare County District Attorney's office, the Tulare County Counsel's office, and all other applicable County of Tulare Agencies, Departments, and Divisions are requested and directed to enforce this Order within their respective jurisdictions.
18. Pursuant to California Government Code section 26602, the Sheriff of Tulare County is requested to enforce this Order within the Sheriff's jurisdiction to prevent the spread of COVID-19.
19. Pursuant to California Government Code section 41601, the chiefs of the police departments of the

Cities of Visalia, Tulare, Porterville, Dinuba, Exeter, Lindsay, Woodlake, and Farmersville are requested to enforce this Order within their respective jurisdictions to prevent the spread of COVID-19.

20. The Order shall be subject to amendment or repeal at any time and shall not be deemed to confer any contractual obligations, property rights, or assume any County or other public agency liability.
21. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
22. This Order shall be immediately translated into Spanish, and accommodations made for disabled persons to read its contents; it shall also be distributed to all local media and made prominently available at <https://covid19.tularecounty.ca.gov/>.
23. Pursuant to California Health and Safety Code sections 101029 and 120280, and Tulare County Ordinance Code sections 1-15-1040(b) and 125, violations of this Order shall be punishable as a misdemeanor upon conviction by a fine of not exceeding one thousand dollars or by imprisonment for a term of not exceeding six months, or by both such fine and imprisonment.
24. Pursuant to Tulare County Ordinance Code sections 4-01-1070 and 4-01-1315, violations of this Order may be considered a public nuisance.
25. Pursuant to Tulare County Ordinance Code sections 1-23-1000 and 1-23-1015 violations of this Order shall be subject to an administrative fine or penalty.
26. All open businesses, facilities, retail food, venues shall ensure social distancing of six feet per person between those who are not members of the same household, limit the number of customers at any given time as necessary to reduce outdoor/indoor crowding and lines to meet social distancing guidance, increase cleaning and sanitizing frequency of all contact areas, encourage use of online ordering with curbside pickup or delivery options in lieu of indoor shopping, remind employees of best hygiene practices including washing their hands often with soap and water for at least 20 seconds and wearing appropriate face covering when necessary.
27. Current guidance related to the Pandemic Roadmap is located at <https://covid19.ca.gov/roadmap/>.
28. Tulare County's Current Stage and information related to allowable businesses and activities is located at <https://covid19.tularecounty.ca.gov/>.
29. For personal and public health and safety purposes, all residents of and visitors to Tulare County are strongly urged to practice social distancing of six feet per person when able to do so, wash their hands often with soap and water for at least 20 seconds, wear face coverings, such as scarves (dense fabric, without holes), bandanas, neck gaiters, or other fabric face coverings, at all times while inside of or waiting to enter any business or facility, while riding or waiting to ride any public or shared transportation, and at any other time when it is impossible to maintain a distance of six-feet between

persons who are not members of a shared household and follow all other guidance from public health officials with regard to the threat posed by COVID-19.

30. Each incorporated city within Tulare County is urged and requested to take such actions, if any, as may be reasonably necessary to permit this Order to be fully enforced within its respective jurisdiction.
31. The Public Health Branch of the Tulare County Health and Human Services Agency, the Tulare County District Attorney's office, the Tulare County Counsel's office, and all other applicable County of Tulare Agencies, Departments, and Divisions are requested and directed to enforce this Order within their respective jurisdictions.
32. Pursuant to California Government Code section 26602, the Sheriff of Tulare County is requested to enforce this Order within the Sheriff's jurisdiction to prevent the spread of COVID-19.
33. Pursuant to California Government Code section 41601, the chiefs of the police departments of the Cities of Visalia, Tulare, Porterville, Dinuba, Exeter, Lindsay, Woodlake, and Farmersville are requested to enforce this Order within their respective jurisdictions to prevent the spread of COVID-19.
34. The Order shall be subject to amendment or repeal at any time and shall not be deemed to confer any contractual obligations, property rights, or assume any County or other public agency liability.
35. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
36. This Order shall be immediately translated into Spanish, and accommodations made for disabled persons to read its contents; it shall also be distributed to all local media and made prominently available on the County of Tulare's website.
37. Pursuant to California Health and Safety Code sections 101029 and 120280, and Tulare County Ordinance Code sections 1-15-1040(b) and 125, violations of this Order shall be punishable as a misdemeanor upon conviction by a fine of not exceeding one thousand dollars or by imprisonment for a term of not exceeding six months, or by both such fine and imprisonment.

IT IS SO ORDERED.

Time: 7:35am

Date: May 8, 2020

Issued by: 

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

Approved as to Form:
COUNTY COUNSEL

By 
Deputy County Counsel

Matter No. 2020217

JMS/5-07-2020/2020217/1465457.docx



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

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

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

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

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

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

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

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

GOALS AND LINKED METRICS TO CONSIDER WHEN MOVING BETWEEN STAGES

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

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

Potential Increased Community Transmission when Re-opening Public Spaces.

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

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

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

Strong and Clear Communication and Public Engagement Plan.

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

Rationale for a Multi-Stage Approach to Reopening

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

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

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

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

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

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

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

GUIDELINES FOR ALL STAGES

Individuals:

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

Employers: See guidance document for employers

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

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

CURRENT STAGE/STAGE 1

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

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

STAGE 2: Lower Risk Workplaces

Retail Stores	• Online order and curbside pickup for non-essential businesses. • Employees screened daily and must wear face covering and maintain 6 ft social distancing from co-workers and the public if possible
Commercial Businesses/Offices	• Implement social distancing measures for all customers. • Employees screened daily and must wear face covering and maintain 6 ft social distancing from co-workers and the public if possible
Manufacturing	• Employees screened daily and must wear face covering and maintain 6 ft social distancing from co-workers and the public if possible.
Restaurants & Bars Serving Food	• Continue online order and curbside pickup only. No dine-in • Employees screened daily and must wear face covering and maintain 6 ft social distancing from co-workers and the public if possible
Nail Salons, Hair Salons, Barber Shops, etc.	• Closed
Health Care, Dental, Optometry, etc.	• Urgent or Emergent procedures only • Implement social distancing measures for all customers and between coworkers • Employees screened daily and must wear face covering
Massage, Tattoo & Body Art, etc.	• Closed
Gyms, Fitness Centers, Pubic 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.

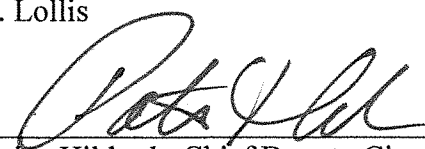
Section 6. This Ordinance is exempt from the requirements of CEQA pursuant to California Public Resources Code Section 21080(b) (4).

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)

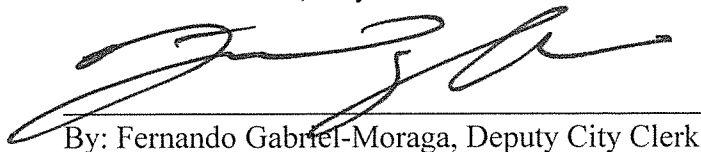
I, JOHN D. LOLLIS, the duly qualified City Clerk of the City of Porterville do hereby certify:

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

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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)

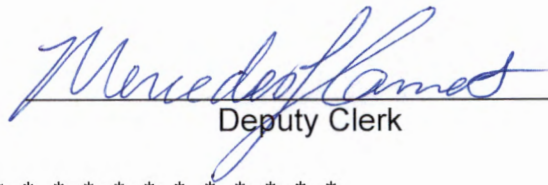
UPON MOTION OF SUPERVISOR TOWNSEND, SECONDED BY SUPERVISOR
SHUKLIAN, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS,
AT AN OFFICIAL MEETING HELD OCTOBER 6, 2020, BY THE FOLLOWING VOTE:

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

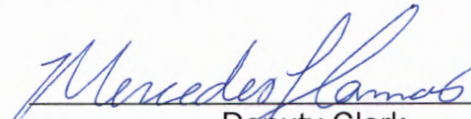
UPON MOTION OF SUPERVISOR TOWNSEND, SECONDED BY SUPERVISOR SHUKLIAN, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD OCTOBER 6, 2020, BY THE FOLLOWING VOTE:

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

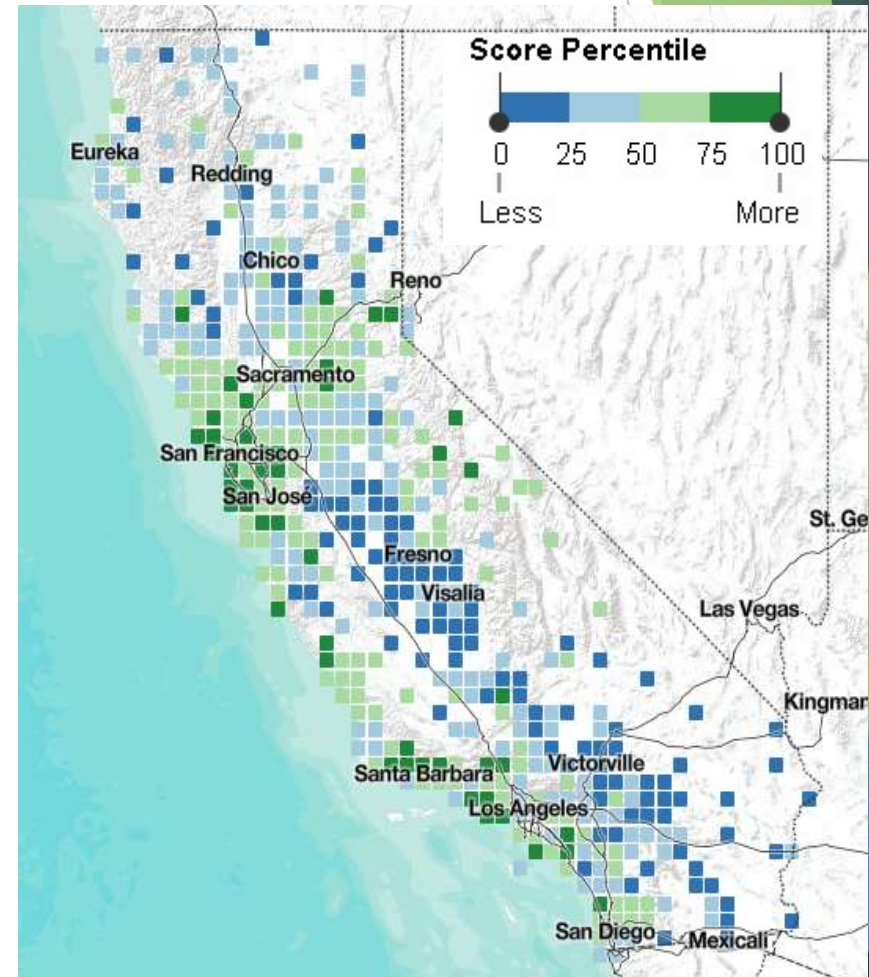
[5] See Harvard Health Preventing the spread of the coronavirus Social distancing, hand washing, and other preventive measures

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Department Website (cdph.ca.gov)



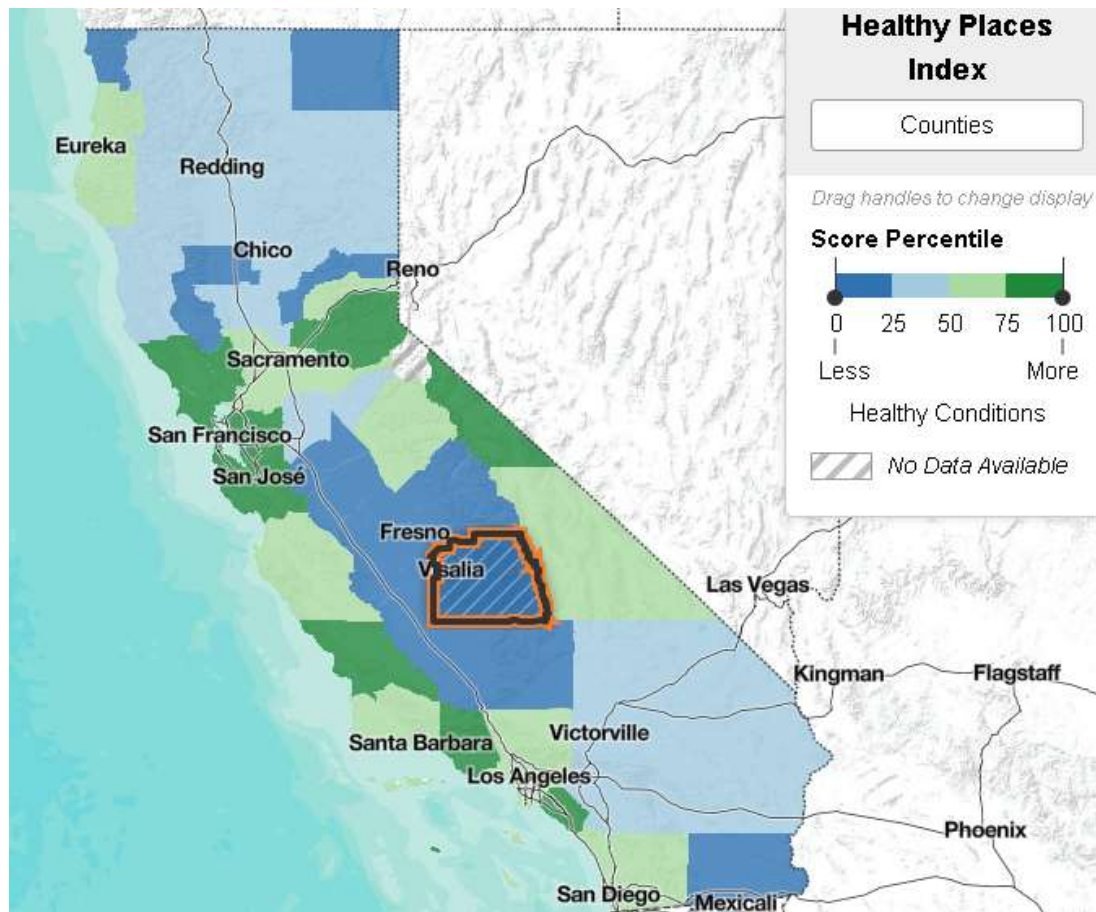
Healthy Places Index

- ▶ 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



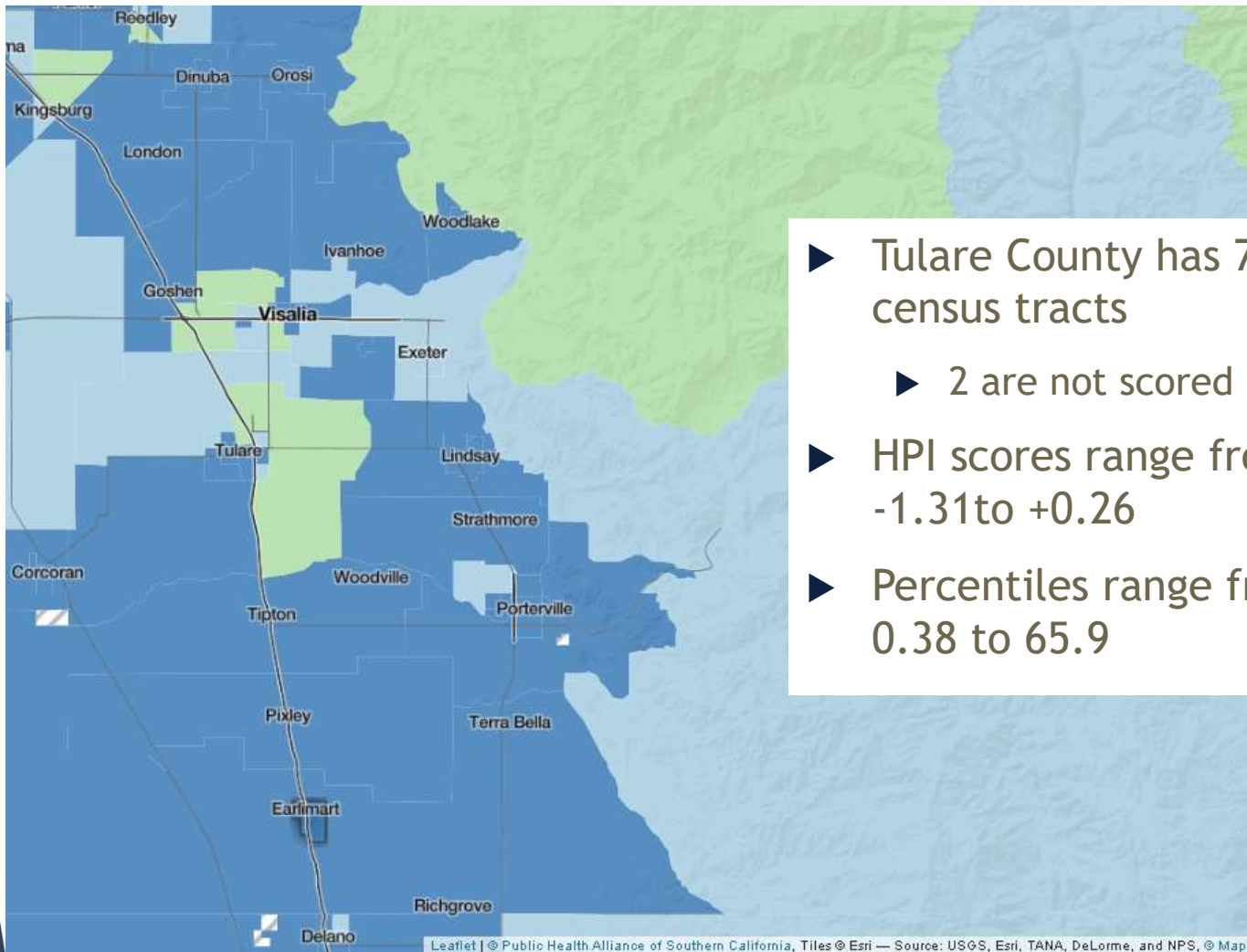
URL: <https://map.healthyplacesindex.org/>

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.

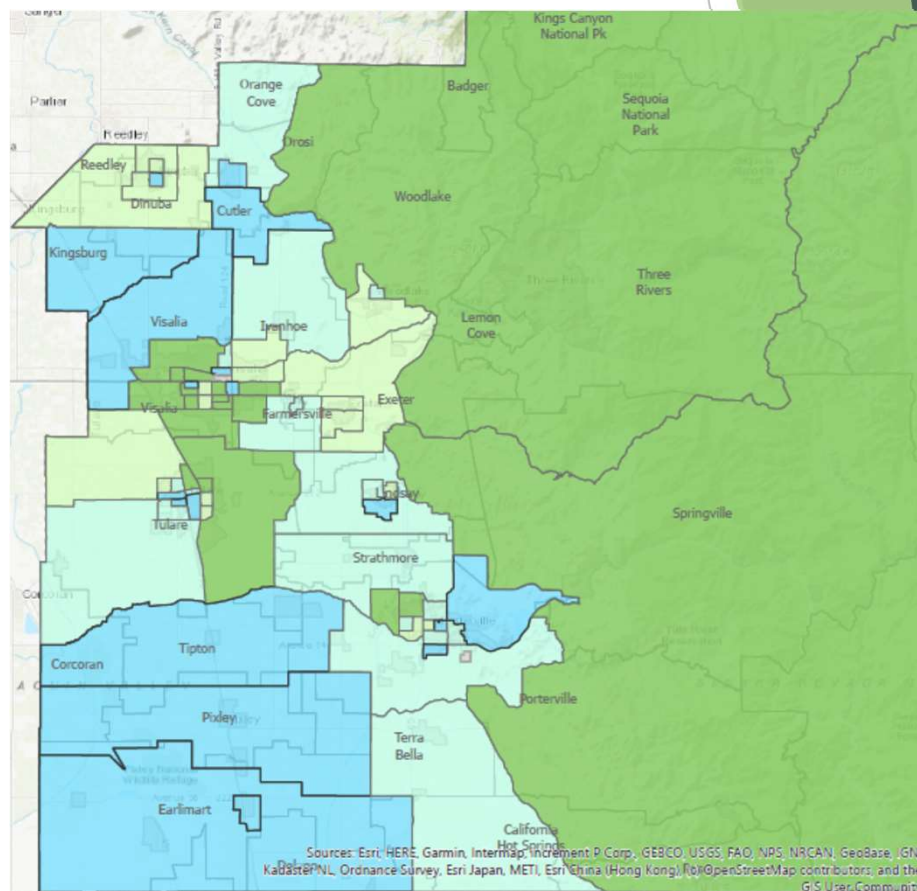
Tulare County Census Tracts - HPI Ranking is Statewide



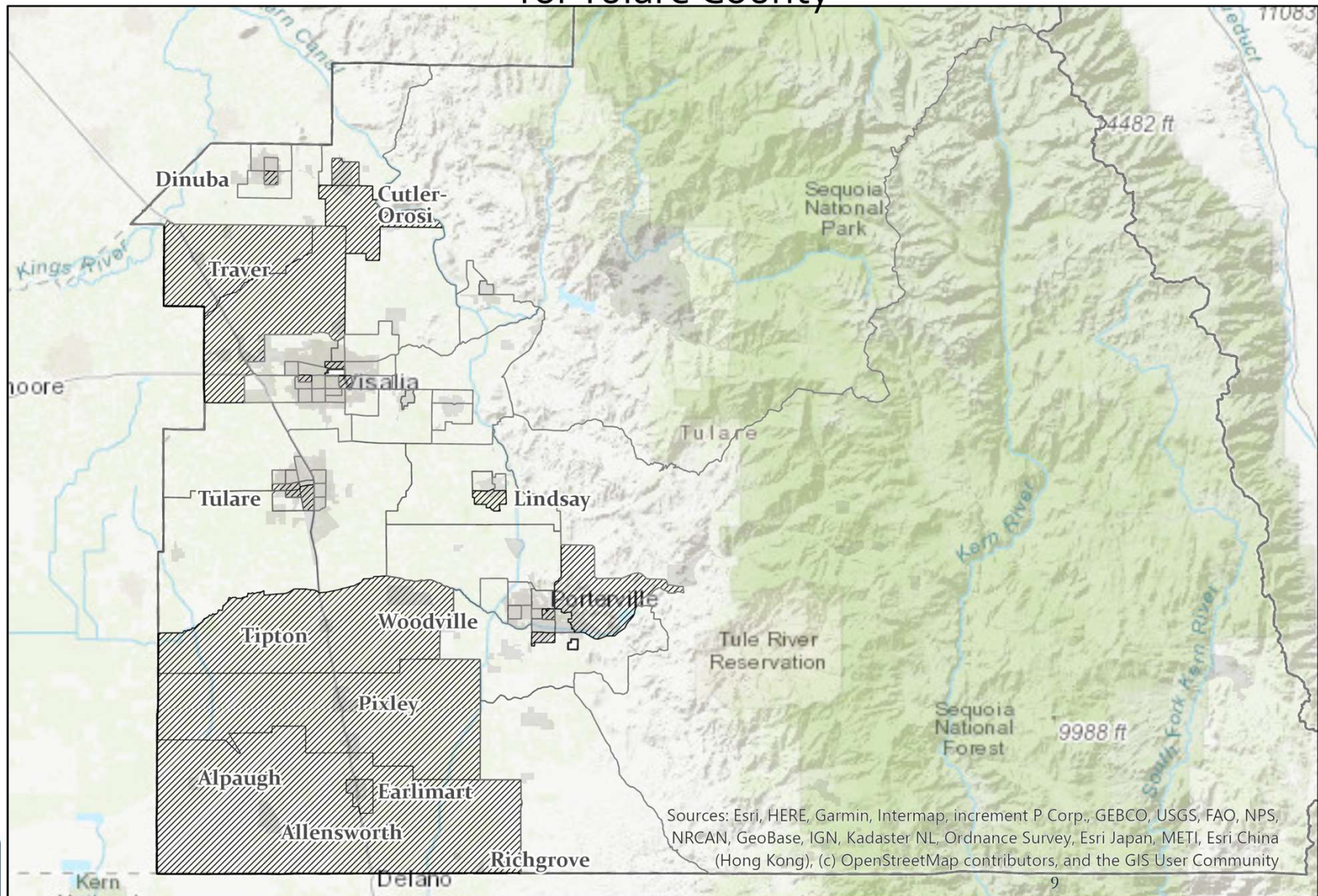
- ▶ Tulare County has 78 census tracts
 - ▶ 2 are not scored
- ▶ HPI scores range from -1.31 to +0.26
- ▶ Percentiles range from 0.38 to 65.9

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



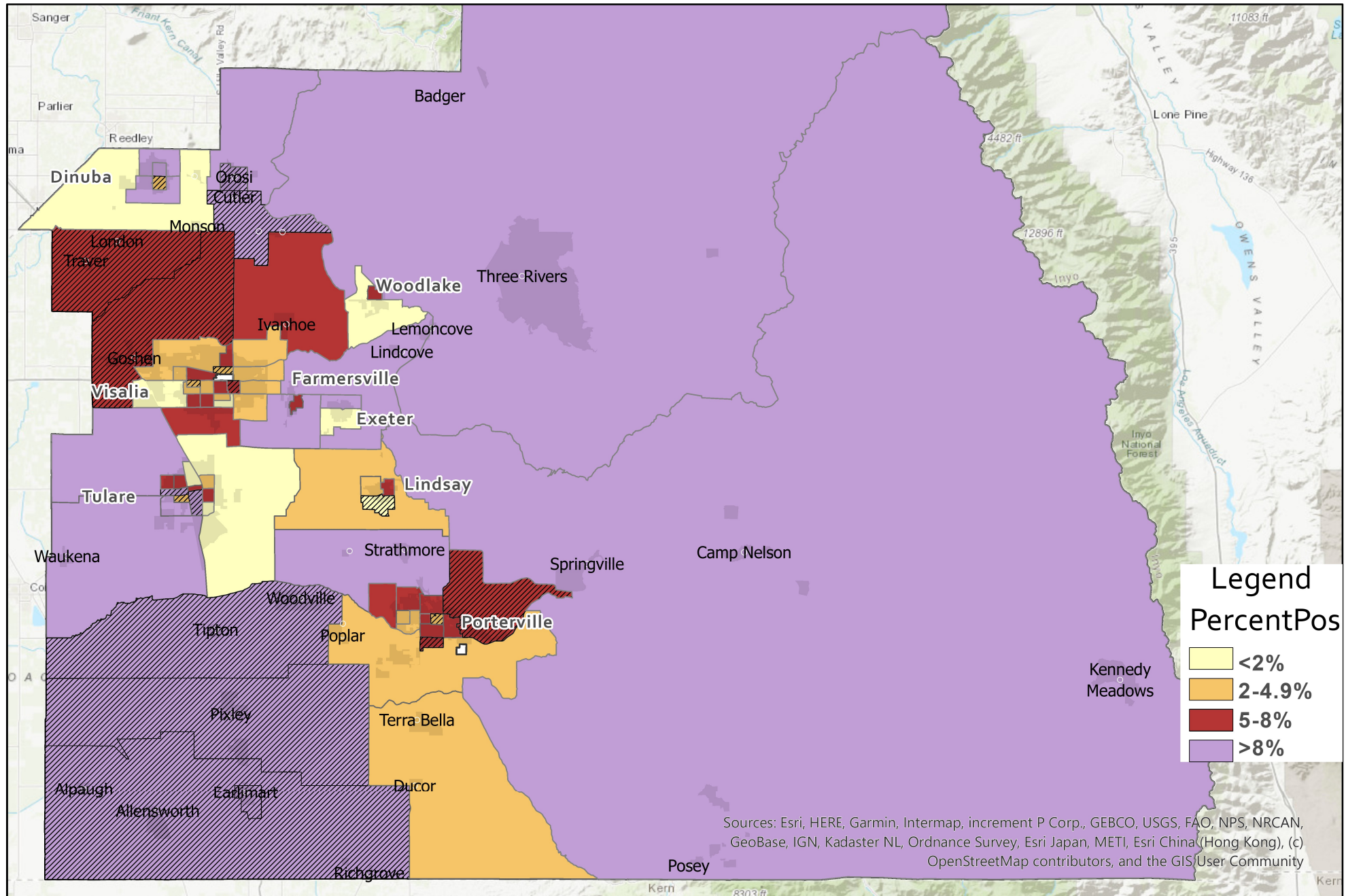
Health Equity Blueprint Metric

- ▶ 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%

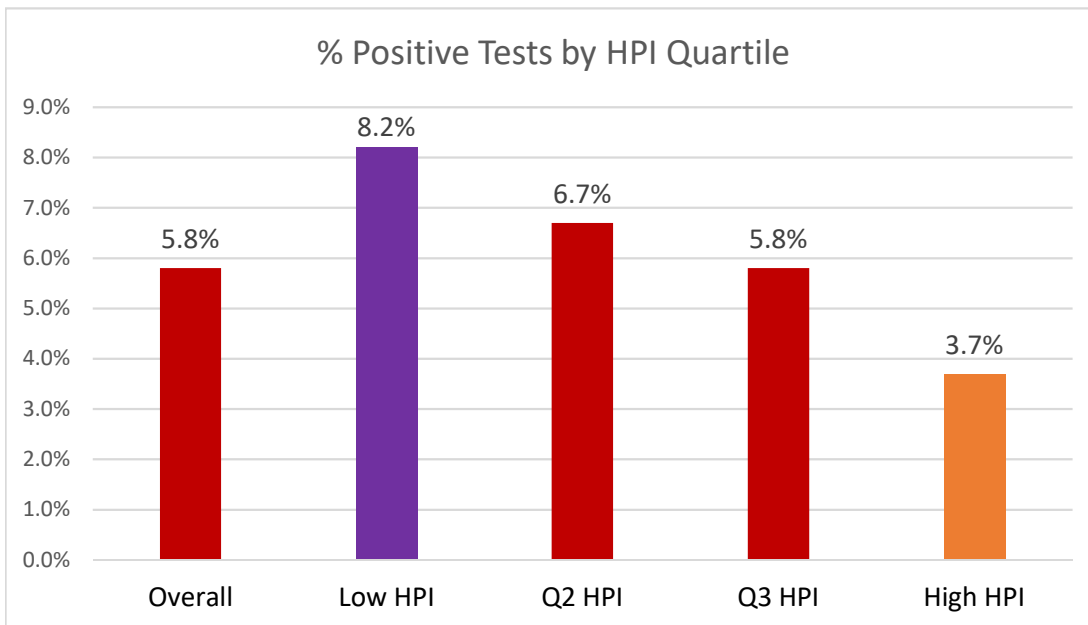
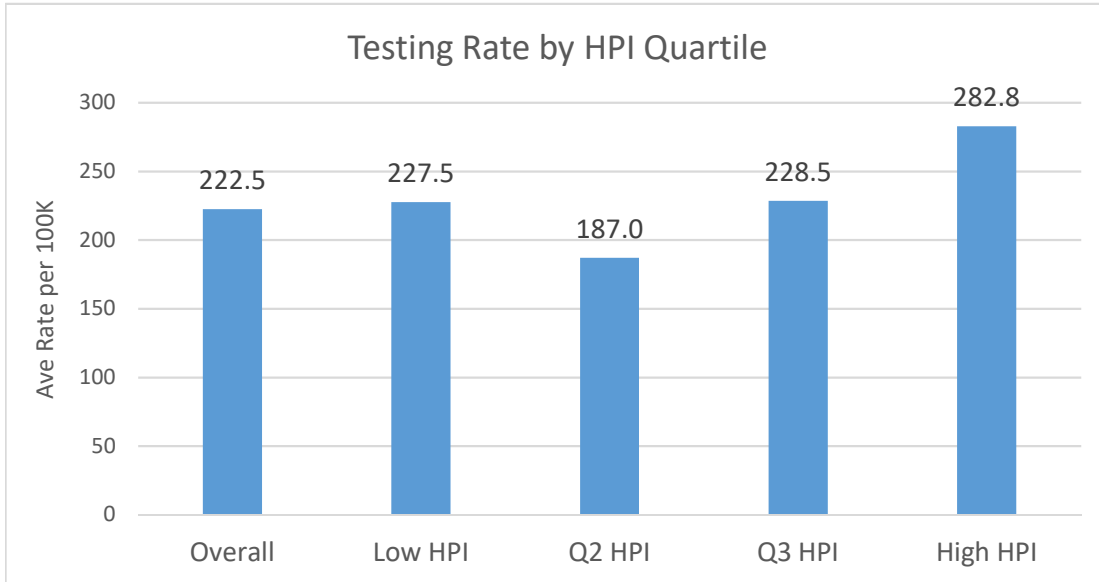
Note that for small areas such as individual census tracts, data shifts from week to week.

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



COVID-19 INDUSTRY GUIDANCE: Expanded Personal Care Services

October 20, 2020

This guidance is designed to address sectors and activities opening statewide. However, local health officers may implement more stringent rules tailored to local epidemiological conditions, so employers should also confirm relevant local opening policies.

OVERVIEW

On March 19, 2020, the State Public Health Officer and Director of the California Department of Public Health issued an order requiring most Californians to stay at home to disrupt the spread of COVID-19 among the population.

The impact of COVID-19 on the health of Californians is not yet fully known. Reported illness ranges from very mild (some people have no symptoms) to severe illness that may result in death. Certain groups, including people aged 65 or older and those with serious underlying medical conditions, such as heart or lung disease or diabetes, are at higher risk of hospitalization and serious complications. Transmission is most likely when people are in close contact or in a poorly ventilated area with an infected person, even if that person does not have any symptoms or has not yet developed symptoms.

Precise information about the number and rates of COVID-19 by industry or occupational groups, including among critical infrastructure workers, is not available at this time. There have been multiple outbreaks in a range of workplaces, indicating that workers are at risk of acquiring or transmitting COVID-19 infection. Examples of these workplaces include hospitals, long-term care facilities, prisons, food production, warehouses, meat processing plants, restaurants, and grocery stores.

As stay-at-home orders are modified, it is essential that all possible steps be taken to ensure the safety of workers and the public.

Key prevention practices include:

- ✓ physical distancing to the maximum extent possible,
- ✓ use of face coverings by workers (where respiratory protection is not required) and customers/clients,
- ✓ frequent handwashing and regular cleaning and disinfection,
- ✓ training workers on these and other elements of the COVID-19 prevention plan.

In addition, it will be critical to have in place appropriate processes to identify new cases of illness in workplaces and, when they are identified, to intervene quickly and work with public health authorities to halt the spread of the virus.

PURPOSE

This document provides guidance for expanded personal care services, which includes personal care that requires touching a client's face, e.g. facials, electrolysis, and waxing. This guidance applies to esthetic, skin care, electrology, nail services, body art professionals, tattoo parlors, and piercing shops, and massage therapy (in non-healthcare settings). Businesses in these industries are open across all tiers but must follow the modifications in this guidance.

For the most updated information on county tier status, visit [Blueprint for a Safer Economy](#). Please note that local health departments can have more restrictive criteria and different closures. Find [your county's local information](#).

This guidance is intended to support a safe, clean environment for workers and customers. Establishment license holders must acknowledge that renters or lessees should only resume operations when they are ready and able to implement the necessary safety measures to provide for their safety and that of their customers.

The guidance is not intended to revoke or repeal any worker rights, either statutory, regulatory, or collectively bargained and is not exhaustive, as it does not include county health orders, nor is it a substitute for any existing safety and health-related regulatory requirements such as those of Cal/OSHA or the California Board of Barbering and Cosmetology.¹ Stay current on changes to public health guidance and state/local orders, as the COVID-19 situation continues. Cal/OSHA has more comprehensive guidance on their [Cal/OSHA General Guidelines on Protecting Workers from COVID-19 webpage](#). CDC has additional requirements in their [guidance](#) for businesses and employers.

Required Use of Face Coverings

On June 18, CDPH issued [Guidance on the Use of Face Coverings](#), which broadly requires the use of face coverings for both members of the public and workers in all public and workplace settings where there is a high risk of exposure. Complete details, including all requirements and exemptions to these rules, can be found in the [guidance](#).

The [CDPH Face Covering Guidance](#) is subject to additional updates based on the current scientific understanding of transmission of the virus causing COVID-19. Please check the CDPH website for any revisions.



Workplace Specific Plan

- Establish a written, workplace-specific COVID-19 prevention plan at every location, perform a comprehensive risk assessment of all work areas and work tasks and designate a person at each facility to implement the plan.
- Incorporate the [CDPH Face Covering Guidance](#) into the Workplace Specific Plan and include a policy for handling exemptions.
- Identify contact information for the local health department where the facility is located for communicating information about COVID-19 outbreaks among workers or customers.
- Train and communicate with workers and worker representatives on the plan and make the plan available to workers and their representatives.
- Regularly evaluate the workplace for compliance with the plan and document and correct deficiencies identified.
- Investigate any COVID-19 illness and determine if any work-related factors could have contributed to risk of infection. Update the plan as needed to prevent further cases.
- Implement the necessary processes and protocols when a workplace has an outbreak, in accordance with [CDPH guidelines](#) and orders or guidance from the local health department.
- Identify close contacts (within six feet for 15 minutes or more) of an infected worker and take steps to isolate COVID-19 positive worker(s) and close contacts.
- Notify all employees in writing, and employers of subcontracted employees, who may have been exposed to COVID-19 and report workplace outbreaks to the local health department. For additional information on employer responsibilities under [AB 685](#) (Chapter 84, Statutes of 2020), refer to the [Enhanced Enforcement and Employer Reporting Requirements](#) from Cal/OSHA and the [Employer Questions about AB 685](#) from CDPH.
- Adhere to the guidelines below. Failure to do so could result in workplace illnesses that may cause operations to be temporarily closed or limited.



Topics for Worker Training

- Information on [COVID-19](#), how to prevent it from spreading, and [people who are at higher risk](#) for severe illness or death.
- Self-screening at home, including temperature and/or symptom checks using [CDC guidelines](#).

- The importance of not coming to work:
 - If a worker has symptoms of COVID-19 as [described by the CDC](#), such as a fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea, vomiting, or diarrhea, OR
 - If a worker was diagnosed with COVID-19 and has not yet been released from isolation, OR
 - If, within the past 14 days, a worker has had contact with someone who has been diagnosed with COVID-19 and is considered potentially infectious (i.e. still on isolation).
- To return to work after a worker receives a COVID-19 diagnosis only after meeting [CDPH Guidance on Returning to Work or School Following COVID-19 Diagnosis](#).
- To seek medical attention if their symptoms become severe, including persistent pain or pressure in the chest, confusion, or bluish lips or face. Updates and further details are available on [CDC's webpage](#).
- The importance of frequent handwashing with soap and water, including scrubbing with soap for 20 seconds (or using hand sanitizer with at least 60% ethanol (preferred) or 70% isopropanol (if the product is inaccessible to unsupervised children) when workers cannot get to a sink or handwashing station, per [CDC guidelines](#)). Never use hand sanitizers with [methanol](#) due to its high toxicity to both children and adults.
- The importance of physical distancing, both at work and off work time (see Physical Distancing section below).
- Proper use of face coverings, including:
 - Face coverings are not personal protective equipment (PPE).
 - Face coverings do not replace the need for physical distancing and frequent handwashing.
 - Face coverings must cover the nose and mouth.
 - Workers should wash or sanitize hands before and after using or adjusting face coverings.
 - Avoid touching eyes, nose, and mouth.
 - Face coverings must not be shared and should be washed or discarded after each shift.
- Information contained in the [CDPH Guidance for the Use of Face Coverings](#), which mandates the circumstances in which face coverings must be worn and the exemptions, as well as any policies, work rules, and

practices the employer has adopted to ensure the use of face coverings. Training should also include the employer's policies on how people who are exempted from wearing a face covering will be handled.

- Ensure any independent contractors, temporary, or contract workers at the facility are also properly trained in COVID-19 prevention policies and have necessary supplies and PPE. Discuss these responsibilities ahead of time with organizations supplying temporary and/or contract workers.
- Information on paid leave benefits the worker may be entitled to receive that would make it financially easier to stay at home. See additional information on [government programs supporting sick leave and workers' compensation for COVID-19](#), including workers' sick leave rights under the [Families First Coronavirus Response Act](#).



Individual Control Measures and Screening

- Provide temperature and/or symptom screenings for all workers at the beginning of their shift and any vendors or contractors entering the establishment. Make sure the temperature/symptom screener avoids close contact with workers to the extent possible.
- If requiring self-screening at home, which is an appropriate alternative to providing it at the establishment, ensure that screening was performed prior to the worker leaving the home for their shift and follows [CDC guidelines](#), as described in the Topics for Worker Training section above.
- Encourage workers and customers who are sick or exhibiting symptoms of COVID-19 to stay home.
- Employers must provide and ensure workers use all required protective equipment, including eye protection, gloves, and face shields where necessary.
- Employers should consider where disposable glove use may be helpful to supplement frequent handwashing or use of hand sanitizer; examples are for workers who are screening others for symptoms or handling commonly touched items. Workers should wear gloves when handling items contaminated by body fluids.
- Disposable gloves should be worn for services that require them. Wearing gloves should be done in conjunction with regular hand washing and is not a substitute for regular hand washing.
- Workers who consistently must be within six feet of customers or co-workers must wear a secondary barrier (e.g., face shield or safety goggles) in addition to a face covering. All employees should minimize the amount of time spent within six feet of customers.

- Contact customers before visits to confirm appointments and ask if they or someone in their household is exhibiting any COVID-19 symptoms. If the customer answers in the affirmative, reschedule the appointment. Such communication can be done via phone, app, email, or text to remind customers that they should only come to the facility for their appointment if they do not pose a health risk to other customers or workers. In order to implement pre-screening protocols and ensure physical distancing protocols, consider suspending walk-in appointment availability.
- Tell customers that no additional friends or family will be permitted in the facility, except for a parent or guardian accompanying a minor.
- Customers should be screened for temperature and/or symptoms upon arrival, asked to use hand sanitizer, and to wear a face covering unless exempted per the [CDPH Face Covering Guidance](#). Employers have the right to refuse entry to symptomatic customers or visitors.
- Display a set of guidelines for customers that are to be a condition of entry. The guidelines must include instructions to wear face coverings, use hand sanitizer, maintain physical distance from other customers, and they should communicate changes to service offerings. The guidelines should be posted in clearly visible locations, including at entrances, include pictograms, and be made available digitally (e.g. through email).



Ventilation, Cleaning, and Disinfecting Protocols

- Consider opening treatment room windows, if feasible and within security protocols.
- Where possible, install portable high-efficiency air cleaners, upgrade the building's air filters to the highest efficiency possible, and make other modifications to increase the quantity of outside air and ventilation in all working areas.
- Check the [CDPH website](#) periodically for updates on indoor air quality and ventilation guidance for airborne diseases in indoor settings.
- Ensure that coworkers, fellow tenants, booth renters, and/or staff have coordinated and put a plan in place for cleaning and disinfection at the beginning and end of each shift and in between customers. Perform thorough cleaning in high traffic areas, such as reception areas, and areas of ingress and egress including stairways, stairwells, and handrails.
- Frequently disinfect commonly used surfaces including credit card terminals, counters, reception area seating, door handles, light switches, phones, toilets, and handwashing facilities.
- Evaluate existing ventilation, hygiene, and sanitation protocols and

cleaning processes and update where necessary. Use hospital grade, [Environmental Protection Agency \(EPA\)-approved products](#) to clean and disinfect anything the client came in contact with, including treatment tables, face cradles, stools, bolsters, door knobs, side tables, chairs, etc. Follow the product manufacturer's recommendations for contact time. Use disinfectants labeled to be effective against emerging viral pathogens, diluted household bleach solutions (5 tablespoons per gallon of water), or alcohol solutions with at least 70% alcohol that are appropriate for the surface. Provide workers training on the chemical hazards, manufacturer's directions for use, ventilation requirements, and Cal/OSHA requirements for safe use. Workers using cleaners or disinfectants should wear gloves and other protective equipment as required by the product. Follow the [asthma-safer cleaning methods](#) recommended by the California Department of Public Health and ensure proper ventilation.

- Since porous surfaces such as chair seats cannot be easily disinfected, consider covering with a plastic or disposable liner and cleaning or disposing of the liner after each customer.
- All appliances at work stations and in treatment rooms should be properly disinfected between each customer.
 - For non-porous implements, such as tweezers or scissors, clean the item with hot, soapy water to remove any physical debris. Rinse and dry the implement completely. Follow by immersing the implement in an EPA-registered liquid disinfectant that is labeled as a bactericide, fungicide, and virucide for the full contact time as stated by the manufacturer's directions. Items should be removed at the end of contact time, rinsed, and dried with a clean paper towel.
 - For electrical implements such as magnifying LED lamps, hot towel warmers, and esthetic devices, clean the implement with a spray or wipe to remove any physical debris. Follow with an EPA-registered disinfectant spray or wipe for the full contact time as noted by the manufacturer's directions. Use caution when using a spray and be sure your device is unplugged and do not spray into the motor. For electronics such as tablets, touch screens, keyboards, remote controls, and ATM machines, remove visible contamination if present. Follow the manufacturer's instructions for all cleaning and disinfection products. Consider use of wipeable covers for electronics. If no manufacturer guidance is available, consider the use of alcohol-based wipes or sprays containing at least 60% alcohol to disinfect touch screens. Dry surfaces thoroughly to avoid pooling of liquids.
- To minimize the risk of [Legionnaires' disease](#) and other diseases associated with water, [take steps](#) to ensure that all water systems (e.g., drinking fountains) are safe to use after a prolonged facility shutdown.

- Where linens are used, even if the customer does not get under them, the linens should still be removed and the bed or table properly disinfected. Treatment tables must be covered with either clean treatment table paper, a clean towel, or a clean sheet after each use.
- Workers should wear disposable gloves when removing used linens, towels, and other draping, including blankets and client draping for each treatment. Do not shake the dirty laundry. Place used linens in a lined, lidded receptacle positioned outside the treatment space, if possible, to minimize the possibility of dispersing virus in the air. Dirty linens should not be used again until properly laundered either by a commercial laundering service or a laundering process which includes immersion in water of at least 160 degrees Fahrenheit for at least 25 minutes. Store all clean linens in a clean, covered place.
- Where possible, do not clean floors by sweeping or other methods that can disperse pathogens into the air unless all persons in the area have appropriate PPE. Use a vacuum with a HEPA filter wherever possible.
- Do not allow food or beverages to be at stations or in treatment rooms.
- Thoroughly clean any product display areas, including all shelving and display cases. Remove and discard any open "test" products and discontinue this practice to help reduce contamination. Add signage to this area to let customers know it is cleaned and disinfected daily.
- Encourage the use of credit cards and contactless payment systems. If electronic or card payment is not possible, customers should come with exact cash payment or check.
- Consider upgrading to touchless faucets, soap and paper towel dispensers, and adding touchless, automatic hand sanitizer dispensers. Ensure soap dispensers and paper towel dispensers are regularly filled.
- Equip reception areas and workstations with proper sanitation products, including hand sanitizer and sanitizing wipes.
- Provide time for workers to implement cleaning practices during their shift. Cleaning assignments should be assigned during working hours as part of the worker's job duties.
- Workers should avoid sharing phones, tablets, laptops, desks, pens, and other work supplies, wherever possible. Never share PPE.
- In addition to the above cleaning and disinfecting protocols, businesses must follow the existing [California Board of Barbering and Cosmetology rules](#). Additional rules may also apply for businesses at the local, county-level.



Physical Distancing Guidelines

- **WARNING:** physical distancing alone is insufficient to prevent transmission of COVID-19.
- Implement measures to ensure physical distancing of at least six feet between and among workers and customers, except while providing the services that require close contact. This can include use of physical partitions or visual cues (e.g., floor markings, colored tape, or signs to indicate to where workers and/or customers should stand).
- Maintain at least six feet of physical distance between each work station area, and/or use impermeable barriers between work stations to protect customers from each other and workers.
- Stagger appointments to reduce reception congestion and ensure adequate time for proper cleaning and disinfection between each customer visit. Consider servicing fewer customers each day or expanding operating hours to allow for more time between customers and suspending walk-in appointments.
- If possible, implement virtual check-in technology to ensure that workers are notified when a customer arrives. Ask customers to wait outside or in their cars rather than congregating in reception areas. Reception areas should only have one customer at a time or the area should be modified to support adequate physical distancing, including removing chairs and sofas or spacing them further apart.
- For outdoor operations, establish an outdoor reception area where customers can check in while still following physical distancing guidelines. Take measures at reception desks or other areas where physical distancing cannot be maintained to minimize exposure between workers and customers, such as Plexiglas or other barriers.
- For outdoor operations, create outdoor break areas with shade covers and seating that ensures physical distancing, where possible.
- Take measures at reception desks or other areas where physical distancing cannot be maintained to minimize exposure between workers and customers, such as Plexiglas or other barriers.
- Consider offering workers who request modified duties options that minimize their contact with customers and other workers (e.g., managing inventory or managing administrative needs through telework).
- Require workers to avoid handshakes, fist bumps, hugs, or similar greetings that break physical distance.
- Do not allow people to congregate in high traffic areas such as bathrooms, hallways, bar areas, reservation, and credit card terminals, etc.

- Ensure workers can maintain physical distance in breakrooms, using barriers, increasing distance between tables/chairs to separate workers, etc. Where possible, create outdoor break areas with shade coverings and seating arrangements that ensures physical distancing. Discourage workers from congregating during breaks and ensure they are not eating or drinking without face coverings within six feet of each other.
- Adjust any staff meetings to ensure physical distancing. Hold meetings over the phone or via webinar for workers wherever possible.



Additional Considerations for Esthetic and Skin Care Services

- Workers should wear a face shield for eye protection (with a face covering) when they are providing clients treatment on facial or neck areas that do not enable the client to wear a face covering.
- Disposable gloves should be worn throughout the entire esthetic service and while performing cleaning and disinfection of all implements and surfaces after each client session.
- Before leaving the treatment room or area, remove and dispose of gloves, apply proper hand sanitizer or wash hands with soap and water, and use a previously readied disposable barrier, such as a paper towel or sanitizer wipe, to open and close the treatment room door while leaving the room.
- Single use applicators must be used and disposed of immediately after use in a lined trash bin. The trash bin should have a lid and should be lined with a disposable plastic bag.



Additional Considerations for Electrology Services

- Electrology services must not be provided in the outdoor setting because they are invasive procedures that require a controlled hygienic environment to be performed safely.
- Electrologists must use disposable gloves during the client's entire treatment. Electrologists should wear a face shield for eye protection (with a face covering) when they are providing clients treatment on facial or neck areas that do not enable the client to wear a face covering.
- Clients having any other areas treated should be required to wear a face covering throughout the service, if able to wear one per the [CDPH Face Covering Guidance](#).

- Tweezers, rollers, and needle holder caps should be properly cleaned and sterilized between each client. This could include the use of an autoclave or placing the items in a sealed pouch and sterilizing them in a dry heat sterilizer. The pouch should not be reopened until the next client's treatment session begins.
- Where possible, use disposable probes that do not require a probe tip or cap, which will reduce exposure points. If not using disposable probe tips or caps, the removable tip or cap of the epilator needle/probe holder must be cleaned and disinfected after each client.
- Needles used for electrolysis must be single-use, disposable, pre-packaged, and sterile and disposed of in an approved sharps container immediately after use. Sharps containers must be discarded in accordance with biomedical waste regulation.
- Heat produced by the electrical current passing through an electrolysis needle is not sufficient to sterilize it.
- Ultrasonic cleaning units, forceps, and all containers, including their removable parts, must be cleaned and disinfected between each client according to the manufacturer's instructions.



Additional Considerations for Nail Services

- Clients must wash their hands before nail services are provided.
- Workers must wear face coverings at all times, or a respirator where required. Respirators are required where ventilation is insufficient to reduce exposure below permissible exposure limits established in title 8 [section 5155](#). In cases of chemical exposure, only elastomeric respirators with the correct chemical cartridge combined with a particulate filter are appropriate for use.
- Disposable gloves should be worn throughout the entire service and while performing cleaning and disinfection of all implements and surfaces after each client. Once cleaning is finished, remove and dispose of gloves and apply proper hand sanitizer or wash hands with soap and water.
- Pedicures done outside shall be limited to portable tubs/bowls and must be disinfected with an EPA-registered liquid disinfectant that is labeled as a bactericide, fungicide and virucide. Refer to manufacturer's instructions on concentration. The disinfection should occur inside the nail salon and not in the temporary outdoor setting.
- Pedicure bowls must be disinfected with an EPA-registered liquid disinfectant that is labeled as a bactericide, fungicide and virucide. Refer to manufacturer's instructions on concentration. For whirlpool foot spas, air-jet basins or pipeless foot spas, disinfectant must be circulated for at least

10 minutes. For non-whirlpool foot basins and tubs, soak disinfectant in the basin or tub for at least 10 minutes. Foot-spas, basins and pedicure bowls must be properly cleaned and disinfected after every client even if a disposable plastic liner is used.

- Nail salons should use disposable supplies whenever possible. Any non-disposable supplies must be fully disinfected between customers according to the California Board of Barbering and Cosmetology guidelines.
- All single use items, such as cardboard files, sand-bands for drills and buffers, disposable sandals, toe separators, and applicators, must be used once and immediately thrown away in a lined, lidded trash can.
- To reduce the number of touchpoints, remove the nail polish displays. In the absence of a nail polish display, use a color palette, which is to be cleaned and disinfected after each client use. If the nail polish display is not removed, nail polishes should be cleaned and disinfected before being returned to the display.
- Consider whether it is feasible to install a plastic partition between the worker and client with ample space cut out where hands or feet can be slid underneath to conduct the manicure or pedicure.
- Allow only one manicurist to work at each station and do not allow clients to get multiple services at the same time, such as a manicure and pedicure.
- If fans, such as pedestal fans or hard-mounted fans, are used in the salon, take steps to minimize air from fans blowing directly from one person toward another. If fans are disabled or removed, employers should remain aware of possible heat hazards and take steps to mitigate them.
- Nail salons should consider upgrading existing ventilation to include locally exhausted nail tables.



Additional Considerations for Body Art Professionals, Tattoo Parlors, and Piercing Shops

- Disposable gloves are required throughout the tattooing or piercing service and while performing cleaning and disinfection of all implements and surfaces after each customer session.
- Workers should ensure they wash their hands thoroughly with soap and water or use hand sanitizer immediately before putting on and after removing gloves.

- Suspend piercing and tattooing services for the mouth/nose area.
- Chairs should be arranged to ensure at least six feet of space between customers. Establishments should consider additional divider shields or other impermeable barriers where appropriate.
- Workers should provide tattooing or piercing services for only one customer at a time.



Additional Considerations for Massage Services (Non-Healthcare Settings)

- Clients must wash their hands before any services are provided.
- Consider alterations to the treatment table setup to support the required cleaning and disinfecting protocols. This could include using disposable face cradle covers and/or protecting the table, table warmers, bolsters, and other items with washable barriers like pillowcases that can be removed and replaced between each client. Barriers are not a substitution for the required cleaning and disinfecting protocols.
- Evaluate whether facial massages or other hands-on work to the face will be offered. If providing such services, use non-latex gloves for this part of the treatment. Facial massages should not be performed if it requires removal of the client's face covering.
- Provide any hand treatments as the last part of the service.
- Workers should wash their hands immediately upon finishing massage services.

¹ Additional requirements must be considered for vulnerable populations. Personal care providers must comply with all [Cal/OSHA](#) standards and be prepared to adhere to its guidance as well as guidance from the [Centers for Disease Control and Prevention \(CDC\)](#) and the [California Department of Public Health \(CDPH\)](#). Additionally, employers should be prepared to alter their operations as those guidelines change.





Sandra Shewry
Acting Director
Erica S. Pan, MD, MPH
Acting State Health Officer

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



GAVIN NEWSOM
Governor

November 19, 2020

TO: All Californians

SUBJECT: Limited Stay At Home Order

Upon assessment of the recent, unprecedented rate of rise in increase in COVID-19 cases across California, the California Department of Public Health (CDPH) is taking immediate actions to prevent the spread of the virus. These immediate actions will help reduce community spread, protect individuals at higher risk of severe illness or death from COVID-19, and prevent the state's health care delivery system from becoming overwhelmed. Reducing movement and mixing of individual Californians is critical to decreasing transmission, hospitalizations, and deaths.

Therefore, as the State Public Health Officer, I am issuing a Limited Stay at Home order, effective in counties under Tier One (Purple) of California's Blueprint for a Safer Economy, requiring that all gatherings with members of other households and all activities conducted outside the residence, lodging, or temporary accommodation with members of other households cease between 10:00pm PST and 5:00am PST, except for those activities associated with the operation, maintenance, or usage of critical infrastructure[1] or required by law. This order does not apply to persons experiencing homelessness. Nothing in this order prevents any number of persons from the same household from leaving their residence, lodging, or temporary accommodation, as long as they do not engage in any interaction with (or otherwise gather with) any number of persons from any other household, except as specifically permitted herein.

This Limited Stay at Home Order will reduce opportunities for disease transmission with the goal of decreasing the number of hours individuals are in the community and mixing with individuals outside of their household. Every intervention to decrease mixing of households is critical during this unparalleled increase in case rate rise of about 50 percent during the first week in November. In particular, activities conducted during 10:00pm to 5:00am are often non-essential and more likely related to social activities and gatherings that have a higher likelihood of leading to reduced inhibition and reduced likelihood to adhere to COVID-19 preventive measures (e.g., wearing face coverings and maintaining physical distance).

This order shall take effect on November 21, 2020, at 10:00pm PST.

For counties that move into Tier One (Purple) after the effective date of this Order, the terms of this Order shall apply at 10:00pm PST on day two after the county is assigned to Tier One (Purple). For the purpose of counting days, day one shall be the first full day following the date of the tier assignment.

This order remains in effect until 5:00am PST on December 21, 2020, and may be extended or revised as needed.

This order is issued pursuant to Health and Safety Code sections 120125, 120130(c), 120135, 120140, 120145, 120175, 120195 and 131080; EO N-60-20, N-25-20, and other authority provided for under the Emergency Services Act; and other applicable law.



Erica S. Pan, MD, MPH
Acting State Public Health Officer
California Department of Public Health

[1] See the [COVID19.ca.gov](https://www.covid19.ca.gov) Essential Workforce web page for full list of California's Critical Infrastructure workforce.

California Department of Public Health
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Department Website ([cdph.ca.gov](https://www.cdph.ca.gov))



Page Last Updated : November 19, 2020



SANDRA SHEWRY, MPH,MSW

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Acting State Health Officer

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



GAVIN NEWSOM

Governor

Regional Stay At Home Order
12/03/2020

Upon assessment of the recent, unprecedented rise in the rate of increase in COVID-19 cases, hospitalizations, and test positivity rates across California, the California Department of Public Health (CDPH) is taking immediate actions to prevent the spread of the virus.

The State, like the nation, continues to record an unprecedented surge in the level of community spread of COVID-19. California implemented an accelerated application of the Blueprint Framework metrics on November 16 and a limited Stay at Home Order issued on November 19. However, in the interim, the number of new cases per day has increased by over 112%, (from 8,743 to 18,588) and the rate of rise of new cases per day continues to increase dramatically. The number of new hospital admissions has increased from 777 on November 15, to 1,651 on December 2, and because of the lag between case identification and hospitalizations, we can only expect these numbers to increase.

Current projections show that without additional intervention to slow the spread of COVID-19, the number of available adult Intensive Care Unit (ICU) beds in the State of California will be at capacity in mid-December. This is a sign that the rate of rise in cases, if it continues, is at risk of overwhelming the ability of California hospitals to deliver healthcare to its residents suffering from COVID-19 and from other illnesses requiring hospital care. ICU beds are a critical resource for individuals who need the most advanced support and care and the ability to add additional ICU capacity is limited by the lack of available ICU nurses and physicians as a result of the nationwide surge in hospitalizations and ICU admissions.

Because the rate of increases in new cases continues to escalate and threatens to overwhelm the state's hospital system, further aggressive action is necessary to respond to the quickly evolving situation. While vaccines are promising future interventions, they are not available to address the immediate risks to healthcare delivery in the current surge. The immediate aggressive institution of additional non-pharmaceutical public health interventions is critical to avoid further overwhelming hospitals and to prevent the need to ration care.



NOW, THEREFORE, I, as Acting State Public Health Officer of the State of California, order:

1. CDPH will evaluate public health based on Regions, responsive to hospital capacity for persons resident in those Regions.
2. CDPH will evaluate the adult ICU bed capacity for each Region and identify on covid19.ca.gov any Regions for which that capacity is less than 15%. When that capacity is less than 15%, the following terms (the Terms of this Order) will apply.
 - a. All gatherings with members of other households are prohibited in the Region except as expressly permitted herein.
 - b. All individuals living in the Region shall stay home or at their place of residence except as necessary to conduct activities associated with the operation, maintenance, or usage of critical infrastructure,¹ as required by law, or as specifically permitted in this order.
 - c. [Worship](#) and [political expression](#) are permitted outdoors, consistent with existing guidance for those activities.
 - d. Critical infrastructure sectors may operate and must continue to modify operations pursuant to the [applicable sector guidance](#).
 - e. [Guidance](#) related to schools remain in effect and unchanged. Accordingly, when this Order takes effect in a Region, schools that have previously reopened for in-person instruction may remain open, and schools may continue to bring students back for in-person instruction under the [Elementary School Waiver Process](#) or [Cohorting Guidance](#).
 - f. In order to reduce congestion and the resulting increase in risk of transmission of COVID-19 in critical infrastructure retailers, all retailers may operate indoors at no more than 20% capacity and must follow the [guidance for retailers](#). All access to retail must be strictly metered to ensure compliance with the limit on capacity. The sale of food, beverages, and alcohol for in-store consumption is prohibited.
 - g. To promote and protect the physical and mental well-being of people in California, outdoor recreation facilities may continue to operate. Those facilities may not sell food or drink for on-site consumption. Overnight stays at

¹ See <https://covid19.ca.gov/essential-workforce/> for full list of California's Critical Infrastructure workforce.

campgrounds are not permitted.

- h. Nothing in this Order prevents any number of persons from the same household from leaving their residence, lodging, or temporary accommodation, as long as they do not engage in any interaction with (or otherwise gather with) any number of persons from any other household, except as specifically permitted herein.
 - i. Terms (a) and (b) of this section do not apply to persons experiencing homelessness.
- 3. Except as otherwise required by law, no hotel or lodging entity in California shall accept or honor out of state reservations for non-essential travel, unless the reservation is for at least the minimum time period required for quarantine and the persons identified in the reservation will quarantine in the hotel or lodging entity until after that time period has expired.
- 4. This order shall take effect on December 5, 2020 at 1259pm PST.
- 5. For Regions where the adult ICU bed capacity falls below 15% after the effective date of this order, the Terms of this Order shall take effect 24 hours after that assessment.
- 6. The Terms of this Order shall remain in place for at least three weeks from the date the order takes effect in a Region and shall continue until CDPH's four-week projections of the Region's total available adult ICU bed capacity is greater than or equal to 15%. Four-week adult ICU bed capacity projections will be made approximately twice a week, unless CDPH determines that public health conditions merit an alternate projection schedule. If after three weeks from the effective date of the Terms of this Order in a Region, CDPH's four-week projections of the Region's total available adult ICU bed capacity is greater than or equal to 15%, the Terms of this Order shall no longer apply to the Region
- 7. After the termination of the Terms of this Order in a Region, each county within the Region will be assigned to a tier based on the [Blueprint for a Safer Economy](#) as set out in my August 28, 2020 Order, and the County is subject to the restrictions of the Blueprint appropriate to that tier.
- 8. I will continue to monitor the epidemiological data and will modify this Regional Stay-at-Home Order as required by the evolving public health conditions. If I determine that it is necessary to change the Terms of this Order, or otherwise modify the Regional Stay-at-Home Order, these modifications will be posted at covid19.ca.gov.

9. When operative in a Region, the Terms of this Order supersede any conflicting terms in other CDPH orders, directives, or guidance. Specifically, for those Regions with ICU bed capacity triggering this order, the Terms of this Order shall supersede the State's [Blueprint for a Safer Economy](#) and all guidance (other than guidance for critical infrastructure sectors) during the operative period. In all Regions that are not subject to the restrictions in this order, the [Blueprint for a Safer Economy](#) and all guidance shall remain in effect.
10. This order is issued pursuant to Health and Safety Code sections 120125, 120130(c), 120135, 120140, 120145, 120175, 120195 and 131080; EO N-60-20, N-25-20, and other authority provided for under the Emergency Services Act; and other applicable law.



Erica S. Pan, MD, MPH
Acting State Public Health Officer
California Department of Public Health

COVID-19

COVID-19 Vaccine Prioritization Recommendations for Moving Through Vaccine Phases and Tiers

January 7, 2021

Given the limited supply of COVID-19 vaccines, the California Department of Public Health (CDPH) recommends balancing the prioritization of these scarce resources to maximize the goal of achieving community immunity for all Californians.

After focused and appropriate efforts to reach the individual groups currently prioritized, health departments and providers may offer doses promptly to people in lower priority groups when:

- Demand subsidies in the current groups, or
- Doses are about to expire according to labeling instructions.

To maximize vaccine administration and reduce the potential for vaccine wastage, local health departments and providers should immediately administer COVID-19 vaccines to individuals in all tiers of Phase 1a. Providers offering vaccines should consider partnering with other providers or organizations to provide vaccinations for individuals in the prioritized tiers. However, local health departments and providers should make special efforts to administer the vaccine to vaccinators.

Local health departments and providers may allocate doses on the assumption that immunization will be accepted by some but not all who are offered the vaccine, and then continue to offer vaccinations to all individuals in progressive priority tiers. If a county has maximized use of the vaccine to administer individuals in Phase 1a, they should move to Phase 1b, Tier 1 while continuing to offer vaccines to those in higher priority groups.

Page Last Updated : January 7, 2021



TULARE COUNTY HEALTH & HUMAN SERVICES AGENCY

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Date: January 7, 2021

Tulare County Public Health Releases COVID-19 Vaccine Schedule

*COVID-19 Vaccinations Are Underway for Phase 1A of Distribution Plan,
County Offers COVID-19 Vaccine Interest Form for Tulare County Residents*

The COVID-19 virus continues to spread at alarming rates throughout Tulare County. In the midst of an ongoing surge of infections following holiday social gatherings, Tulare County Public Health releases its COVID-19 Vaccine Schedule for distribution and delivery of the much-anticipated vaccine to end the pandemic. For the COVID-19 Vaccine Schedule in Tulare County and for the latest information on the COVID-19 vaccine, visit: <https://covid19.tularecounty.ca.gov/covid-19-vaccine/>.

Vaccinating NOW – Phase 1A

Due to limited supplies of COVID-19 vaccine, Tulare County is currently distributing COVID-19 vaccine to those eligible in **Phase 1A ONLY**. The following people qualify to receive vaccinations within Phase 1A:

Phase 1A, Tier 1:

- Acute care, psychiatric, and correctional facility hospital staff
- Skilled nursing facilities, assisted living facilities, special needs group living equivalent
- Paramedics, EMTs, and others providing medical emergency services
- Dialysis centers
- Residents in long-term care settings
- Staff of residential and inpatient substance abuse disorder treatment and mental health facilities

Phase 1A, Tier 2:

- Intermediate care facilities staff
- Home health care and in-home supportive services
- Community health workers, including promotoras
- Public health field staff
- Primary care clinics, including Federally Qualified Health Centers, Rural Health Centers, correctional facility clinics, and urgent care clinics

Phase 1A, Tier 3:

- Specialty health care clinics (i.e., optometry, cardiology, neurology, outpatient, surgery, physical therapy, etc.)
- Laboratory workers
- Dental and other oral health clinics
- Pharmacy staff not working in settings at higher tiers
- Mortuary service industry

If you meet the eligibility requirements for Phase 1A, you can register to get vaccinated at:

<https://covid19.tularecounty.ca.gov/covid-19-vaccine/tulare-county-covid-19-vaccine-phase-1a/>

Those receiving vaccines in Phase 1A will be required to show proof of eligibility with either of the following: employer ID badge, employer payment stub, or official letter from employer.

Vaccinating Next – Phase 1B and Phase 1C

Currently, Tulare County Public Health is ONLY vaccinating those who are eligible in Phase 1A.

Once COVID-19 vaccine supply expands and those who qualify for Phase 1A have been vaccinated,



TULARE COUNTY HEALTH & HUMAN SERVICES AGENCY

Timothy W. Lutz, MBA
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Tulare County Public Health will begin vaccinating residents that meet the requirements of distribution to Phase 1B and Phase 1C of the COVID-19 Vaccine Distribution Plan. Phase 1B and Phase 1C include the following:

Phase 1B

Phase 1B, Tier 1:

- Individuals aged 75 years and older
- Essential workers in the following sectors: education, childcare, emergency services, and food and agriculture

Phase 1B, Tier 2:

- Individuals aged 65-74 years of age
- Essential workers in the following sectors: transportation and logistics; industrial, commercial, residential, and sheltering facilities and services; critical manufacturing
- Congregate settings: incarceration facilities and homeless

Phase 1C

- Individuals 50-64 years of age
- Persons aged 16 – 64 years with high-risk medical conditions
- Essential workers in the following sectors: water and wastewater; defense; energy; chemical and hazardous materials; communications and IT; financial services; government operations/community-based essential functions

Tulare County COVID-19 Vaccine Interest Form

Tulare County residents who don't qualify for Phase 1A can inform County health officials of their intent to get vaccinated for COVID-19 by completing the Tulare County COVID-19 Vaccine Interest Form.

Residents can sign up for vaccine notifications of when they are eligible and where they can go to get vaccinated by completing the Tulare County COVID-19 Vaccine Interest Form online at:

<https://arcg.is/0KKez4>.

Until the COVID-19 vaccine is widely available, it is imperative to reduce the spread of COVID-19 in Tulare County by practicing both social and physical distancing of six feet or more between persons and not participating in social gatherings of any kind. Residents must always wear a face mask or covering while in environments where physical distancing is not possible and while in public settings. In addition, everyone is encouraged to frequently wash their hands with soap and water for at least 20 seconds or use hand sanitizer, regularly disinfect high-touch surfaces, and stay home if you are sick or instructed to isolate/quarantine by a medical or public health professional.

For more information about COVID-19, visit www.tchhsa.org/ncov and www.covid19.tularecounty.ca.gov

###

VACCINATING NOW

PHASE 1A

Persons at risk of exposure to SARS-CoV-2 through direct health care or long-term care settings.

TIER 1

- Acute care, psychiatric, and correctional facility hospital staff
- Skilled nursing facilities, assisted living facilities, special needs group living equivalent
- Paramedics, EMTs, and others providing emergency medical services
- Dialysis centers
- Residents in long-term care settings
- Staff of residential and inpatient substance abuse disorder treatment and mental health facilities

TIER 2

- Intermediate care facilities staff
- Home health care and in-home supportive services
- Community health workers including promotoras
- Public health field staff
- Primary care clinics, including federally qualified health centers, rural health centers, correctional facility clinics, urgent care clinics

VACCINATING NEXT

PHASE 1B

- Persons aged 75 years and older
- Frontline essential workers

PHASE 1C

- Persons ages 65 to 74 years
- Persons ages 16 to 64 years

Overview of the Emergency Rental Assistance Program

Background

On December 27, 2020 the federal Consolidated Appropriations Act 2021 was signed into law and \$25 billion was allocated to the United States Treasury (UST) for the Emergency Rental Assistance Program (ERAP) to assist households that are unable to pay rent or utilities due to the COVID-10 pandemic. California received \$2.6 of the federal ERAP funds. To implement these rental assistance resources, the state of CA worked with state legislation to develop a programmatic framework to ease administration burden and deploy these resources to those most in need.

On January 28th, the Legislature approved SB 91. This bill extended the eviction protections and created a mechanism to deploy the \$2.6 billion in ERAP resources to assist struggling tenants and landlords impacted by COVID-19. The bill allocated \$1.5 billion to the state and \$1.1 billion directly to local governments with populations with more than 200,000. The bill establishes the criteria and prioritization for use of the state-administered rental assistance funding from the federal bill.

Local governments with populations of 200,000 and greater that received a direct allocation of funding for rental assistance from the federal government could also qualify for block grant funding from the state's \$1.5 billion share. Counties were given the option to take the funds and administer their own program or to participate in the state-administered program. Tulare County has opted to participate in the state administered program. The state administered program will be managed centrally by the Local Initiatives Support Corporation (LISC).

Under state statute the rental assistance program is to be implemented by March 15, 2021. Ninety percent of the funding is to be directed towards financial assistance and ten percent for administration of the program.

Program Requirements

While not a full comprehensive list, the key program requirements include the following:

- For those landlords who agree to participate, funding will be available to pay up to 80 percent of an eligible household's unpaid rent accumulated from April 2020 through March 2021, provided that the landlord agrees to forgive the remaining 20 percent.
- In cases where the landlord chooses not to participate, tenants can apply for assistance for rental arrears, but are be limited to compensation of 25% of the eligible household's unpaid rent accumulated from April 2020 through March 2021 which will be paid to the landlord. The program also allows for prospective payments of 25% of the monthly rent for the months of April, May, and June 2021.
- Funds are to be administered in a least three rounds to eligible households. Prioritizing: (1) those households under 50% of the area median income (AMI) or unemployed for 90 days; (2) Below 80% AMI and in communities disproportionately affected by COVID-19 (as determined by the Department of Housing and Community Development); (3) Below 80% AMI not included in round 1 and 2.
- The top priority for the use of assistance funding would be rental arrears; followed by prospective rent payments, utility payments (both arrears and prospective payments)

LISC and Local Partnership

Given the rapid implementation timeframes, the one-time nature of these funds, among other considerations, the State believed that a central administrative structure would be most effective in deploying these resources in an effective and compliant manner. They contracted with LISC to administering the Emergency Rental Assistance Program (ERAP). LISC will be responsible in providing the following support and oversight:

- State outreach and education campaign with adaptability for local messaging.
- Standardized, federally consistent application and eligibility criteria, accessible to both landlords and tenants.
- Contracted solution with a state-wide network, including rural areas.
- Robust, multi-lingual client support and technical assistance.
- Processing of Applications (input, review, verification, fraud control, notifications to tenant and landlord, verification of accounts, disbursement of payment, reporting per state and federal government requirements, downstream audit management).
- Central privacy protections and fraud control.
- Management of duplication of benefits in accordance with the Consolidated Appropriations Act, 2021.
- Application portal to begin receiving applications from landlords and tenants.

LISC is seeking nonprofit and community-based organizations with capacity to provide local on-the-ground support to residents to help them access rental assistance. LISC will work with local partners and organizations within Tulare County to ensure all potential applicants know about the ERAP and receive the needed program assistance.

There are three tiers of partnership: Tier 1-Promotion, Tier 2-Outreach, and Tier 3-Technical Assistance. Local partners who want to partner with LISC will need to submit an application. Partner requirements include:

- Registered non-profits and quasi-government entities providing services to residents in communities served by this program
- Must have an EIN
- Must have a DUNS number
- Must be active on the CA Secretary of State website
- Must be registered on SAM website
- If applicable, non-profits must have actively filed 990 Forms

Organizations that do not have the above information are not eligible for Tier 2 and Tier 3 partnership but may still apply under the Tier 1 program. All applicants will be considered based on capacity to successfully reach their proposed community. Tier 2 and 3 will also be evaluated based on ability to successfully administer federal funds. First round of applications were due Monday, February 22. However, ongoing applications can still be submitted after the 22nd and will be reviewed on an ongoing basis throughout the program. To apply go to <https://lisc.tfaforms.net/308>

Eviction Protections

- SB 91 extends the states current eviction moratorium for tenants unable to pay rent due to COVID related financial hardships, as established under AB 3088, by five months, from January 31, 2021 through June 30, 2021.
- Tenants must continue to pay 25% of their rental obligations, as required under AB 3088, through June 30, 2021. During this time as tenants continue to pay at least 25% of their rent, then they are protected from eviction for any unpaid rent that has accumulated through June 30 and it can never be used as the basis for eviction. The 25% may be paid monthly or as a lump sum by June 30, 2021.



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



February 19, 2021

TO: All Californians

SUBJECT: Outdoor and Indoor Youth and Recreational Adult Sports

Note: The following guidance takes effect on February 26, 2021. See the current guidance in effect until then.

Summary

COVID-19 continues to pose a severe risk to communities and requires all people in California to follow recommended precautions. This guidance provides direction on outdoor and indoor youth and recreational adult sports activities to support a safe environment for these sports. The guidance applies to all **organized** youth sports and recreation— including school- and community-sponsored programs, and privately-organized clubs and leagues — and adult recreational sports (hereafter youth and adult sports). This guidance does not apply to collegiate or professional sports. Additionally, this guidance does not apply to community events, such as marathons, half-marathons, and endurance races.

Inter-team competitions (i.e., between two teams) resumed in California beginning January 25, 2021. **The guidelines outlined in this document shall take effect on February 26, 2021.**

The status of return-to-competition is subject to change at any time given the level of COVID-19 transmission in California.

Sports Risk Profiles

In general, the more people from outside their household with whom a person interacts, the closer the physical interaction is, the greater the physical exertion is, and the longer the interaction lasts, the higher the risk that a person with COVID-19 infection may spread it to others.

Youth and adult sports include varied activities that have different levels of risk for transmission of COVID-19. Outdoor activities present significantly lower risk of transmission relative to comparative indoor activities, based on current scientific evidence. Competition between different teams also increases mixing across groups and outside of communities, which also contributes to the potential for spread of COVID-19 disease.

Youth and adult sports are classified below by their level of contact and transmission risk. This classification applies to competition or training/practice with others. It does not apply to individual conditioning or exercise.

The Tables below are not exhaustive, but provide examples of sports with different levels of contact so that the level of risk can be assessed for other sports.

Low-Contact Sports

Individual or small group sports where contact within six feet of other participants can be avoided. Some of these sports have relatively low exertion rates that allow for consistent wearing of face coverings when within six feet of other people.

Moderate-Contact Sports

Team sports that can be played with only incidental or intermittent close contact between participants.

High-Contact Sports

Team sports with frequent or sustained close contact (and in many cases, face-to-face contact) between participants and high probability that respiratory particles will be transmitted between participants.

Factors Affecting the Risk of Transmission

- Risk increases when face coverings are not worn, and physical distancing is not maintained.
- Risk increases with increasing levels of contact between participants; closer contact (particularly face-to-face contact), and the frequency and total duration of close contact, increases the risk that respiratory particles will be transmitted between participants.
- Risk increases with greater exertion levels; greater exertion increases the rate of breathing and the quantity of air that is inhaled and exhaled with every breath.
- Risk increases with mixing of cohorts and groups, particularly when from different communities (during or outside of sports play); mixing with more people increases the risk that an infectious person will be present.

General Guidance for Youth and Adult Sports Participants, Coaches, and Support Staff

It should be noted that local health departments and school districts may have stricter rules and should be consulted to confirm what is allowed.

General Requirements for All Sports:

Irrespective of setting (outdoor or indoor) case rate or sport played, the following general guidance requirements must be adhered to at all times:

- Face coverings to be worn when not participating in the activity (e.g., on the sidelines).
- Face coverings to be worn by coaches, support staff and **observers** at all times, and in compliance with the CDPH Guidance for the Use of Face Coverings.
- Observers maintain at least 6 feet from non-household members.
- No sharing of drink bottles and other personal items and equipment.
- Mixing with other households prior to and post any practice or competition must strictly adhere to current gathering guidance.
- Limit indoor sports activities (practice, conditioning) to comply with capacity limits (which shall include all athletes, coaches, and observers) indicated in current CDPH Gym & Fitness Center Guidance Capacity.

- Associated indoor activities for the team (e.g., dinners, film study) are prohibited if engaged in competition given evidence that transmission is more likely to occur in these indoor higher risk settings.
- Teams must not participate in out-of-state games and tournaments; several multistate outbreaks have been reported around the nation, including California residents.

Limitations on Observers

- Limit observation of youth sports (age 18 years and under) to immediate household members, and for the strict purpose of age appropriate supervision. This includes observation of practice and competition. Limit number of observers to ensure physical distance can be maintained, reduce potential crowding, and maintain indoor and outdoor capacity limits.
- Consider Video streaming of games so that they can be watched "live" from home
- For adult sports, spectators are not permitted at this time.

Limitations for Inter-Team Competitions and Tournaments

- Inter-team competitions, meets, races, or similar events are permitted to occur only if (a) both teams are located in the same county and the sport is authorized in the Tables below; or (b) teams are located in immediately bordering counties and the sport is authorized in both counties in the Tables below.
 - The county-based authorizations outlined in the Table below apply to the locations/counties in which the teams, schools, clubs, leagues, and similar organizations are functionally based (e.g., where the players reside, where facilities are located, etc.).
 - Local Health Departments to be notified of any cross county competitions within their jurisdiction and reserve the right under their own discretion to deny the competition at any time in their jurisdiction. Teams participating in cross county competitions will follow the more stringent rules if the participating teams are coming from counties that may be at different case rate thresholds.
- Teams adhere to current CDPH Travel Advisory recommendations when determining travel for competition in neighboring counties.
- No tournaments or events that involve more than two teams to occur. Exceptions may be made, with authorization from the local health department where the event is being held and each of the local health departments where teams originate from, for sports where individual competitors from multiple teams are routine such as: track and field; cross-country; golf; skiing/snowboarding; tennis; swimming/diving/surfing; biking and equestrian events.
- Only one competition, per team, per day maximum to be played.

Permitted Youth and Recreational Adult Sports by Case Rate Threshold

- Physical conditioning, practice, skill-building, and training that can be conducted outdoors, with 6 feet of physical distancing, and within stable cohorts are authorized regardless of case rate or sport. Such activities may be conducted indoors consistent with restrictions by Tier in the Gym & Fitness Center Guidance Capacity.

Other General Guidance

Below are other general guidance that are strongly encouraged as part of any participation in sport. Depending on risk level (high or moderate) and county case rates, these general guidance may be **required** for play of outdoor sports in less restrictive tiers, as specified below.

Face Coverings

- Face coverings worn by participants during practice, conditioning and during competition, even during heavy exertion as tolerated. See the American Academy of Pediatrics Interim Guidance on Return to Sports [1] for specific exceptions where the face covering may become a hazard.

Physical Distancing

- Maintain at least six feet of distance between sport participants and others to the maximum extent possible, including when on the sidelines.

- Maintain at least 6 feet of distance between coaches and participants and facilitate physical distancing between participants to the maximum extent possible (e.g., staggered starts instead of mass starts for races).

Informed Consent

- Due to the nature and risk of transmission while participating in Outdoor High-Contact and Moderate-Contact sports, provide information regarding risk to all parents/guardians of minors participating in such sports, and have each parent sign an informed consent indicating their understanding and acknowledgement of the risks indicated herein.

Testing

- Unless required as noted below, regular and postseason antigen or PCR testing of sports participants and coaches weekly while participating in Outdoor High-Contact sports is strongly encouraged. If competing, testing performed with test results made available within 24 hours of play.

Hygiene and Equipment Sanitation

- When equipment is shared during an activity, participants perform hand hygiene (wash hands with soap and water or use an alcohol-based hand sanitizer) before play, during breaks, at half time, and after the conclusion of the activity.
 - Balls or other objects or equipment can be touched by multiple players during practice and play if the above hand hygiene practices are followed.

Limitations on Mixing by Participants

- Limit participation by athletes and coaches during practice and competition to one team, and refrain from participating with more than one team over the same season or time period. For larger teams, limit mixing by establishing stable smaller training groups for drills and conditioning.
- Review practice or game footage virtually, to the greatest extent possible. If not feasible, then it should be conducted outdoors, with all participants wearing face coverings and following appropriate physical distancing measures.

Indoor Venue Capacity Limitations

- Ventilation in indoor venues (gyms or other fitness centers) increased to the maximum extent possible.

Travel Considerations

- Bus/van travel for members of a team may pose a greater risk. To mitigate COVID-19 transmission risk during bus/van travel, employ universal masking, physical distancing and windows to remain open the full duration of the trip unless not feasible.
- Plan for proper communication of all travel rules, protocols and expectations to everyone in the travel party. When feasible, teams should aim to travel and play the same day to avoid overnight stays.
- Travel by private car limited to only those within the immediate household.

Returning to Sports After Infection

- No one with symptoms of COVID-19 or who is in isolation or quarantine for COVID-19 is permitted to attend practices or competitions.
- Anyone with symptoms of COVID-19 should consult their physician for testing and notify their coach, athletic trainer and/or school administrator of their symptoms and test results.
- Youths recovering from COVID-19 will have different paths to return to sports based on the severity of their illness. See the American Academy of Pediatrics Interim Guidance on Return to Sports [1] for additional guidance for more serious infections.

Vaccination of Eligible Households

- Sports participants, including coaches and support staff, are strongly encouraged to be vaccinated once eligible as vaccines will protect residents and reduce the likelihood of transmission from infected persons to others.

Table: Youth and Adult Recreational Sports* Permitted by Current Tier of County

Widespread Tier (Purple)	Substantial Tier (Red)	Moderate Tier (Orange)	Minimal Tier (Yellow)
1	2	3	4
Outdoor low-contact sports • Archery • Badminton (singles) • Biking • Bocce • Corn hole • Cross country • Dance (no contact) • Disc golf • Equestrian events (including rodeos) that involve only a single rider at a time • Fencing • Golf • Ice and roller skating (no contact) • Lawn bowling • Martial arts (no contact) • Physical training programs (e.g., yoga, Zumba, Tai chi) • Pickleball (singles) • Rowing/crew (with 1 person) • Running • Shuffleboard • Skeet shooting • Skiing and snowboarding • Snowshoeing • Swimming and diving • Tennis (singles) • Track and field • Walking and hiking	Outdoor moderate-contact sports • Badminton (doubles) • Baseball • Cheerleading • Dodgeball • Field hockey • Gymnastics • Kickball • Lacrosse (girls/women) • Pickleball (doubles) • Softball • Tennis (doubles) • Volleyball	Outdoor high-contact sports • Basketball • Football • Ice hockey • Lacrosse (boys/men) • Rugby • Rowing/crew (with 2 or more people) • Soccer • Water polo Indoor low-contact sports • Badminton (singles) • Curling • Dance (no contact) • Gymnastics • Ice skating (individual) • Physical training • Pickleball (singles) • Swimming and diving • Tennis (singles) • Track and field • Bowling	Indoor moderate-contact sports • Badminton (doubles) • Cheerleading • Dance (intermittent contact) • Dodgeball • Kickball • Pickleball (doubles) • Racquetball • Squash • Tennis (doubles) • Volleyball Indoor high-contact sports • Basketball • Boxing • Ice hockey • Ice skating (pairs) • Martial arts • Roller derby • Soccer • Water polo • Wrestling

***Play in Less Restrictive Tiers: Outdoor High-Contact Sports**

Outdoor high-contact sports (orange tier) can be played in the purple or red tier with an adjusted case rate equal to or less than 14 per 100,000 under the following conditions:

Implement and strictly adhere to the following additional general guidance:

- Informed Consent
- Testing – antigen or PCR (regular and postseason antigen or PCR testing of sports participants and coaches weekly. If competing, testing performed with test results made available within 24 hours of play)

Note: The testing requirement above shall only apply in the following situations:

- For football, rugby and water polo as these are high contact sports that are likely to be played unmasked, with close, face to face contact exceeding 15 minutes.
- When adjusted case rates for the county are between 14-7 per 100,000.
- For sport participants 13 years of age or above as evidence shows that younger children do not seem to be major sources of transmission—either to each other or to adults.
- *If more than 50% of a team's participants are less than the age of 13 (and are not required to test per the above), then the entire team is exempted from the testing requirement. Coaches, however, will still be required to meet the testing requirement.

Additional general guidance that should be implemented to the greatest extent possible and are strongly encouraged

- Face Coverings (during play)
- Physical Distancing (during play)
- Testing – antigen or PCR
- Hygiene and Sanitation
- Limitations on mixing by participants
- Travel Considerations

***Play in Less Restrictive Tiers: Outdoor Moderate-Contact Sports**

Outdoor moderate-contact sports (red tier) can be played in the purple tier with an adjusted case rate equal to or less than 14 per 100,000 under the following conditions:

Implement and strictly adhere to the following additional general guidance:

- Informed Consent

Additional general guidance that should be implemented to the greatest extent possible and are strongly encouraged

- Face Coverings (during play)
- Physical Distancing (during play)
- Hygiene and Sanitation
- Limitations on mixing by participants
- Travel Considerations

If competition for high- and moderate-contact sports is permitted to resume in a county pursuant to this updated guidance, competition is not required to cease if the county's adjusted case rate exceeds the 14 per 100,000 threshold.

[1] American Academy of Pediatrics COVID-19 Interim Guidance: Return to Sports web page (services.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/clinical-guidance/covid-19-interim-guidance-return-to-sports)

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