



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
SEPTEMBER 21, 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>.

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

Topic: City Council Meeting of September 21, 2021

Please use the following link below to join the webinar:

<https://us06web.zoom.us/j/81165612396?pwd=VzNBYS3g4bTF2RzBsVFhndXFHeEdlUT09>

Or via Telephone: **1-669-900-6833** Webinar ID: **811 6561 2396** Passcode: **771648**

Call to Order

Roll Call

ORAL COMMUNICATIONS

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

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 302-100-015. Agency Negotiator: John Lollis and Michael Knight. Negotiating Parties: City of Porterville and Rick Perigo Roadsiding. Under Negotiation: Terms and Price.
- 2** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 259-040-047. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Smee Homes, Inc. Under Negotiation: Terms and Price.
- 3** - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Patrice Hildreth. Employee Organizations: Porterville Peace Officers Association, Porterville City Firefighters Association, Fire Officer Series, Public Safety Support Unit, Porterville City Employees Association, Management & Confidential Series, and all unrepresented management employees.

4 - Government Code Section 54956.95 – Liability Claim: Claimant: Sheri Shields. Agency claimed against: City of Porterville.

5 - 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.

6 - 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.

7 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One case.

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

Pledge of Allegiance Led by Council Member Stowe
Invocation

ORAL COMMUNICATIONS

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

AB 1234 REPORTS

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

1. Local Initiatives Navigation Center Committee (LINC) Services Event - September 8, 2021
2. Tulare County Association of Governments (TCAG) - Sustainable Corridors Committee - September 9, 2021
3. City Council Cannabis Ad Hoc Committee - September 13, 2021
4. Tulare County Water Commission - September 13, 2021
5. City Council COVID Ad Hoc Committee - September 14, 2021
6. Tulare County Homeless Task Force - September 15, 2021
7. Council of Cities - September 15, 2021 CANCELED
8. City Selection Committee - September 15, 2021
9. San Joaquin Valley Air Pollution Control District (SJVAPCD) Board of Directors - September 16, 2021
10. Library Facility Planning Committee - September 17, 2021

11. Tulare County Association of Governments (TCAG) / Tulare County Transportation Authority (TCTA) Board of Directors - September 20, 2021
12. Tulare County Regional Transit Authority Board of Directors - September 20, 2021

REPORTS

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

- I. City Commission and Committee Meetings
 1. Parks & Leisure Services Commission
 2. Library & Literacy Commission - September 14, 2021
 3. Arts Commission
 4. Animal Control Commission
 5. Youth Commission
 6. Transactions and Use Tax Oversight Committee (TUTOC) - August 25, 2021
- II. Staff Informational Reports
 - Water Conservation Phase III Status Update

CONSENT CALENDAR

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

1. **Authorization to Purchase Used Water Truck for City Off-Highway Vehicle (OHV) Park through State Parks OHV Grant Funds**
Re: Consideration to authorize the purchase of a used water truck for the City's OHV Park using State Parks OHV Grant Funds in an amount not to exceed \$85,000.
2. **Authorization to Repair Refuse Truck**
Re: Consideration to authorize refuse truck repair by E.M Tharp/Golden State Peterbilt at a cost not to exceed \$29,344.
3. **Authorization to Issue a Request for Proposal for the Purchase of a Jet Aircraft Refueler**
Re: Consideration to authorize a Request for Proposal for the Purchase of a Jet Aircraft Refueler.
4. **Amendment to Employee Pay & Benefit Plan - Porterville Peace Officers Association**
Re: Approving amendments to the Employee Pay & Benefit Plan concerning employees within the Porterville Peace Officers Association bargaining unit.

5. **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

6. **Consideration of Adoption of Vehicle Miles Traveled Guidelines Pursuant to State Senate Bill 743**
Re: Consideration to adopt the County of Tulare SB 743 Guidelines pursuant to CEQA Guidelines Sections 15064.3 and 15064.7.

SCHEDULED MATTERS

7. **Community Civic Event - Cars under the Stars - Holiday Series - Porterville Chamber of Commerce - September 25, 2021, October 30, 2021, November 26, 2021, and December 27, 2021**
Re: Considering approval of a series of events "Cars Under the Stars - Holiday Series" to take place at the Porterville Sports Complex on September 25, October 30, November 26, and December 27, 2021.
8. **Authorization of Street Closure for Music on Main Concert Series**
Re: Considering approval of the temporary street closure of Cleveland Avenue between Main Street and the alley just east of Centennial Park from 4:30 PM to 8:30 PM on Fridays at Centennial Park September- October 2021.
9. **Community Civic Event - Pioneer Days - October 22-23, 2021**
Re: Considering approval to authorize Pioneer Days on October 22-23, 2021, located at Centennial Park (October 22nd) & the Sports Complex (October 23rd).
10. **Consideration of Zoning Ordinance Amendment to Downtown Retail South of Olive Avenue**
Re: Provide direction to staff to move forward with a City-initiated amendment to Chapter 202 Downtown Districts of the Porterville Development Ordinance and any applicable planning documents.
11. **Appointment of Representative and Alternate to the Board of Directors for the Tulare County Economic Development Corporation**
Re: Consideration of appointment of Representative and Alternate to the Board of Directors for the Tulare County Economic Development Corporation (TCEDC).
12. **Designation of a City Representative to the Board of Directors for the Porterville Area Development Authority**
Re: Consideration to appoint either a City staff person or a member of the public to serve as a City Representative to the Board of Directors of the Porterville Area Development Authority (PADA).
13. **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 October 5, 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 – SEPTEMBER 21, 2021

SUBJECT: Water Conservation Phase III Status Update

SOURCE: Public Works

COMMENT: The City has continued to implement an active water conservation approach, both conserving and providing flexibility to the community. The City transitioned from Phase III to Phase IV of the City's Water Conservation Plan as of December 1, 2020, and transitioned back to Phase III on June 1, 2021. The Water Conservation Plan applies to all municipal water users within or outside city limits. The Phase III plan limits outdoor watering to two days per week, with "odd" addresses allowed watering on Tuesday and Saturday and "even" addresses allowed watering on Wednesday and Sunday. Outdoor watering is prohibited between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m., with no watering allowed Monday, Thursday or Friday. Watering of outdoor landscaping is prohibited during and within forty eight (48) hours after measurable rainfall which is now defined as greater than 0.01 of an inch.

Violations of prohibited activities are considered infractions and are punishable by fines of up to \$500 for each day in which the violation occurs. Any peace officer or employee of a public agency charged with enforcing laws and authorized to do so by ordinance may issue a citation to the violator. The City will be responding to enforcement by issuing a Notice of Violation for all witnessed occurrences and staff will be processing all reported issues. Enforcement statistics for the month of August 2021 show that a total of ninety (90) Notices of Violations were issued for water wasting, and nineteen (19) Administrative Citations were issued.

Water production for August 2021 shows a one percent (1%) increase from the 5-year average. The monthly production for August 2021 was 434 million gallons which is a 14.78% decrease in comparison to the monthly production for August 2013 of 509 million gallons. Residential consumption for August 2021 was 161.94 gallons per capita per day (GPCD).

Compliance with individual water supplier conservation requirements is based on cumulative savings. Cumulative tracking means that conservation savings will be added together from one month to the next and compared to the amount of water used during the same months in 2013. City Staff will be evaluating conservation totals in two formats: 1) Calculate the cumulative conservation totals for production as compared to production in 2013; and 2) Calculate cumulative conservation totals in relation to GPCD, in efforts to evaluate population growth impacts on production as compared to 2013. The cumulative total of production for the City of Porterville's conservation efforts will reflect June 2015 through August 2021. Porterville's cumulative total production conservation through August 2021 is 19.96%. The cumulative total of GPCD

for the City of Porterville's conservation efforts will reflect June 2015 through August 2021. Porterville's cumulative total GPCD conservation through July 2021 is 24.6%.

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

The State Water Board continues to require monthly reporting to track what agencies are doing and how they perform throughout the year. Proposed permanent regulations will require agency reporting to continue monitoring the performance of urban water conservation with a preparedness to implement conservation standards as necessary. California Governor Gavin Newsom signed into effect Executive Order N-10-21 on July 8, 2021, urging all Californians to voluntarily reduce their water use by fifteen percent (15%) compared to their 2020 levels due to extended excessive drought conditions. Water production for the City system, shows an eleven percent (11%) reduction from August 2021 to August 2020.

RECOMMENDATION: Information Only

ATTACHMENTS:

1. Monthly Production Status August 2021
2. Monthly Production Status GPCD August 2021
3. Drought Response Phase III Flyer
4. Executive Order N-10-21

Appropriated/Funded:

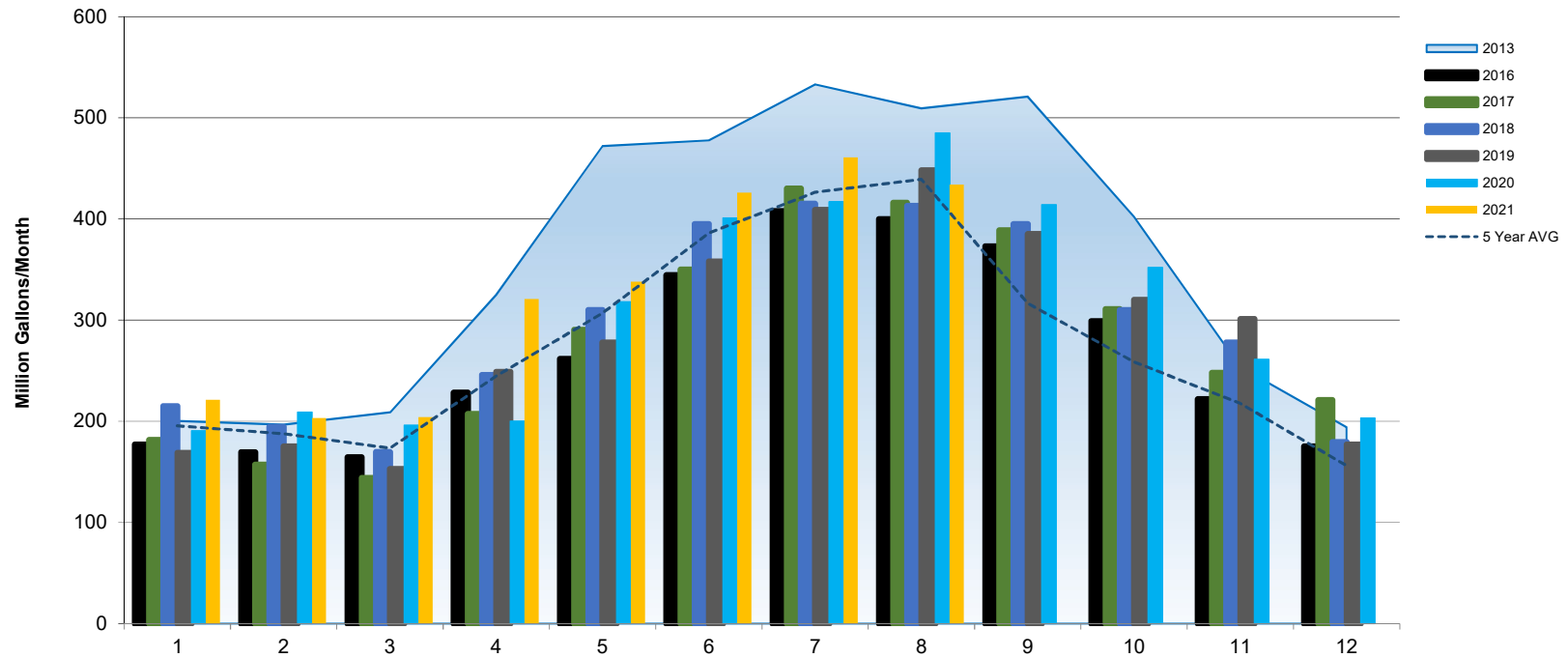
Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager

**Monthly Production Status & Cumulative Total June 2015 Through
August 2021 Production Comparison to 2013 & 5 Year Average**

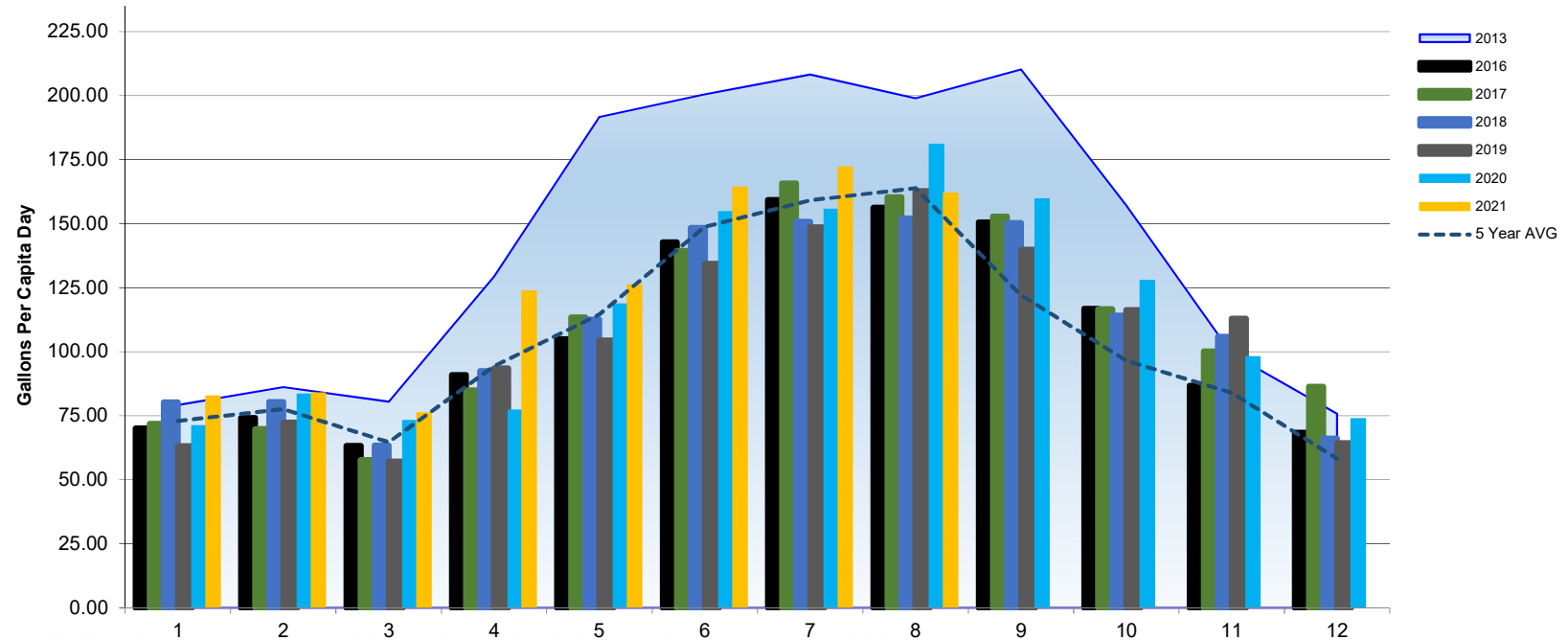


Production Cumulative Total 20.0%

	2016	-12%	-14%	-21%	-30%	-45%	-28%	-24%	-21%	-28%	-26%	-13%	-10%
	2017	-9%	-20%	-31%	-36%	-38%	-27%	-19%	-18%	-25%	-23%	-2%	14%
	2018	1%	-7%	-13%	-29%	-39%	-26%	-25%	-24%	-29%	-27%	7%	-13%
	2019	-16%	-11%	-27%	-23%	-41%	-25%	-23%	-12%	-26%	-20%	19%	-9%
	2020	-5%	6%	-6%	-38%	-33%	-16%	-22%	-5%	-21%	-13%	3%	5%
	2021	11%	3%	-2%	-1%	-28%	-11%	-14%	-15%				

Percent Comparison to 2013 Production

**Monthly Production Status & Cumulative Total June 2015 Through
August 2021 Gallon Per Capita Day Comparison to 2013 & 5 Year Average**



GPCD

Cumulative Total 24.6%

	2016	-12%	-14%	-21%	-30%	-45%	-29%	-24%	-21%	-28%	-26%	-13%	-10%
	2017	-9%	-19%	-28%	-34%	-41%	-30%	-20%	-19%	-27%	-26%	1%	14%
	2018	1%	-7%	-21%	-29%	-41%	-26%	-28%	-24%	-29%	-27%	7%	-13%
	2019	-20%	-16%	-29%	-28%	-46%	-33%	-29%	-18%	-33%	-26%	14%	-15%
	2020	-10%	-3%	-9%	-40%	-38%	-23%	-25%	-9%	-24%	-19%	-1%	-3%
	2021	4%	-3%	-5%	-4.4%	-34%	-18%	-17%	-19%				

Percent Comparison to 2013 Production



DROUGHT RESPONSE Phase III

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

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

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

Excessive water runoff is prohibited.

The washing of sidewalks and driveways is prohibited.

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

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

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

DROUGHT RESPONSE PHASE III

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

Mandatory Odd/Even Watering Schedule

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

■ Odd Address
 ■ Even Address

ODD NUMBER ADDRESSES

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

OR

EVEN NUMBER ADDRESSES

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

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

**Mandatory
Odd/Even Watering
Schedule**

**Excessive water
runoff prohibited**

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

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

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

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

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

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-10-21

WHEREAS communities across California are experiencing more frequent, prolonged, and severe impacts of climate change including catastrophic wildfires, extreme heat and unprecedentedly dry conditions that threaten the health of our people, habitat for species and our economy; and

WHEREAS severe drought afflicts the American West and increasingly warming temperatures driven by climate change exacerbate harmful drought effects including disruption of drinking water and irrigation supplies, degradation of fish and wildlife habitat, and heightened flammability of wildland vegetation; and

WHEREAS on April 21 and May 10, 2021, I issued proclamations that a state of emergency exists in a total of 41 counties due to severe drought conditions and directed state agencies to take immediate action to preserve critical water supplies and mitigate the effects of drought and ensure the protection of health, safety, and the environment; and

WHEREAS today, I issued a further proclamation of a state of emergency due to drought conditions in nine additional counties (Inyo, Marin, Mono, Monterey, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, and Santa Cruz), and directed state agencies to take further actions to bolster drought resilience and prepare for impacts on communities, businesses, and ecosystems; and

WHEREAS drought conditions present urgent challenges, including the risk of drinking water shortages in communities, greatly increased wildfire activity, diminished water for agricultural production, adverse impacts on fisheries, and additional water scarcity if drought conditions continue into next year; and

WHEREAS agriculture is an important economic driver in California that has made significant investments in irrigation efficiencies such that nearly 70 percent of the nation's farmland using drip and micro-irrigation is located in California, and despite that investment, many agricultural producers are experiencing severe reductions in water supplies and are fallowing land in response to current dry conditions; and

WHEREAS action by Californians now to conserve water and to extend local groundwater and surface water supplies will provide greater resilience if the drought continues in future years; and

WHEREAS during the 2012-2016 drought, Californians did their part to conserve water, with many taking permanent actions that continue to yield benefits; per capita residential water use statewide declined 21 percent between the years 2013 and 2016, and has remained on average 16 percent below 2013 levels as of 2020; and

WHEREAS local water suppliers and communities have made strategic and forward-looking investments in water recycling, stormwater capture and reuse, groundwater storage and other strategies to improve drought resilience; and

WHEREAS there is now a need to augment ongoing water conservation and drought resilience investments with additional action to extend available supplies, protect water reserves in case drought conditions extend to a third year and maintain critical flows for fish and wildlife.

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, do hereby issue the following order to become effective immediately.

IT IS HEREBY ORDERED THAT:

- 1) To preserve the State's surface and groundwater supplies and better prepare for the potential for continued dry conditions next year, and to join existing efforts by agricultural water users, public water systems, and governmental agencies to respond to water shortages, I call on all Californians to voluntarily reduce their water use by 15 percent from their 2020 levels. Commonsense measures Californians can undertake to save water and money include:
 - a. Irrigating landscapes more efficiently. As much as 50 percent of residential water use goes to outdoor irrigation, and much of that is wasted due to evaporation, wind, or runoff caused by inefficient irrigation methods and systems. Watering one day less per week, not watering during or immediately after rainfall, watering during the cooler parts of the day and using a weather-based irrigation controller can reduce irrigation water use, saving nearly 8,800 gallons of water per year.
 - b. Running dishwashers and washing machines only when full. Full laundry loads can save 15–45 gallons per load. Full dishwasher cycles can save 5–15 gallons per load.
 - c. Finding and fixing leaks. A leaky faucet that drips at the rate of one drip per second can waste nearly 3,200 gallons per year.
 - d. Installing water-efficient showerheads and taking shorter showers. Keeping showers under five minutes can save 12.5 gallons per shower when using a water-efficient showerhead.
 - e. Using a shut-off nozzle on hoses and taking cars to commercial car washes that use recycled water.

The State Water Resources Control Board (Water Board) shall track and report monthly on the State's progress toward achieving a 15-percent reduction in statewide urban water use as compared to 2020 use.

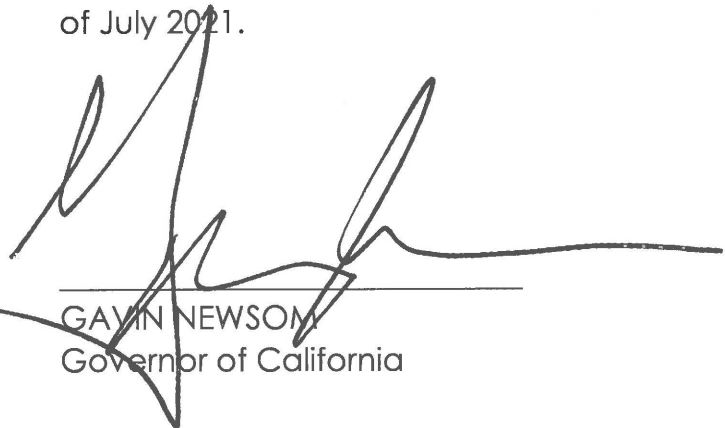
- 2) State agencies, led by the Department of Water Resources and in coordination with local agencies, shall encourage actions by all Californians, whether in their residential, industrial, commercial, agricultural, or institutional use, to reduce water usage, including through the statewide Save Our Water conservation campaign at SaveOurWater.com, which provides simple ways for Californians to reduce water use in their everyday lives.
- 3) The Department of Water Resources shall monitor hydrologic conditions such as cumulative precipitation, reservoir storage levels, soil moisture and other metrics, and the Water Board shall monitor progress on voluntary

conservation as ongoing indicators of water supply risk that may inform future drought response actions.

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.

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.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 8th day of July 2021.



GAVIN NEWSOM
Governor of California

ATTEST:



SHIRLEY N. WEBER, PH.D.
Secretary of State





CITY COUNCIL AGENDA – SEPTEMBER 21, 2021

SUBJECT: Authorization to Purchase Used Water Truck for City Off-Highway Vehicle (OHV) Park through State Parks OHV Grant Funds

SOURCE: Parks and Leisure Services

COMMENT: City Council passed Resolution No. 49-2021, approving the application for the State Parks Off-Highway Vehicle (OHV) Grant Funds. The City was recently awarded the full amount requested of \$158,893 for ground operations of the OHV Park. Included in the grant was the purchase of a used water truck for \$85,000. The water truck is used for dust mitigation and track preparation on days the OHV Park is open, as well as track maintenance when the OHV park is closed. The OHV Park currently has a 2005 water truck that consistently is in need of repair.

Due to the extremely competitive market of used water trucks in the current fire season, staff has had a difficult time finding used water trucks for sale. Water trucks are being sold as quickly as they become available. In accordance with the City's Purchasing Policy and Procedure Manual, as amended by Resolution No. 122-87 and adopted by City Council, staff hereby requests to begin negotiations for the purchase of a used water truck for the OHV Park as soon as one becomes available within the \$85,000 allocated grant amount. Staff has obtained one quote to date that meets the needed specifications and is in the process of gaining more information about that particular water truck. Funds for the purchase of the used water truck are available through the State Parks OHV Grant funds that the City was awarded.

RECOMMENDATION: That the City Council authorize the Parks and Leisure Services Director to negotiate the purchase of a used water truck for the City's OHV Park using State Parks OHV Grant funds in an amount not to exceed \$85,000.

ATTACHMENTS: 1. Global Truck & Equipment Sales Inc. Quote

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

Global Truck & Equipment Sales Inc.

Invoice

2425 Golden Hill Rd.
Ste 106 #220
Paso Robles
CA. 93446

Date	Invoice #
9/15/2021	1352

Bill To
City Of Porterville

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
			9/15/2021			
Quantity	Item Code	Description			Price Each	Amount
1	1791-5983	2011 FREIGHTLINER M2-106 with new 2,500 gallon water system, with new Chelsea PTO and Berkeley 4X3 water pump, 2 front sprayers, 2 side sprayers, 3 rear sprayers. 1FVACXBS6BDBA5983			65,900.00	65,900.00T
1	modification	install Hose reel 1 1/2 hose by 50 FT.			1,400.00	1,400.00T
1	modification	install drafting			950.00	950.00T
1	modification	install Elkhart Brush Hog, Brush Hog Joystick control, 2 inch Electric ball valve			12,000.00	12,000.00T
1	modification	install 6 new tires and 4 new Alcoa rims			2,200.00	2,200.00T
1	Specs	ISC Cummings 270 HP, Allison 3000 series Automatic transmission, Gear Ratio 5:57, air brakes, air ride suspension, AC, PS, 86K miles. Out-of-state sale, exempt from sales tax			0.00 0.00%	0.00T 0.00
					Total	\$82,450.00



CITY COUNCIL AGENDA – SEPTEMBER 21, 2021

SUBJECT: Authorization to Repair Refuse Truck

SOURCE: Public Works

COMMENT: Vehicle No. 6682 is an active Residential Refuse Collection Truck that has experienced significant internal engine wear and requires an engine repair/replacement. This vehicle is powered by a Cummins compressed natural gas (CNG) engine and should be repaired or replaced by a Cummins Certified CNG service center. The truck has approximately three years of remaining active service life.

Staff is requesting authorization to utilize E.M. Tharp/Golden State Peterbilt, which is the nearest Cummins CNG engine service center, to perform the required engine repair at an estimated cost not to exceed \$29,344 (inclusive of all parts, taxes, labor, including a 10% contingency). Funds are available in the Solid Waste Maintenance Budget.

RECOMMENDATION: That the City Council:

1. Authorize the refuse truck repair by E.M. Tharp/Golden State Peterbilt, at a cost not to exceed \$29,344 (inclusive of all parts, taxes, labor, including a 10% contingency); and
2. Authorize payment of said repair upon satisfactory completion.

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: 9110038 - Repair Order Number: 3783
Purchase Order Number: n/a
Service Writer: Sanders, Annalyn - Case Date: 08/05/21 12:38 pm PDT

City Of Porterville	Unit #: 6682	
Address: 291 NORTH MAIN STREET PORTERVILLE, CA 93257	Asset: 2014 Peterbilt 320	Miles 82,111
Phone: (559) 782-7456	Serial #: EF242018	
Fax:	VIN: 3BPZL20XXEF242018	
Cust #: 2992	Engine: ISL-G	
	Engine Hours:	



EF242018

Complaint:
COOLANT COMING FROM EXHAUST

Operation	Operation	Labor	Parts	Core Charge	Total
1	Engine Check and Advise Parts: (1.0) CUMMINS-CUT BLOCK, (1.0) GASKET,CYLINDER HEAD, (1.0) GASKET,INT MANIFOLD COVER, (1.0) GASKET,OIL SUC CONNECTI, (1.0) GASKET-DRAIN OIL, (1.0) GASKET-OIL PAN, (1.0) GASKET-TURBO, (1.0) HEAD,CYLINDER Core: \$611.00, (1.0) KIT,EXH RCN COOLER, (1.0) OIL FILTER COMBO SPINON, (1.0) SEAL,ROCKER LEVER, (1.0) SHELL ELC 50/50 RED, (12.0) BEARING,CON ROD (STD), (12.0) SCREW,HEX FLANGE HEAD CAP, (4.0) NUT-REGULAR HEXAGON, (4.0) Stud, (4.0) WASHER-SEALING, (6.0) GASKET,EXHAUST MANIFOLD, (6.0) KIT,ENGINE PISTON, (6.0) KIT,SPARK PLUG, (6.0) LINER,CYLINDER, (6.0) NOZZLE,PISTON COOLING, (6.0) SET,MAIN BEARING (STD) Complaint: CUSTOMER STATES COOLANT COMING FROM EXHAUST Correction: CHECKED CODES MULTIPLE CODES LOGGED FOR CYLINDER KNOCK CODES. LOW COOLANT AND SEVERE LOW COOLANT CODES. TRIED TO START AND ENGINE WILL NOT START. CRANKS OVER KINDA ROUGH. AIRED UP TRUCK AND PUSHED INTO SHOP AND STARTED TEAR DOWN TO DETERMINE WHERE COOLANT WENT. REMOVED OUTLET OF EGR COOLER AND FOUND COOLANT PRESENT. REMOVED EXHAUST PIPING AFTER TURBO AND ALSO FOUND COOLANT. POSSIBLE HEAD DAMAGE. ADVISED FOREMANS OF SEVERITY OF DAMAGED ADVISED TO STOP SO WE CAN CONTACT THE CUSTOMER. 8-10-2021 #930 AIRED UP AND PUSHED INTO SHOP. DRAINED COOLANT REMOVED EXHAUST PIPING, TRUBO, EGR COOLER FOUND COOLANT IN MANIFOLD AND ALL CYLINDERS. REMOVED INTAKE AND HARNESS, VALVE COVER, HARNESS'S AC COMP AND BELTS REMOVED HEAD BOLTS PRYED CYLINDER LOOSE WILL PULL IN THE MORNING. 8-11-2021 #930 SET UP CHAINS AND FORKLIFT AND REMOVED HEAD SET ON PALLET TO BE SENT OUT FOR TESTING. PUSHED BACK INTO SHOP CLEANED BLOCK AND CHECKED LINER PROTRUSION. FOUND PROTRUSION TO BE LOW. ADVISED FOREMANS.	\$9,350.00	\$14,724.99	\$611.00	\$24,685.99

Notes: [8/9/2021 at 11:01 am PDT] - Unit 6682 was checked in at Golden State Peterbilt - Porterville, arrival time: 8/5/2021 at 12:40 pm PDT. Repair status set to Checked-in.

[8/9/2021 at 01:40 pm PDT] - Approval Requested for the estimate version 1, total \$402.15. [View the estimate.](#) Repair status set to Hold (auth).

[8/11/2021 at 11:17 am PDT] - Approval Requested for the estimate version 2, total \$2,287.87. [View the estimate.](#) NOTE: Good Morning, This is Dennis with E.M. Tharp, the attached estimate is for where we are at right now, it does not include sending the head to get tested. As soon as we know what has to be preformed on the head we will get you an updated estimate. If you have any question please feel free to contact us. Please review and advise if you would like us to hold off on continuing, if all is good we will send the head down to be tested and get you an updated price once available. Have a great day. Thanks, Dennis
Repair status set to Hold (auth).

Parts:	\$14,724.99
Labor:	\$9,350.00
Core:	\$611.00
Haz. Waste:	\$25.00
Shop:	\$500.00
Freight:	\$0.00
Tax:	\$1,464.83
TOTAL:	\$26,675.82

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 – SEPTEMBER 21, 2021

SUBJECT: Authorization to Issue a Request for Proposal for the Purchase of a Jet Aircraft Refueler

SOURCE: Finance

COMMENT: In the past few years, demand for jet fuel at the Porterville Municipal Airport has dramatically increased due to the proliferation of wild fires in California, including areas in proximity to Porterville. Just in the past month, the Airport has sold almost 110,000 gallons of jet fuel, mainly to the firefighting fleet of CalFire and the US Forest Service.

Staff is requesting City Council's authorization to issue a Request for Proposal (RFP) for a new 5,000 gallon jet aircraft refueler to replace the current 1970 truck with 3,000 capacity. A new jet aircraft refueler with a bigger tank and higher fuel capacity will greatly enhance the fueling operations at the Airport, especially during the fire season. Staff estimates the cost for a new truck to be approximately \$230,000. Funds for the purchase of the new truck is available in the Airport Operating Fund.

RECOMMENDATION: That the City Council authorize the issuance of a Request for Proposal for the purchase of a new jet aircraft refueler.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – SEPTEMBER 21, 2021

SUBJECT: Amendment to Employee Pay & Benefit Plan - Porterville Peace Officers Association

SOURCE: Administrative Services

COMMENT: Within the scope of the Meyers-Milius-Brown Act, City representatives have concluded labor negotiations with the Porterville Peace Officers Association ("PPOA"). City representatives and PPOA have reached an agreement through a Memorandum of Understanding ("MOU") restating current benefits as well as amendments pertaining to wages, benefits and working conditions.

City Council acceptance and approval of an executed MOU is most commonly demonstrated by Council authorization to change or amend, when applicable, those documents that are necessary to implement the points of agreement contained in the MOU.

RECOMMENDATION: That the City Council adopt the draft Resolution approving amendments to the Employee Pay & Benefit Plan concerning employees represented by the Porterville Peace Officers Association.

ATTACHMENTS: 1. Draft Resolution

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Deputy City Manager

Final Approver: John Lollis, City Manager

RESOLUTION NO. ____-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE AMENDING THE EMPLOYEE PAY AND BENEFIT PLAN
PERTAINING TO PORTERVILLE PEACE OFFICERS ASSOCIATION

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

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

WHEREAS, there has been concurrence on a Memorandum of Understanding with the Porterville Peace Officers Association ("PPOA") for the period from January 1, 2021, until June 30, 2022, covering provisions to amend the Employee Pay and Benefit Plan, as they relate to employees holding positions represented by such recognized employee organization.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the Employee Pay and Benefit Plan for employees holding positions represented by the aforementioned recognized employee organization, is hereby amended as follows:

I. TERM OF MEMORANDUM OF UNDERSTANDING

Eighteen (18) months, from January 1, 2021 through June 30, 2022.

II. SALARY

Effective the pay-period after the Memorandum of Understanding is fully executed and officially accepted, PPOA employees shall receive a one percent (1%) salary increase.

Effective October 1, 2021, PPOA employees shall receive a one percent (1%) salary increase.

III. COVID -19 Hazard Pay

Effective the pay-period after the Memorandum of Understanding is fully executed and officially accepted, PPOA employees shall receive a one-time COVID-19 Hazard Payment in the amount of \$2,500. This payment is in recognition of the hazard PPOA employees faced while on duty during the COVID-19 pandemic and is proposed to be funded by the American Rescue Plan Act funding.

IV. STATEMENT OF CONTINUING BENEFITS AND WORKING CONDITIONS

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

BE IT FURTHER RESOLVED that the Mayor of the City of Porterville is hereby authorized to execute those documents as are necessary to implement the provisions hereof.

PASSED, APPROVED AND ADOPTED this 21st day of September, 2021.

Adrian Monte Reyes, Mayor

ATTEST:
John Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – SEPTEMBER 21, 2021

SUBJECT: Status and Review of Local Emergency: Drought

SOURCE: City Manager's Office

COMMENT: At its meeting of May 5, 2015, the City Council took action to approve a Resolution Declaring a Drought Emergency in the City of Porterville. At its meeting of September 7, 2021, the Council reviewed the status of existence of local emergency, and acted to continue its Resolution of local emergency.

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.

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.

On March 5, 2021, Secretary Vilsack of the United States Department of Agriculture federally-designated Tulare County as a primary natural disaster area due to ongoing drought conditions. On April 21, 2021, Governor Newsom issued a State of Emergency Proclamation due to drought conditions, including Tulare County. On April 27, 2021, the Tulare County Board of Supervisors adopted a Resolution Proclaiming a Local Emergency due to severe drought conditions.

Initially within the city of Porterville, 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 continued to work with County staff toward the transfer of the well's ownership from the County to the City, which at its meeting on April 20, 2021, the Council approved the draft Transfer Agreement subject to the City Attorney's final form.

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. At its meeting on June 1, 2021, the Council approved the State Water Board funding agreement for the development of a City-owned production well, distribution mains and water meters to serve each customer, as well as fire hydrants. On July 20, 2021, the City received notification from the State Water Board that the Akin/Central Water Consolidation Project funding agreement had been formally approved and executed.

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. City of Porterville Resolution Declaring Local Drought Emergency
2. United States Department of Agriculture Drought Natural

- Disaster Area Designation: March 5, 2021
3. State of California State of Emergency Proclamation: April 21, 2021
 4. County of Tulare Drought Local Emergency Resolution: April 27, 2021
 5. State Water Resources Control Board Funding Agreement: Akin/Central Water Consolidation Project

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

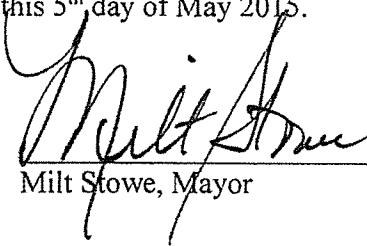
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

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

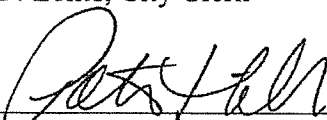
BE IT FURTHER RESOLVED: that a copy of this resolution be forwarded to the State Director of the Office of Emergency Services.

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



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

March 5, 2021

The Honorable Gavin Newsom
Governor
State of California
Sacramento, California 95814

Dear Governor Newsom:

In accordance with 7 CFR 759.5(a), I am designating 50 California counties as primary natural disaster areas due to a recent drought.

According to the U.S. Drought Monitor (see <http://droughtmonitor.unl.edu/>), these counties suffered from a drought intensity value during the growing season of 1) D2 Drought-Severe for 8 or more consecutive weeks or 2) D3 Drought-Extreme or D4 Drought-Exceptional.

In accordance with section 321(a) of the Consolidated Farm and Rural Development Act, additional areas of your state and adjacent states are named as contiguous disaster counties. Enclosed you will find documentation that provides a detailed list of all primary and contiguous counties impacted by this disaster.

A Secretarial disaster designation makes farm operators in primary counties and those counties contiguous to such primary counties eligible to be considered for certain assistance from the Farm Service Agency (FSA), provided eligibility requirements are met. This assistance includes FSA emergency loans. Farmers in eligible counties have 8 months from the date of a Secretarial disaster declaration to apply for emergency loans. FSA considers each emergency loan application on its own merits, taking into account the extent of production losses on the farm and the security and repayment ability of the operator.

Local FSA offices can provide affected farmers with further information.

Sincerely,

A handwritten signature in blue ink, reading "Tom J. Vilsack", is positioned above the typed name of the Secretary.

Thomas J. Vilsack
Secretary

Enclosure

Disaster Designation Areas for California and Contiguous States

Primary Counties:

California	(50)			
Alameda	Glenn	Marin	Riverside	Solano
Alpine	Humboldt	Mariposa	Sacramento	Sonoma
Amador	Imperial	Mendocino	San Bernardino	Stanislaus
Butte	Inyo	Merced	San Francisco	Sutter
Calaveras	Kern	Modoc	San Joaquin	Tehama
Colusa	Kings	Mono	San Mateo	Trinity
Contra Costa	Lake	Napa	Santa Clara	Tulare
Del Norte	Lassen	Nevada	Shasta	Tuolumne
El Dorado	Los Angeles	Placer	Sierra	Yolo
Fresno	Madera	Plumas	Siskiyou	Yuba

Contiguous Counties:

California	(8)		
Monterey	San Benito	San Luis Obispo	Santa Cruz
Orange	San Diego	Santa Barbara	Ventura

In addition, in accordance with section 321(a) of the Consolidated Farm and Rural Development Act, counties in adjacent states are named as contiguous disaster areas. Those states, counties, and numbers are:

Contiguous Counties in Adjacent States:

Arizona	(3)		
La Paz	Mohave	Yuma	
Nevada	(8)		
Clark	Esmeralda	Mineral	Washoe
Douglas	Lyon	Nye	Carson City
Oregon	(5)		
Curry	Josephine	Lake	
Jackson	Klamath		

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

State of Emergency Proclamation

WHEREAS climate change is intensifying the impacts of droughts on our communities, environment and economy, and California must therefore improve drought resiliency and prepare to respond to more frequent, prolonged, and intense dry periods; and

WHEREAS much of the West is experiencing severe to exceptional drought and California is in a second consecutive year of dry conditions, resulting in drought or near-drought throughout many portions of the State; and

WHEREAS these drought conditions can result in degraded water quality, fallowing of productive farmland, setbacks to vulnerable and rural communities through job losses and longer-lasting recoveries, significant impacts to tribal, commercial, and recreational salmon fisheries, constraints on access to traditional lifeways, loss of aquatic and terrestrial biodiversity, and ecosystem impacts; and

WHEREAS drought conditions vary across the State and some watersheds, including the Russian River and Klamath Basin, are extremely dry and are facing substantial water supply and ecosystem challenges; and

WHEREAS it is necessary to expeditiously mitigate the effects of the drought conditions within the Russian River Watershed, located within Mendocino and Sonoma counties, to ensure the protection of health, safety, and the environment; and

WHEREAS experience in the last drought has demonstrated the value of preparing earlier for potential sustained dry conditions, the need to improve our monitoring and forecasting capabilities, and many other lessons that are captured in the Administration's *Report to the Legislature on the 2012-2016 Drought*; and

WHEREAS the State and its many partners have strengthened drought resilience since the last drought including state investments in water management systems, implementation of the Sustainable Groundwater Management Act, establishment of the Safe and Affordable Fund for Equity and Resilience Program, development of the Administration's *Water Resilience Portfolio*, and continued water conservation by Californians whose current statewide urban water use is 16% lower than at the beginning of the last drought; and

WHEREAS state agencies have been actively responding to current drought conditions and preparing for the possibility of a third dry year including through convenings of the interagency drought team, which was established at my direction, to organize, focus, and track changing conditions, coordinate state agency responses, and work closely with partners across the State; and

WHEREAS under the provisions of Government Code section 8558(b), I find that the conditions caused by the drought conditions, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local government and 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 drought conditions; and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of, the drought conditions within the Russian River Watershed, and under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the drought conditions of the Russian River Watershed, located within Mendocino and Sonoma counties.

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, section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in Mendocino and Sonoma counties due to drought conditions in the Russian River Watershed.

IT IS HEREBY ORDERED THAT:

1. To further the success of California's water conservation efforts and increase our drought preparedness, state agencies shall partner with local water districts and utilities to make all Californians aware of drought, and encourage actions to reduce water usage by promoting the Department of Water Resources' Save Our Water campaign (<https://saveourwater.com>) and other water conservation programs.
2. To continue coordination with partners across the State for the potential of prolonged drought impacts, the Department of Water Resources, the State Water Resources Control Board (Water Board), the Department of Fish and Wildlife, and the Department of Food and Agriculture shall work with regional and local governments, including groundwater sustainability agencies, to identify watersheds, communities, public water systems, and ecosystems that may require coordinated state and local actions to address issues stemming from continued dry conditions, to ensure that we can respond to water shortages and protect people, natural resources and economic activity.
3. To continue partnership and coordination with Californian Native American tribes, state agencies shall engage in consultation, collaboration, and communication with California Native American tribes to assist them in necessary preparation and response to drought conditions on tribal lands and potential impacts to cultural and traditional resources within ancestral lands.
4. To prioritize drought response and preparedness resources, the Department of Water Resources, the Water Board, the Department of Fish and Wildlife and the Department of Food and Agriculture, in consultation with the Department of Finance, shall:
 - a. Accelerate funding for water supply enhancement, water conservation, or species conservation projects.
 - b. Identify unspent funds that can be repurposed to enable projects to address drought impacts to people, ecosystems, and economic activities.
 - c. Recommend additional financial support for water resilience infrastructure projects and actions for potential inclusion in the upcoming May Revision.

5. To increase resilience of our water supplies during drought conditions, the Department of Water Resources shall:
 - a. Work with counties to encourage reporting of household water shortages, such as dry residential wells, on the website the Department maintains for that purpose, to enable tracking of drought impacts.
 - b. Work with counties, and groundwater sustainability agencies as appropriate, to help ensure that well drillers submit required groundwater well logs for newly constructed and deepened wells in a timely manner.
 - c. Work with agricultural water suppliers and agricultural water users to provide technical assistance, including implementation of efficient water management practices and use of technology such as the California Irrigation Management Information System.
 - d. Work with urban and agricultural water suppliers to encourage timely submittal by water districts and public posting of urban water management and water shortage contingency plans and agricultural water management and drought plans.
 - e. Accelerate updating the land subsidence data it is providing to support implementation of the Sustainable Groundwater Management Act.
6. To increase resilience of our water systems during drought conditions, the Water Board shall:
 - a. Use its authority, provide technical assistance, and where feasible provide financial assistance, to support regular reporting of drinking water supply well levels and reservoir water levels where the Water Board determines that there is risk of supply failure because of lowering groundwater levels or reservoir levels that may fall below public water system intakes.
 - b. Prioritize the permitting of public water systems that anticipate the need to activate additional supply wells where water quality is a concern and treatment installation needs to proceed to relieve a system's potential supply concerns.
 - c. Provide annual water demand data, information on water right priority, and other communications on water availability on its website.
 - d. Identify watersheds where current diversion data is insufficient to evaluate supply impacts caused by dry conditions, and take actions to ensure prompt submittal of missing data in those watersheds.
7. To address the acutely dry conditions in the Russian River Watershed, the Water Board shall consider:
 - a. Modifying requirements for reservoir releases or diversion limitations in that watershed to ensure adequate, minimal water supplies for critical purposes.
 - b. Adopting emergency regulations to curtail water diversions when water is not available at water rights holders' priority of right or to protect releases of stored water.

For purposes of carrying out this directive, Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are suspended in the counties of Mendocino and Sonoma to the extent necessary to address the impacts of the drought in the Russian River Watershed. The Water Board shall identify the projects

eligible for the suspensions pursuant to this paragraph and maintain on its websites a list of the activities or approvals for which these provisions are suspended.

8. To ensure that equipment and services necessary for drought response in the Russian River Watershed can be procured quickly, the provisions of the Government Code and the Public Contract Code applicable to procurement, state contracts, and fleet assets, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended to the extent necessary to address the effects of the drought in the Russian River Watershed, located within Mendocino and Sonoma counties. Approval of the Department of Finance is required prior to the execution of any contract entered into pursuant to this provision.
9. To increase the resilience of our natural habitats to protect vulnerable species during drought conditions, the Department of Fish and Wildlife shall:
 - a. Evaluate and take actions to protect terrestrial and aquatic species and, wherever possible, work with water users and other parties on voluntary measures to protect species.
 - b. Work to improve State hatcheries and increase water use efficiency on State wildlife areas and ecological reserves to maintain habitat for vulnerable species.
 - c. Respond to human-wildlife interactions related to ongoing dry conditions and increase public messaging and awareness.
 - d. Work with commercial and recreational salmon fishing and tribal representatives to anticipate and develop strategies to mitigate and respond to salmon fishery impacts, with particular emphasis on addressing impacts to salmon fisheries in the Klamath Basin.
10. To support our agricultural economy and food security during drought conditions, the Department of Food and Agriculture shall:
 - a. Provide technical assistance to support conservation planning, on-farm water and energy conservation practices and technologies, including augmenting the State Water Efficiency and Enhancement Program.
 - b. Conduct an economic analysis of drought impacts to agriculture, including land use, jobs, and rural food economies, expanding on existing research done in the last drought to include thorough regional analysis especially in the Central Valley, and in the implementation of the Sustainable Groundwater Management Act and alternative land uses for fallowed land.
 - c. Maintain a web page with drought resources for farmers and ranchers, including the United States Department of Agriculture and other federal and state resources.
 - d. Work with federal agencies to assist Klamath Basin farmers and ranchers contending with reduced water supplies.
11. To ensure the potential impacts of drought on communities are anticipated and proactively addressed, the Department of Water Resources, in coordination with the Water Board, shall develop groundwater management principles and strategies to monitor, analyze, and minimize impacts to drinking water wells.
12. To provide critical information on the different drought conditions across the State, the Department of Water Resources, in consultation with the Department of Fish and Wildlife, the Department of Food and Agriculture,

and the Water Board, shall develop a California Drought Monitor by December 31, 2021, as recommended in the Administration's Report to the Legislature on the 2012-2016 Drought.

13. To prepare for potential salinity issues in the Delta, the Department of Water Resources, in consultation with the Water Board, the Department of Fish and Wildlife, the Delta Stewardship Council, and the Central Valley Flood Protection Board, shall initiate actions necessary to prepare for and address potential Delta salinity issues during prolonged drought conditions.

14. To prepare for potential impacts of drought conditions on species, the Water Board and the Department of Fish and Wildlife shall work with federal agency partners to manage temperature conditions for the preservation of fish in the Sacramento River downstream of Shasta Dam while balancing water supply needs.

This Proclamation 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 Proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 21st day of April 2021



GAVIN NEWSOM
Governor of California

ATTEST:

DR. SHIRLEY WEBER
Secretary of State

RESOLUTION PROCLAIMING A LOCAL EMERGENCY BY THE BOARD OF SUPERVISORS COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF A)
LOCAL EMERGENCY DUE TO)
SEVERE DROUGHT CONDITIONS)

RESOLUTION NO. 2021-0290

WHEREAS, California's most recent drought spanning from approximately 2012 to 2018 required the proclamation of a Local Emergency by the County of Tulare from February 2014 to November 2019, as well as a Governor's State of Emergency and the combined resources of multiple local, state, and federal agencies, commercial entities, and non-profit organizations to mitigate; and

WHEREAS, over 3,000 failed or dry wells – including private domestic, community, and agricultural wells – were reported to Tulare County from 2014 to 2017 as a result of the prior drought, causing significant health, safety, and economic issues for Tulare County residents and businesses; and

WHEREAS, well over \$100 million in emergency relief and permanent infrastructure projects were expended to mitigate the effects of the prior drought; and

WHEREAS, a hydrological year ("water year") runs from October 1 to September 30 of the following year; and

WHEREAS, the current water year beginning October 1, 2020 is, to date, the third-driest on record, with potential to become the driest on record without significant additional precipitation which is unlikely to occur during the traditionally dry months; and

WHEREAS, the United States Drought Monitor shows that 94.51% of Tulare County is currently experiencing "Extreme Drought" (D3) conditions and the remaining 5.49% is in "Severe Drought" (D2) conditions, and the County of Tulare anticipates that these conditions will progress to "Exceptional Drought" (D4) conditions as occurred in the prior drought based on the current Southern Sierra snowpack measured at only 15% of historical average for April 1st, drastically reduced surface water allocations on the State Water Project and Central Valley Project, and correspondingly low water levels in local reservoirs; and

WHEREAS, surface water supply constraints create a demonstrable and unsustainable increase in demand for groundwater which is likely to cause additional dry wells for community water systems, private domestic wells, and agricultural wells, creating economic hardships and conditions of extreme peril to the health and safety of individuals within Tulare County requiring the combined forces of all levels of government to mitigate; and

WHEREAS, California Government Code section 8630 empowers the Board of Supervisors to proclaim the existence or threatened existence of a local emergency; and

WHEREAS, Section 1-15-1005 of the Tulare County Ordinance Code defines "emergency" to include "the actual or threatened existence of conditions of disaster or of

extreme peril to the safety of persons and property within [Tulare] County caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, ... which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of [Tulare] County, requiring the combined forces of other political subdivisions to combat"; and

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists throughout said Tulare County due to drought which has created conditions of disaster and extreme peril to the safety of persons and property within the County, and that such conditions are or are likely to be beyond the control of the services, personnel, equipment, and/or facilities of this County, thus requiring the combined forces of other political subdivisions to combat; and

IT IS FURTHER PROCLAIMED that this local emergency is proclaimed pursuant to the California Emergency Services Act, California Government Code §8550 et seq.; and

IT IS REQUESTED that the Governor of the State of California find and proclaim Tulare County to be in a State of Emergency, and make available any and all material and financial support and resources necessary to combat the conditions of disaster, including but not limited to California Disaster Assistance Act funding for emergency protective measures and increased funding to relevant programs of the State Water Resources Control Board and Department of Water Resources; and

IT IS FURTHER REQUESTED that the Governor waive and all regulations and statutes that may hinder response to this emergency; and

IT IS PROCLAIMED AND ORDERED that during the existence of said local emergency, the powers, functions, and duties of the emergency organization of Tulare County shall be those prescribed by State law, by ordinances and resolutions of Tulare County, and by the Tulare County Operational Area Emergency Operations Plan, as approved by the Board of Supervisors.

UPON MOTION OF SUPERVISOR MICARI, SECONDED BY SUPERVISOR TOWNSEND, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD APRIL 27, 2021, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS MICARI, VANDER POEL, SHUKLIAN, VALERO AND TOWNSEND

NOES: NONE

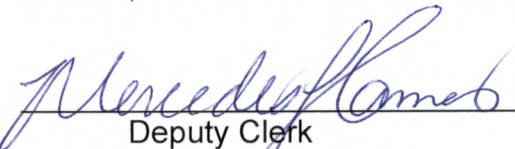
ABSTAIN: NONE

ABSENT: NONE

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



BY:


Deputy Clerk



DRINKING WATER CONSTRUCTION LOAN

AGREEMENT NO. SWRCB0000000000D2002017

by and between

CITY OF PORTERVILLE ("Recipient")

and

CALIFORNIA STATE WATER RESOURCES CONTROL BOARD ("State Water Board")



for the purpose of the

AKIN/CENTRAL WATER CONSOLIDATION PROJECT
5410010-018C AND 5400655-001C ("Project")

- Section 116760 et seq. of the Health and Safety Code and Resolution Nos. 2019-0065 and 2020-0022.

PROJECT FUNDING AMOUNT: \$4,787,664
PRINCIPAL FORGIVENESS COMPONENT: \$4,787,664

ESTIMATED REASONABLE PROJECT COST: \$4,787,664
ELIGIBLE WORK START DATE: JULY 1, 2016
ELIGIBLE CONSTRUCTION START DATE: SEPTEMBER 22, 2020
CONSTRUCTION COMPLETION DATE: OCTOBER 1, 2023
FINAL REIMBURSEMENT REQUEST DATE: APRIL 1, 2024
RECORDS RETENTION END DATE: OCTOBER 1, 2059

1. The State Water Board and the Recipient mutually promise, covenant, and agree to the terms, provisions, and conditions of this Agreement, including the following Exhibits, which are attached hereto or are incorporated by reference:
 - Exhibit A – Scope of Work and Schedule
 - Exhibit B – Specific Funding Provisions
 - Exhibit C – GENERAL TERMS AND CONDITIONS 2019-NOV
 - Exhibit D – Special Conditions
2. The following documents are also incorporated by reference:
 - the Drinking Water System Permit No. 03-12-06P-004;
 - the Davis-Bacon requirements found at:
https://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/davisbacon/2020_dwsrf_governmental_entities.pdf
3. Party Contacts during the term of this Agreement are:

State Water Board		City of Porterville	
Section:	Division of Financial Assistance		
Name:	Pete Stamas, Project Manager	Name:	Monte Reyes, Mayor
Address:	1001 I Street, 16th Floor	Address:	291 North Main Street
City, State, Zip:	Sacramento, CA 95814	City, State, Zip:	Porterville, CA 93257
Phone:	(916) 552-9983	Phone:	(559) 782-7499
Fax:		Fax:	
Email:	Pete.Stamas@waterboards.ca.gov	Email:	montereyes@portervilleca.gov

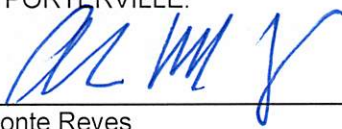
Each party may change its contact upon written notice to the other party. While Party Contacts are contacts for day-to-day communications regarding Project work, the Recipient must provide official communications and notices to the Division's Deputy Director.

4. Conditions precedent to this Agreement are set forth as follows:
 - (a) The Recipient must deliver an opinion of general counsel satisfactory to the State Water Board's counsel dated on or after the date that the Recipient signs this Agreement.
 - (b) The Recipient must deliver to the Division a resolution authorizing this Agreement and identifying its authorized representative by title.
 - (c) The Recipient must deliver to the Division a resolution certifying that its decision-making body reviewed and considered the Mitigated Negative Declaration filed by the State Water Board for the Akin Water Company Water Supply Project together with the Mitigation Monitoring and Reporting Program and reached its own conclusions on whether and how to approve the Project, pursuant to Section 15050 (b) of the CEQA Guidelines.
5. The Recipient represents, warrants, and commits to the following as of the Eligible Work Start Date and continuing thereafter for the term of this Agreement, which shall be at least until the Records Retention End Date:
 - (a) The Recipient agrees to comply with all terms, provisions, conditions, and commitments of this Agreement, including all incorporated documents.
 - (b) The execution and delivery of this Agreement, including all incorporated documents, has been duly authorized by the Recipient. Upon execution by both parties, this Agreement constitutes a valid and binding obligation of the Recipient, enforceable in accordance with its terms, except as such enforcement may be limited by law.

- (c) None of the transactions contemplated by this Agreement will be or have been made with an actual intent to hinder, delay, or defraud any present or future creditors of Recipient. The Recipient is solvent and will not be rendered insolvent by the transactions contemplated by this Agreement. The Recipient is able to pay its debts as they become due. The Recipient maintains sufficient insurance coverage considering the scope of this Agreement, including, for example but not necessarily limited to, general liability, automobile liability, workers compensation and employer liability, professional liability.
- (d) The Recipient is in compliance with all State Water Board funding agreements to which it is a party.

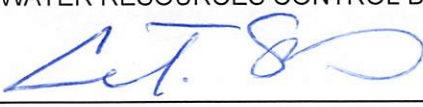
IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CITY OF PORTERVILLE:

By: 
Name: Monte Reyes
Title: Mayor

Date: 6/1/2021

STATE WATER RESOURCES CONTROL BOARD:

By: 
Name: Leslie Laudon
Title: Deputy Director *for*
Division of Financial Assistance

Date: 7/15/21

EXHIBIT A – SCOPE OF WORK AND SCHEDULE

A.1. PROJECT PURPOSE AND DESCRIPTION.

The Project is for the benefit of the Recipient and has a Useful Life of at least 40 years. The funding under this Agreement shall be used to provide the residents of two small disadvantaged communities currently served by Akin Water Company (Akin WC) and Central Mutual Water Company (Central MWC) with a sustainable source of safe drinking water.

A.2. SCOPE OF WORK.

The Recipient agrees to do the following: consolidate with Akin WC and Central MWC. Recipient also agrees to construct a new production well, estimated to produce between 1,300 and 1,800 gallons per minute, to provide the needed source capacity for the consolidation of Akin WC, the consolidation of Central MWC, as well as satisfy the remainder of East Porterville residents' capacity needs.

The Recipient agrees to do the following for the Akin WC service area: construct approximately 1,500 feet of 8-inch waterline to provide water service to each customer currently served by Akin WC; install approximately three new fire hydrants and twenty-six new service laterals and meters; and destroy Akin WC's two existing wells.

The Recipient agrees to do the following for the Central MWC service area: construct approximately 1,400 feet of 6-inch waterline to provide water service to each customer currently served by Central MWC; install approximately four new fire hydrants and thirty-four new service laterals and meters; and destroy Central MWC's existing well.

Upon Completion of Construction, the Recipient must expeditiously initiate Project operations.

A.3 SIGNAGE

The Recipient must place a professionally prepared sign at least four feet tall by eight feet wide made of ¾ inch thick exterior grade plywood or other approved material in a prominent location on the Project site and must maintain the sign in good condition for the duration of Project implementation. The sign may include another agency's required information and must include, prominently displayed, the following disclosure statement and color logos (available from the Division):



"Funding for this project has been provided in full or in part under the Drinking Water State Revolving Fund, which may include capitalization funding from the United States Environmental Protection Agency through an agreement with the State Water Resources Control Board."

A.4 SCHEDULE.

Failure to provide items by the due dates indicated in the table below may constitute a material violation of this Agreement. The Project Manager may adjust the dates in the "Estimated Due Date" column of this table, but Critical Due Date adjustments will require an amendment to this Agreement. The Recipient

must complete and submit all work in time to be approved by the Division prior to the Project Completion Date. As applicable for specific submittals, the Recipient must plan adequate time to solicit, receive, and address comments prior to submitting the final submittal. The Recipient must submit the final Reimbursement Request prior to the Final Reimbursement Request Date set forth on the Cover Page.

ITEM	DESCRIPTION OF SUBMITTAL	CRITICAL DUE DATE	ESTIMATED DUE DATE
EXHIBIT A – SCOPE OF WORK			
A.	ADDITIONAL SUBMITTAL(S) TO DIVISION		
1.	Final Plans and Specifications		September 1, 2021
2.	Final Budget Approval Package		February 1, 2022
3.	Completion of Construction	October 1, 2023	
B.	REPORTS		
1.	Progress Reports		Quarterly
2.	Final Inspection and Certification		October 1, 2023
3.	Project Completion Report		December 1, 2023
4.	As Needed Reports		TBD
EXHIBIT B – REIMBURSEMENTS, BUDGET DETAIL, AND REPORTING PROVISIONS			
A.	REIMBURSEMENTS		
1.	Reimbursement Requests		Quarterly
2.	Final Reimbursement Request	April 1, 2024	

The Recipient must award the prime construction contract and begin construction timely. The Recipient must deliver any request for extension of the Completion of Construction Date no less than 90 days prior to the Completion of Construction Date.

A.5 PROGRESS REPORTS.

The Recipient must provide a progress report to the Division each quarter, beginning no later than 90 days after execution of this Agreement. The Recipient must provide a progress report with each Reimbursement Request. Failure to provide a complete and accurate progress report may result in the withholding of Project Funds, as set forth in Exhibit B. A progress report must contain the following information:

- 1) A summary of progress to date including a description of progress since the last report, percent construction complete, percent contractor invoiced, and percent schedule elapsed;
- 2) A description of compliance with environmental requirements;
- 3) A listing of change orders including amount, description of work, and change in contract amount and schedule; and
- 4) Any problems encountered, proposed resolution, schedule for resolution, and status of previous problem resolutions.

A.6 SPECIAL REPORTS.

(a) The Recipient must submit a Project Completion Report to the Division with a copy to the appropriate District Office on or before the due date established by the Division and the Recipient at the time of final project inspection. The Project Completion Report must include the following:

- i. Description of the Project,
- ii. Description of the water quality problem the Project sought to address,
- iii. Discussion of the Project's likelihood of successfully addressing that water quality problem in the future, and
- iv. Summary of compliance with applicable environmental conditions.

(b) If the Recipient fails to submit a timely Project Completion Report, the State Water Board may stop processing pending or future applications for new financial assistance, withhold reimbursements under this Agreement or other agreements, and begin administrative proceedings.

(c) The Recipient must report Disadvantaged Business Enterprise (DBE) utilization to the Division on the DBE Utilization Report, State Water Board Form DBE UR334. The Recipient must submit such reports to the Division annually within ten (10) calendar days following October 1 until such time as the "Notice of Completion" is issued. The Recipient must comply with 40 CFR § 33.301 and require its contractors and subcontractors on the Project to comply.

A.7 FINAL PROJECT INSPECTION AND CERTIFICATION.

Upon completion of the Project, the Recipient must provide for a final inspection and must certify that the Project has been completed in accordance with this Agreement, any final plans and specifications submitted to the State Water Board, and any amendments or modifications thereto. If the Project involves the planning, investigation, evaluation, design, or other work requiring interpretation and proper application of engineering, or other professionals, the final inspection and certification must be conducted by a California Registered Civil Engineer or other appropriate California registered professional. The results of the final inspection and certification must be submitted to the Project Manager.

EXHIBIT B – FUNDING AMOUNTS

B.1 ESTIMATED REASONABLE COST AND PROJECT FUNDS.

The estimated reasonable cost of the total Project is set forth on the Cover Page of this Agreement and is greater than or equal to the funding anticipated to be provided by the State Water Board under this Agreement. Subject to the terms of this Agreement, the State Water Board agrees to provide Project Funds not to exceed the amount of the Project Funding Amount set forth on the Cover Page of this Agreement.

B.2 RECIPIENT CONTRIBUTIONS.

(a) The loan component of this Agreement is forgiven. The estimated amount of principal that will be due to the State Water Board from the Recipient under this Agreement is Zero dollars and no cents (\$0.00).

(b) The Recipient must pay any and all costs connected with the Project including, without limitation, any and all Project Costs. If the Project Funds are not sufficient to pay the Project Costs in full, the Recipient must nonetheless complete the Project and pay that portion of the Project Costs in excess of available Project Funds, and shall not be entitled to any reimbursement therefor from the State Water Board.

(c) If the Recipient recovers funds from any responsible parties, the Recipient shall immediately notify the Division. The amount of this Agreement may be reduced to reflect the recovered funds.

B.3 VERIFIABLE DATA.

Upon request by the Division, the Recipient must submit verifiable data to support deliverables specified in the Scope of Work. The Recipient's failure to comply with this requirement may be construed as a material breach of this Agreement.

B.4 BUDGET COSTS

Budget costs are contained in the Summary Project Cost Table below:

LINE ITEM	TOTAL ESTIMATED COST	PROJECT FUNDING AMOUNT
Construction	\$3,194,720	\$3,194,720
Pre-Purchased Material/Equipment	\$0	\$0
Purchase of Land	\$0	\$0
Contingency	\$638,944	\$638,944
Allowances (Soft Costs)	\$954,000	\$954,000
TOTAL	\$4,787,664	\$4,787,664

The Division's Final Budget Approval and related Form 259 and Form 260 will document a more detailed budget of eligible Project Costs and Project funding amounts.

The Recipient is prohibited from requesting disbursement amounts that represent Recipient's mark-ups to costs invoiced or otherwise requested by consultants or contractors.

Reasonable indirect costs may be allowable upon approval by the Division.

B.5 LINE ITEM ADJUSTMENTS.

Upon written request by the Recipient, the Division may adjust the line items of the Summary Project Cost Table at the time of Division's Final Budget Approval. Upon written request by the Recipient, the Division may also adjust the line items of the Summary Project Cost Table as well as the detailed budget at the time of Recipient's submittal of its final claim. Any line item adjustments to the Summary Project Cost Table that are due to a change in scope of work will require an Agreement amendment. The sum of adjusted line items in both the Summary

Project Cost Table and the detailed budget must not exceed the Project Funding Amount. The Division may also propose budget adjustments.

Under no circumstances may the sum of line items in the budget approved through the Final Budget Approval process exceed the Project Funding Amount. Any increase in the Project Funding Amount will require an Agreement amendment.

B.6 REIMBURSEMENT PROCEDURE.

(a) Except as may be otherwise provided in this Agreement, reimbursements will be made as follows:

1. Upon execution and delivery of this Agreement by both parties, the Recipient may request immediate reimbursement of any eligible incurred costs as specified below through submission to the State Water Board of the Reimbursement Request Form 260 and Form 261, or any amendment thereto, duly completed and executed.
2. The Recipient must submit a Reimbursement Request for costs incurred prior to the date this Agreement is executed by the State Water Board no later than ninety (90) days after this Agreement is executed by the State Water Board. Late Reimbursement Requests may not be honored.
3. Additional Project Funds will be promptly disbursed to the Recipient upon receipt of Reimbursement Request Form 260 and Form 261, or any amendment thereto, duly completed and executed by the Recipient for incurred costs consistent with this Agreement, along with receipt of progress reports due under Exhibit A.
4. The Recipient must not request reimbursement for any Project Cost until such cost has been incurred and is currently due and payable by the Recipient, although the actual payment of such cost by the Recipient is not required as a condition of reimbursement. Supporting documentation (e.g., receipts) must be submitted with each Reimbursement Request. The amount requested for Recipient's administration costs must include a calculation formula (i.e., hours or days worked times the hourly or daily rate = total amount claimed). Reimbursement of Project Funds will be made only after receipt of a complete, adequately supported, properly documented, and accurately addressed Reimbursement Request. Upon request by the Division, supporting documents for professional and administrative services must include the employees' names, classifications, labor rates, hours worked, and descriptions of the tasks performed. Reimbursement Requests submitted without supporting documents may be wholly or partially withheld at the discretion of the Division.
5. The Recipient must spend Project Funds within 30 days of receipt. If the Recipient earns interest earned on Project Funds, it must report that interest immediately to the State Water Board. The State Water Board may deduct earned interest from future reimbursements.
6. The Recipient shall not request a reimbursement unless that Project Cost is allowable, reasonable, and allocable.
7. Notwithstanding any other provision of this Agreement, no reimbursement shall be required at any time or in any manner which is in violation of or in conflict with federal or state laws, policies, or regulations.

(b) Notwithstanding any other provision of this Agreement, the Recipient agrees that the State Water Board may retain an amount equal to ten percent (10%) of the Project Funding Amount until Project Completion. Any retained amounts due to the Recipient will be promptly disbursed to the Recipient, without interest, upon Project Completion.

(c) Except as follows, construction costs and disbursements are not available until after the Division has approved the final budget form submitted by the Recipient. The Deputy Director of the Division may authorize the disbursement of up to ten percent (10%) of Project Funds for the reimbursement of eligible construction costs and pre-purchased materials prior to Division approval of the final budget form submitted by the Recipient. All other construction costs are not eligible for reimbursement until after this the Division has approved the final budget form submitted by the Recipient. Construction costs incurred prior to the Eligible Construction Start Date are not eligible for reimbursement.

B.7 REVERTING FUNDS AND DISENCUMBRANCE.

In the event the Recipient does not submit Reimbursement Requests for all funds encumbered under this Agreement by the Final Reimbursement Request Date, any remaining funds revert to the State. The State Water Board may notify the Recipient that the project file is closed, and any remaining balance will be disencumbered and unavailable for further use under the Agreement.

EXHIBIT C – GENERAL TERMS AND CONDITIONS 2019-NOV

GENERAL TERMS AND CONDITIONS 2019-NOV is incorporated by reference and is posted at
https://www.waterboards.ca.gov/water_issues/programs/grants_loans/general_terms.html

EXHIBIT D – SPECIAL CONDITIONS

1. Notwithstanding Exhibit C, the following terms have no meaning for the purposes of this Agreement:
 - Work Completion
 - Work Completion Date
2. Each capitalized term used in this Agreement has the following meaning:
 - "Allowance" means an amount based on a percentage of the accepted bid for an eligible project to help defray the planning, design, and construction engineering and administration costs of the Project.
 - "Authorized Representative" means the duly appointed representative of the Recipient as set forth in the certified original of the Recipient's authorizing resolution that designates the authorized representative by title.
 - "Completion of Construction" means the date, as determined by the Division after consultation with the Recipient, that the work of building and erection of the Project is substantially complete, and is established on the Cover Page of this Agreement.
 - "District Office" means District Office of the Division of Drinking Water of the State Water Board.
 - "Division of Drinking Water" means the Division of Drinking Water of the State Water Board.
 - "Eligible Construction Start Date" means the date set forth on the Cover Page of this Agreement, establishing the date on or after which construction costs may be incurred and eligible for reimbursement hereunder.
 - "Eligible Work Start Date" means the date set forth on the Cover Page of this Agreement, establishing the date on or after which any non-construction costs may be incurred and eligible for reimbursement hereunder.
 - "Enterprise Fund" means the enterprise fund of the Recipient in which Revenues are deposited.
 - "Event of Default" means, in addition to the meanings set forth in Exhibit C, the occurrence of any of the following events:
 - a) A material adverse change in the condition of the Recipient, the Revenues, or the System, which the Division reasonably determines would materially impair the Recipient's ability to satisfy its obligations under this Agreement.
 - b) Failure to operate the System or the Project without the Division's approval;
 - "Final Budget Approval" means the Division-approved final budget for the Project, as set forth in Exhibit B.
 - "Indirect Costs" means those costs that are incurred for a common or joint purpose benefiting more than one cost objective and are not readily assignable to the Project (i.e., costs that are not directly related to the Project). Examples of Indirect Costs include, but are not limited to: central service costs; general administration of the Recipient; non-project-specific accounting and personnel services performed within the Recipient organization; depreciation or use allowances on buildings and equipment; the costs of operating and maintaining non-project-specific facilities; tuition and conference fees; generic overhead or markup; and taxes.
 - "Initiation of Construction" means the date that notice to proceed with work is issued for the Project, or, if notice to proceed is not required, the date of commencement of building and erection of the Project.
 - "Net Revenues" means, for any Fiscal Year, all Revenues received by the Recipient less the Operations and Maintenance Costs for such Fiscal Year.
 - "Operations and Maintenance Costs" means the reasonable and necessary costs paid or incurred by the Recipient for maintaining and operating the System, determined in accordance with GAAP, including all

reasonable expenses of management and repair and all other expenses necessary to maintain and preserve the System in good repair and working order, and including all reasonable and necessary administrative costs of the Recipient that are charged directly or apportioned to the operation of the System, such as salaries and wages of employees, overhead, taxes (if any), the cost of permits, licenses, and charges to operate the System and insurance premiums; but excluding, in all cases depreciation, replacement, and obsolescence charges or reserves therefor and amortization of intangibles.

- "Reimbursement Request" means the Recipient's request for Project Funds from the State Water Board as set forth in Exhibit B.
- "Revenues" means, for each Fiscal Year, all gross income and revenue received or receivable by the Recipient from the ownership or operation of the System, determined in accordance with GAAP, including all rates, fees, and charges (including connection fees and charges) as received by the Recipient for the services of the System, and all other income and revenue howsoever derived by the Recipient from the ownership or operation of the System or arising from the System, including all income from the deposit or investment of any money in the Enterprise Fund or any rate stabilization fund of the Recipient or held on the Recipient's behalf, and any refundable deposits made to establish credit, and advances or contributions in aid of construction.
- "System" means all drinking water collection, transport, treatment, storage, and delivery facilities, including land and easements thereof, owned by the City of Porterville, or its successor agency, and all other properties, structures, or works hereafter acquired and constructed by the Recipient and determined to be a part of the System, together with all additions, betterments, extensions, or improvements to such facilities, properties, structures, or works, or any part thereof hereafter acquired and constructed.
- "Useful Life" means the economically useful life of the Project beginning at Project Completion and is set forth in Exhibit A.

3. Acknowledgements.

The Recipient must include the following acknowledgement in any document, written report, or brochure to be shared with the general public prepared in whole or in part pursuant to this Agreement:

"Funding for this project has been provided in full or in part under the Drinking Water State Revolving Fund, which may include capitalization funding from the United States Environmental Protection Agency through an agreement with the State Water Resources Control Board. The contents of this document do not necessarily reflect the views and policies of the foregoing, nor does mention of trade names or commercial products constitute endorsement or recommendation for use."

4. Rates and Charges. The Recipient must, to the extent permitted by law, fix, prescribe and collect rates, fees and charges for the System during each Fiscal Year which are reasonable, fair, and nondiscriminatory and which will be sufficient to generate Revenues in the amounts necessary to cover Operations and Maintenance Costs, and must ensure that Net Revenues are in an amount necessary to meet its obligations under this Agreement. The Recipient may make adjustments from time to time in such fees and charges and may make such classification thereof as it deems necessary, but shall not reduce the rates, fees and charges then in effect unless the Net Revenues from such reduced rates, fees, and charges will at all times be sufficient to meet the requirements of this section.
5. [RESERVED]
6. [RESERVED].

7. Environmental/Technical Special Conditions

Technical:

1. The Recipient shall submit its professional engineering services contract to the Division prior to disbursement of funds for costs incurred under such contract.
2. The Recipient shall not solicit bids, award a contract, or commence construction activities until final plans and specifications are approved by the Division of Drinking Water Tulare District Office Engineer and the Project Manager.
3. The Recipient must submit final consolidation agreements with Akin WC and Central MWC, in a form satisfactory to the Division, and receive written approval from the Project Manager to proceed before Project Funds may be disbursed for any Project Costs under the Agreement.
4. Upon completion of the Project the Recipient shall submit a water supply permit amendment request for review to the Division of Drinking Water Tulare District Office.

Environmental:

1. The documents identified below are incorporated by reference and the Recipient shall comply with the conditions and recommendations therein:
 - a. The Mitigation Monitoring and Reporting Program adopted by the State Water Board on June 16, 2016 for the Project. The Recipient shall implement all mitigation measures therein.
 - b. The letter dated February 12, 2020, from Patricia Cole of the United States Fish and Wildlife Service, San Joaquin Valley Division to Douglas E. Eberhardt of the United States Environmental Protection Agency, including, but not limited to, the following:
 - i. Implement Avoidance and Minimization Measures and Best Management Practices prior to and during construction activities to minimize and avoid effects to the San Joaquin kit fox.
 - c. The Mitigation Monitoring and Reporting Program adopted by the City of Porterville on April 21, 2020 for the Central Mutual Water Company Consolidation Project. The Recipient shall implement all mitigation measures therein.
2. In the Recipient's Quarterly Reports submitted pursuant to this Agreement, the Recipient shall include a discussion of the status of its compliance with environmental measures identified in this Exhibit D, with separate sections clearly labeled and titled, discussing the status of Recipient's compliance.
3. In the Recipient's Project Completion Report submitted pursuant to this Agreement, the Recipient shall include a discussion of its compliance with environmental measures identified in this Exhibit D, with separate sections clearly labeled and titled, discussing the status of Recipient's compliance.
8. [RESERVED].
9. Appointment of Receiver/Custodian. Upon the filing of a suit or other commencement of judicial proceedings to enforce the rights of the State Water Board under this Agreement, the State Water Board may make application for the appointment of a receiver or custodian of the Revenues, pending such proceeding, with such power as the court making such appointment may confer.
10. [RESERVED].
11. Damages for Breach of Federal Conditions. In the event that any breach of any of the provisions of this Agreement by the Recipient results in the failure of Project Funds to be used pursuant to the provisions of this Agreement, or if such breach results in an obligation on the part of the State or any subdivision or agency thereof to reimburse the federal government, the Recipient must immediately reimburse the State or any subdivision or agency thereof in an amount equal to any damages paid by or loss incurred by the State or any subdivision or agency thereof due to such breach.

12. [RESERVED].

13. Operation and Maintenance. The Recipient shall sufficiently and properly staff, operate, and maintain the facility and structures constructed or improved as part of the project throughout the term of this Agreement, consistent with the purposes of this Agreement. The Recipient assumes all operations and maintenance costs of the facilities and structures; the State Water Board shall not be liable for any cost of such maintenance, management or operation.

14. Insurance. The Recipient will procure and maintain or cause to be maintained insurance on the System and Project with responsible insurers, or as part of a reasonable system of self-insurance, in such amounts and against such risks (including damage to or destruction of the System or Project) as are usually covered in connection with systems similar to the System or Project. Such insurance may be maintained by a self-insurance plan so long as such plan provides for (i) the establishment by the Recipient of a separate segregated self-insurance fund in an amount determined (initially and on at least an annual basis) by an independent insurance consultant experienced in the field of risk management employing accepted actuarial techniques and (ii) the establishment and maintenance of a claims processing and risk management program. In the event of any damage to or destruction of the System or Project caused by the perils covered by such insurance, the net proceeds thereof shall be applied to the reconstruction, repair or replacement of the damaged or destroyed portion of the System or Project. The Recipient must begin such reconstruction, repair or replacement as expeditiously as possible, and must pay out of such net proceeds all costs and expenses in connection with such reconstruction, repair or replacement so that the same must be completed and the System and Project must be free and clear of all claims and liens. Recipient agrees that for any policy of insurance concerning or covering the construction of the Project, it will cause, and will require its contractors and subcontractors to cause, a certificate of insurance to be issued showing the State Water Board, its officers, agents, employees, and servants as additional insured; and must provide the Division with a copy of all such certificates prior to the commencement of construction of the Project.

15. Notice Events. Upon the occurrence of any of the following events, the Recipient must notify the Division's Deputy Director and Party Contacts by phone and email within the time specified below:

- a. The Recipient must notify the Division within 24 hours by phone at (916) 327-9978 and by email to DrinkingWaterSRF@waterboards.ca.gov of any discovery of any potential tribal cultural resource and/or archaeological or historical resource. Should a potential tribal cultural resource and/or archaeological or historical resource be discovered during construction or Project implementation, the Recipient must ensure that all work in the area of the find will cease until a qualified archaeologist has evaluated the situation and made recommendations regarding preservation of the resource, and the Division has determined what actions should be taken to protect and preserve the resource. The Recipient must implement appropriate actions as directed by the Division.
- b. The Recipient must notify the Division promptly of the occurrence of any of the following events:
 - i. Bankruptcy, insolvency, receivership or similar event of the Recipient, or actions taken in anticipation of any of the foregoing;
 - ii. Change of ownership of the Project (no change of ownership may occur without written consent of the Division);
 - iii. Loss, theft, damage, or impairment to Project;
 - iv. Events of Default, except as otherwise set forth in this section;

- v. A proceeding or action by a public entity to acquire the Project by power of eminent domain.
- vi. Any litigation pending or threatened with respect to the Project or the Recipient's technical, managerial or financial capacity or the Recipient's continued existence;
- vii. Consideration of dissolution, or disincorporation;
- viii. Enforcement actions by or brought on behalf of the State Water Board or Regional Water Board.
- ix. The discovery of a false statement of fact or representation made in this Agreement or in the application to the Division for this funding, or in any certification, report, or request for reimbursement made pursuant to this Agreement, by the Recipient, its employees, agents, or contractors;
- x. Any substantial change in scope of the Project. The Recipient must undertake no substantial change in the scope of the Project until prompt written notice of the proposed change has been provided to the Division and the Division has given written approval for the change;
- xi. Any circumstance, combination of circumstances, or condition, which is expected to or does delay Completion of Construction for a period of ninety (90) days or more;
- xii. Any Project monitoring, demonstration, or other implementation activities required in this Agreement;
- xiii. Any public or media event publicizing the accomplishments and/or results of this Agreement and provide the opportunity for attendance and participation by state representatives with at least ten (10) working days' notice to the Division;
- xiv. Any event requiring notice to the Division pursuant to any other provision of this Agreement.
- xv. Completion of work on the Project.
- xvi. The Recipient must promptly notify the Division and Party Contacts of cessation of all major construction work on the Project where such cessation of work is expected to or does extend for a period of thirty (30) days or more;
- xvii. The Recipient must promptly notify the Division and Party Contacts of the discovery of any unexpected endangered or threatened species, as defined in the federal Endangered Species Act. Should a federally protected species be unexpectedly encountered during implementation of the Project, the Recipient agrees to promptly notify the Division. This notification is in addition to the Recipient's obligations under the federal Endangered Species Act;
- xviii. The Recipient must promptly notify the Division and Party Contacts of Completion of Construction, and Project Completion;
- xix. The Recipient must promptly notify the Division and Party Contacts of the award of the prime construction contract for the Project; and the Recipient must promptly notify the Division and Party Contacts of Initiation of construction of the Project.

xx. The occurrence of a material breach or event of default under any Recipient obligation that results in the acceleration of principal or interest or otherwise requires immediate prepayment, repurchase or redemption.

xxi. [RESERVED].

16. Continuous Use of Project; No Lease, Sale, Transfer of Ownership, or Disposal of Project. The Recipient agrees that, except as provided in this Agreement, it will not abandon, substantially discontinue use of, lease, sell, transfer ownership of, or dispose of all or a significant part or portion of the Project during the Useful Life of the Project without prior written approval of the Division. Such approval may be conditioned as determined to be appropriate by the Division, including a condition requiring repayment of all disbursed Project Funds or all or any portion of all remaining funds covered by this Agreement together with accrued interest and any penalty assessments that may be due.
17. State Cross-Cutters. Recipient represents that, as applicable, it complies and covenants to maintain compliance with the following for the term of the Agreement:
- a) The California Environmental Quality Act (CEQA), as set forth in Public Resources Code 21000 et seq. and in the CEQA Guidelines at Title 14, Division 6, Chapter 3, Section 15000 et seq.
 - b) Water Conservation requirements, including regulations in Division 3 of Title 23 of the California Code of Regulations.
 - c) Monthly Water Diversion Reporting requirements, including requirements set forth in Water Code section 5103.
 - d) Public Works Contractor Registration with Department of Industrial Relations requirements, including requirements set forth in Sections 1725.5 and 1771.1 of the Labor Code.
 - e) Volumetric Pricing & Water Meters requirements, including the requirements of Water Code sections 526 and 527.
 - f) Urban Water Management Plan requirements, including the Urban Water Management Planning Act (Water Code, § 10610 et seq.).
 - g) Urban Water Demand Management requirements, including the requirements of Section 10608.56 of the Water Code.
 - h) Delta Plan Consistency Findings requirements, including the requirements of Water Code section 85225 and California Code of Regulations, title 23, section 5002.
 - i) Agricultural Water Management Plan Consistency requirements, including the requirements of Water Code section 10852.
 - j) Charter City Project Labor Requirements, including the requirements of Labor Code section 1782 and Public Contract Code section 2503.
 - k) The Recipient agrees that it will, at all times, comply with and require its contractors and subcontractors to comply with directives or orders issued pursuant to Division 7 of the Water Code.
18. Financial Management Systems. The Recipient must comply with federal standards for financial management systems. The Recipient agrees that, at a minimum, its fiscal control and accounting procedures will be sufficient to permit preparation of reports required by the federal government and tracking of Project funds to a level of expenditure adequate to establish that such funds have not been

used in violation of federal or state law or the terms of this Agreement. To the extent applicable, the Recipient is bound by, and must comply with, the provisions and requirements of the federal Single Audit Act of 1984 and 2 CFR Part 200, subpart F, and updates or revisions, thereto.

19. Access and Inspection. In addition to the obligations set forth in section 2 of the General Terms and Conditions incorporated in Exhibit C of this Agreement, the Recipient must ensure that the United States Environmental Protection Agency, the Office of Inspector General, any member of Congress, or any authorized representative of the foregoing, will have safe and suitable access to the Project site at all reasonable times during the term of the Agreement.
20. Fraud, Waste, and Abuse. The Recipient shall prevent fraud, waste, and the abuse of Project Funds, and shall cooperate in any investigation of such activities that are suspected in connection with this Agreement. The Recipient understands that discovery of any evidence of misrepresentation or fraud related to reimbursement requests, invoices, proof of payment of invoices, or other supporting information, including but not limited to double or multiple billing for time, services, or any other eligible cost, may result in referral to the Attorney General's Office or the applicable District Attorney's Office for appropriate action. The Recipient further understands that any suspected occurrences of false claims, misrepresentation, fraud, forgery, theft or any other misuse of Project Funds may result in withholding of reimbursements and/or the termination of this Agreement requiring the immediate repayment of all funds disbursed hereunder.
21. Disputes. The Recipient must continue with the responsibilities under this Agreement during any dispute. The Recipient may, in writing, appeal a staff decision within 30 days to the Deputy Director of the Division or designee, for a final Division decision. The Recipient may appeal a final Division decision to the State Water Board within 30 days. The Office of the Chief Counsel of the State Water Board will prepare a summary of the dispute and make recommendations relative to its final resolution, which will be provided to the State Water Board's Executive Director and each State Water Board Member. Upon the motion of any State Water Board Member, the State Water Board will review and resolve the dispute in the manner determined by the State Water Board. Should the State Water Board determine not to review the final Division decision, this decision will represent a final agency action on the dispute. This provision does not preclude consideration of legal questions, provided that nothing herein shall be construed to make final the decision of the State Water Board, or any official or representative thereof, on any question of law. This section relating to disputes does not establish an exclusive procedure for resolving claims within the meaning of Government Code sections 930 and 930.4.
22. Additional Representations and Warranties. The Recipient makes the following representations and warranties:
 - a. [RESERVED].
 - b. The Recipient has not made any untrue statement of a material fact in its application for this financial assistance, or omitted to state in its application, a material fact that makes the statements in its application not misleading.
 - c. The Recipient agrees to fulfill all assurances, declarations, representations, and commitments in its application, accompanying documents, and communications filed in support of its request for funding under this Agreement.
 - d. The execution, delivery, and performance by Recipient of this Agreement, including all incorporated documents, do not violate any provision of any law or regulation in effect as of the date set forth on the first page hereof, or result in any breach or default under any contract, obligation, indenture, or other instrument to which Recipient is a party or by which Recipient is bound as of the date set forth on the Cover Page.

- e. Except as set forth in this paragraph, there are, as of the date of execution of this Agreement by the Recipient, no pending or, to Recipient's knowledge, threatened actions, claims, investigations, suits, or proceedings before any governmental authority, court, or administrative agency which materially affect the financial condition or operations of the Recipient, the Revenues, and/or the Project.
 - f. There are no proceedings, actions, or offers by a public entity to acquire by purchase or the power of eminent domain any of the real or personal property related to or necessary for the Project.
 - g. The Recipient is duly organized and existing and in good standing under the laws of the State of California. Recipient must at all times maintain its current legal existence and preserve and keep in full force and effect its legal rights and authority. Within the preceding ten years, the Recipient has not failed to demonstrate compliance with state or federal audit disallowances.
 - h. Any financial statements or other financial documentation of Recipient previously delivered to the State Water Board as of the date(s) set forth in such financial statements or other financial documentation: (a) are materially complete and correct; (b) present fairly the financial condition of the Recipient; and (c) have been prepared in accordance with GAAP. Since the date(s) of such financial statements or other financial documentation, there has been no material adverse change in the financial condition of the Recipient, nor have any assets or properties reflected on such financial statements or other financial documentation been sold, transferred, assigned, mortgaged, pledged or encumbered, except as previously disclosed in writing by Recipient and approved in writing by the State Water Board.
 - i. The Recipient is current in its continuing disclosure obligations associated with its material debt, if any.
 - j. The Recipient has no conflicting or material obligations, except as set forth in this paragraph.
 - k. The Recipient legally possesses all real property rights necessary for the purposes of this Agreement, not subject to third party revocation, which rights extend at least to the Records Retention End Date of this Agreement, except as set forth in this paragraph.
 - l. The Recipient and its principals, to the best of the Recipient's knowledge and belief, are not presently debarred, suspended, proposed for debarment, declared ineligible, or otherwise excluded from participation in any work overseen, directed, funded, or administered by the State Water Board program for which this grant funding is authorized; nor have they engaged or permitted the performance of services covered by this Agreement from parties that are debarred or suspended or otherwise excluded from or ineligible for participation in any work overseen, directed, funded, or administered by the State Water Board program for which this grant funding is authorized.
 - m. The Recipient possesses all water rights necessary for this Project.
23. Federal SRF Requirements. The Recipient acknowledges, warrants compliance with, and covenants to continuing compliance with the following federal terms and conditions for the Useful Life of the Project:
- a. Unless the Recipient has obtained a waiver from USEPA on file with the State Water Board or unless this Project is not a project for the construction, alteration, maintenance or repair of a public water system or treatment work, the Recipient shall not purchase "iron and steel products" produced outside of the United States on this Project. Unless the Recipient has obtained a waiver from USEPA on file with the State Water Board or unless this Project is not a project for the construction, alteration, maintenance or repair of a public water system or treatment work, the

Recipient hereby certifies that all "iron and steel products" used in the Project were or will be produced in the United States. For purposes of this section, the term "iron and steel products" means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials. "Steel" means an alloy that includes at least 50 percent iron, between .02 and 2 percent carbon, and may include other elements.

- b. The Recipient must include in full the Wage Rate Requirements (Davis-Bacon) language incorporated by reference in Section 2 of this Agreement in all construction contracts and subcontracts.
- c. The Recipient shall notify the State Water Board and the USEPA contact of public or media events publicizing the accomplishment of significant events related to this Project and provide the opportunity for attendance and participation by federal representatives with at least ten (10) working days' notice.
- d. The Recipient shall comply with applicable EPA general terms and conditions found at <http://www.epa.gov/ogd>.
- e. No Recipient may receive funding under this Agreement unless it has provided its DUNS number to the State Water Board.
- f. [RESERVED]
- g. The Recipient represents and warrants that it and its principals are not excluded or disqualified from participating in this transaction as such terms are defined in Parts 180 and 1532 of Title 2 of the Code of Federal Regulations (2 CFR). If the Recipient is excluded after execution of this Agreement, the Recipient shall notify the Division within ten (10) days and shall inform the Division of the Recipient's exclusion in any request for amendment of this Agreement. The Recipient shall comply with Subpart C of Part 180 of 2 CFR, as supplemented by Subpart C of Part 1532 of 2 CFR. Such compliance is a condition precedent to the State Water Board's performance of its obligations under this Agreement. When entering into a covered transaction as defined in Parts 180 and 1532 of 2 CFR, the Recipient shall require the other party to the covered transaction to comply with Subpart C of Part 180 of 2 CFR, as supplemented by Subpart C of Part 1532 of 2 CFR.
- h. To the extent applicable, the Recipient shall disclose to the State Water Board any potential conflict of interest consistent with USEPA's Final Financial Assistance Conflict of Interest Policy at <https://www.epa.gov/grants/epas-final-financial-assistance-conflict-interest-policy>. A conflict of interest may result in disallowance of costs.
- i. USEPA and the State Water Board have the right to reproduce, publish, use and authorize others to reproduce, publish and use copyrighted works or other data developed under this assistance agreement.
- j. Where an invention is made with Project Funds, USEPA and the State Water Board retain the right to a worldwide, nonexclusive, nontransferable, irrevocable, paid-up license to practice the invention owned by the Recipient. The Recipient must utilize the Interagency Edison extramural invention reporting system at <http://Edison.gov> and shall notify the Division when an invention report, patent report, or utilization report is filed.

- k. The Recipient agrees that any reports, documents, publications or other materials developed for public distribution supported by this Agreement shall contain the Disclosure statement set forth in Exhibit A.
- l. The Recipient acknowledges that it is encouraged to follow guidelines established under Section 508 of the Rehabilitation Act, codified at 36 CFR Part 1194, with respect to enabling individuals with disabilities to participate in its programs supported by this Project.
- m. The Recipient, its employees, contractors and subcontractors and their employees warrants that it will not engage in severe forms of trafficking in persons, procure a commercial sex act during the term of this Agreement, or use forced labor in the performance of this Agreement. The Recipient must include this provision in its contracts and subcontracts under this Agreement. The Recipient must inform the State Water Board immediately of any information regarding a violation of the foregoing. The Recipient understands that failure to comply with this provision may subject the State Water Board to loss of federal funds. The Recipient agrees to compensate the State Water Board for any such funds lost due to its failure to comply with this condition, or the failure of its contractors or subcontractors to comply with this condition. The State Water Board may unilaterally terminate this Agreement if the Recipient that is a private entity is determined to have violated the foregoing.
- n. The Recipient certifies to the best of its knowledge and belief that:
 - i. No federal appropriated funds have been paid or will be paid, by or on behalf of the Recipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
 - ii. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with this Agreement, the Recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions, and notify the State Water Board.
 - iii. The Recipient shall require this certification from all parties to any contract or agreement that the Recipient enters into and under which the Recipient incurs costs for which it seeks disbursements under this Agreement.
- o. The Recipient must comply with the following federal non-discrimination requirements:
 - i. Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, and national origin, including limited English proficiency (LEP).
 - ii. Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against persons with disabilities.
 - iii. The Age Discrimination Act of 1975, which prohibits age discrimination.
 - iv. Section 13 of the Federal Water Pollution Control Act Amendments of 1972, which prohibits discrimination on the basis of sex.
 - v. 40 CFR Part 7, as it relates to the foregoing.
 - vi. Executive Order 13798, including, to the greatest extent practicable and to the extent permitted by law, the requirement to respect and protect the freedom of persons and organizations to engage in political and religious speech
 - vii. All applicable federal civil rights regulations, including statutory and national policy requirements (2 CFR section 200.300).

- p. Executive Order No. 11246. The Recipient shall include in its contracts and subcontracts related to the Project the following provisions:

"During the performance of this contract, the contractor agrees as follows:"(a) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

"(b) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

"(c) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

"(d) The contractor will comply with all provisions of Executive Order No. 11246 of Sept. 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

"(e) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

"(f) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of Sept 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

"(g) The contractor will include the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of Sept. 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

- q. The Recipient agrees to comply with the requirements of USEPA's Program for Utilization of Small, Minority and Women's Business Enterprises as set forth in this Agreement.
- r. Procurement Prohibitions under Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, including Executive Order 11738, Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans; 42 USC § 7606; 33 USC § 1368. Except where the purpose of this Agreement is to remedy the cause of the violation, the Recipient may not procure goods, services, or materials from suppliers excluded under the federal System for Award Management: <http://www.sam.gov/>.
- s. Uniform Relocation and Real Property Acquisition Policies Act, Pub. L. 91-646, as amended; 42 USC §§4601-4655. The Recipient must comply with the Act's implementing regulations at 49 CFR 24.101 through 24.105.
- t. The Recipient agrees that if its network or information system is connected to USEPA networks to transfer data using systems other than the Environmental Information Exchange Network or USEPA's Central Data Exchange, it will ensure that any connections are secure.
- u. All geospatial data created pursuant to this Agreement that is submitted to the State Water Board for use by USEPA or that is submitted directly to USEPA must be consistent with Federal Geographic Data Committee endorsed standards. Information on these standards may be found at www.fgdc.gov.
- v. If the Recipient is a water system that serves 500 or fewer persons, the Recipient represents that it has considered publicly-owned wells as an alternative drinking water supply.
- w. The Recipient represents that it is not a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and it is not a corporation that was convicted of a felony criminal violation under a Federal law within the preceding 24 months.
- x. The Recipient agrees to immediately notify the Project Manager in writing about any allegation of research misconduct involving research activities that are supported in whole or in part with EPA funds under this Project, including fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results, or ordering, advising, or suggesting that subordinates engage in research misconduct.
- y. The Recipient agrees to comply with, and require all contractors and subcontractors to comply with, EPA's Scientific Integrity Policy, available at <https://www.epa.gov/osa/policy-epa-scientific-integrity>, when conducting, supervising, and communicating science and when using or applying the results of science. For purposes of this condition scientific activities include, but are not limited to, computer modelling, economic analysis, field sampling, laboratory experimentation, demonstrating new technology, statistical analysis, and writing a review article on a scientific issue.
- z. The Recipient shall not suppress, alter, or otherwise impede the timely release of scientific findings or conclusions; intimidate or coerce scientists to alter scientific data, findings, or professional opinions or exert non-scientific influence on scientific advisory boards; knowingly misrepresent, exaggerate, or downplay areas of scientific uncertainty; or otherwise violate the EPA's Scientific Integrity Policy. The Recipient must refrain from acts of research misconduct, including publication or reporting, as described in EPA's Policy and Procedures for Addressing Research Misconduct, Section 9.C, and must ensure scientific findings are generated and

disseminated in a timely and transparent manner, including scientific research performed by contractors and subcontractors.

- aa. The Recipient agrees to comply with the Animal Welfare Act of 1966 (7 USC 2131-2156). Recipient also agrees to abide by the "U.S. Government Principles for the Utilization and Care of Vertebrate Animals used in Testing, Research, and Training," available at <http://grants.nih.gov/grants/olaw/references/phspol.htm#USGovPrinciples>.
- bb. The Recipient certifies that no Project Funds will be used on:
 - i. Video surveillance or telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities), telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);
 - ii. Telecommunications or video surveillance services produced by such entities;
 - iii. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country; or
 - iv. Other telecommunications or video surveillance services or equipment in violation of [2 CFR 200.216](#).



CITY COUNCIL AGENDA – SEPTEMBER 21, 2021

SUBJECT: Consideration of Adoption of Vehicle Miles Traveled Guidelines Pursuant to State Senate Bill 743

SOURCE: Community Development

COMMENT: Historically, the California Environmental Quality Act (CEQA) has required lead agencies to evaluate traffic impacts from projects against the level of service (LOS) standards established by the appropriate agency's General Plan. LOS looks at congestion and automobile delay as the factors for determining the significance of environmental impacts. In an effort to shift traffic analysis to a method that looks at generation of greenhouse gases as opposed to delay, Senate Bill 743 (SB 743) was passed by the California Legislature and signed into law by Governor Brown in 2013. SB 743 requires that lead agencies examine vehicles miles traveled (VMT) generated by a project, with a mandatory transition for all analysis from LOS to VMT by July 1, 2020. As opposed to mitigation for LOS impacts, which generally results in street widening and the addition of vehicle travel lanes (which simply increases road capacity) and changes to signal timing, mitigation for VMT impacts often consists of programs that reduce reliance on driving (e.g., public transit improvements or vouchers/passes, ride-sharing programs) or that encourage use of alternative transportation (e.g., installation of sidewalks, bicycle paths/lanes). Importantly, SB 743 does not affect the City's ability to maintain LOS standards as part of its General Plan and to continue to require street improvements in conjunction with future development; these LOS considerations are simply no longer thresholds under CEQA.

Understanding that this new requirement would result in a paradigm shift and that many public agencies would not have the means or expertise to establish its own methodologies, SB 743 charged the Governor's Office of Planning and Research (OPR) with developing VMT guidance that could be used by any public agency for its CEQA analyses. This guidance came in the form of a Technical Advisory that was completed in 2018; however, it was acknowledged that such a universal set of guidelines was a) not comprehensive and b) may not be ideal for use by every public agency. Therefore, agencies are allowed to either follow the OPR Technical Advisory or to create their own VMT standards, provided that such standards are developed and adopted based on substantial evidence that they will accomplish the intent of SB 743.

The County of Tulare (County) entered into a contract with VRPA Technologies, Inc., a transportation planning firm, to prepare VMT guidelines for use by the County. Following extensive public review, the County adopted

the “County of Tulare SB 743 Guidelines” (SB 743 Guidelines) in August 2020. The methodology for determining the potential for VMT impacts is described as follows in the Executive Summary of the SB 743 Guidelines:

“VMT analysis for land development projects is to be conducted by comparing a project’s VMT/capita or VMT/employee to the average VMT/capita or VMT/employee for the traffic analysis zone (TAZ) in which the project is located. Projects that have a VMT/capita (for residential projects) or VMT/employee (for non-residential projects) equal to or above the average for the TAZ are required to provide mitigation in the form of relatively low-cost improvement projects that would support travel by bicycling or walking or provide justification that improvements at the regional level are sufficient to mitigate their VMT impacts.”

Porterville is covered by twelve (12) TAZs. The TAZs do not correspond to political boundaries, so certain TAZs include both incorporated and unincorporated area. TAZs are updated and modified occasionally and current maps are made available by the Institute of Transportation Engineers (Northern California Section). When a project is proposed, the California Statewide Travel Demand Model (CSTDm; maintained by Caltrans) is used to determine its VMT/capita or VMT/employee, as appropriate. OPR recommends a threshold of fifteen percent (15%) *below* existing VMT; considering the rural nature of much of Tulare County, the SB 743 Guidelines instead utilize the existing VMT as the threshold. Accordingly, under the SB 743 Guidelines, if the project VMT is less than the TAZ VMT, there is a less than significant impact. If the project VMT is greater than the TAZ VMT, the project must implement mitigation to reduce the impacts to the extent feasible. The SB 743 Guidelines provide numerous mechanisms for mitigation, including but not limited to:

- Identifying and correcting gaps in alternative transportation features within one-half mile of the project site
- If there are no relevant improvements needed within one-half mile of the project site, more distant alternative improvements may be substituted
- Completion of or contribution to projects listed in the Tulare County Association of Governments (TCAG) Regional Active Transportation Plan

The SB 743 Guidelines note that VMT mitigation costs should exceed either \$20 per average daily trip (ADT) resulting from the project or 0.5% of the project construction cost and provide justification for those numbers. If the above measures do not result in sufficient mitigation, the project proponent may provide rationale to the City for contribution towards other projects that reduce VMT impacts. If VMT impacts cannot be feasibly mitigated to a less than significant level, the City still retains its ability to make findings and adopt a statement of overriding considerations as part of an environmental impact report.

Not every project would be subject to VMT analysis. The SB 743 Guidelines provide screening methodology for several types of projects that, unless special

circumstances are present, generally are excluded from further review. Small projects (generating fewer than 500 ADT), local-serving retail projects, local-serving public facilities, affordable housing and farmworker housing projects, redevelopment projects and mixed-use projects that result in reduced VMT are considered to have a less than significant effect. Additionally, goods movement, such as truck trips from the transportation of raw or finished goods, is not covered by SB 743; only passenger vehicle trips are considered in the VMT analysis.

The SB 743 Guidelines also address transportation projects. Similar to the screening process for development projects, a number of project types may be screened from further review, including minor rehabilitation and maintenance projects, safety-enhancement projects, installation and reconfiguration of lanes not dedicated to through traffic, changes to signals and other traffic control devices, installation of roundabouts or traffic circles, transit-related improvements, reduction in the number of through-lanes, and pedestrian or bicycle improvements. These project types all share the characteristic of not increasing, and in some cases reducing, passenger vehicle capacity. Projects that increase vehicle capacity may also be screened if there is a corresponding increase to pedestrian and/or bicycle capacity. For projects that do not meet the screening criteria, the TCAG regional travel demand model would be used to assess the change, of any, to VMT. Any net increase in VMT would be a significant effect and would require mitigation.

While the SB 743 Guidelines focus on VMT, they also provide standards to assess more traditional transportation impacts. In addition to the traffic impact analysis performed for CEQA compliance (as needed), traffic studies in the form of a local transportation analysis (LTA) would be required for projects generating 100 or more peak-hour trips. The LTA would identify necessary improvements to the street system that could include addition of lanes, intersection improvements, signalization, sidewalk installation and/or replacement, and similar requirements.

Note that the document prepared for the County of Tulare was also intended to facilitate an update to the Transportation and Circulation Element of the Tulare County General Plan. To the extent that any components of the SB 743 Guidelines apply expressly or impliedly to that General Plan update, they would not apply to the City.

CEQA Guidelines Section 15064.3 “describes specific considerations for evaluating a project’s transportation impacts” and establishes that each lead agency must use the VMT standard for analysis. Section 15064.7 discusses thresholds of significance in general, encourages public agencies to establish such thresholds, and indicates that a public agency may adopt thresholds developed by another public agency provided that the decision to do so is based upon substantial evidence. Specific examples of screening criteria along with evidence required to establish thresholds can be found in Appendix B the SB 743 Guidelines.

RECOMMENDATION:

That the City Council:

1. Finds that the adoption of VMT Guidelines does not have the potential to have a significant adverse effect on the environment, and is therefore exempt from the California Environmental Quality Act under CEQA Guidelines Section 15061(b)(3); and
2. Adopts the County of Tulare SB 743 Guidelines pursuant to CEQA Guidelines Sections 15064.3 and 15064.7.

ATTACHMENTS:

1. Draft Resolution
2. Traffic Analysis Zone Map
3. County of Tulare SB 743 Guidelines

Appropriated/Funded:

Review By:

Department Director:

Jason Ridenour, Community Development Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. ____-2021

**A RESOLUTION OF THE COUNCIL OF THE CITY OF PORTERVILLE ADOPTING
VEHICLE MILES TRAVELED THRESHOLDS AS DESCRIBED IN THE COUNTY OF
TULARE SB 743 GUIDELINES DOCUMENT DATED JUNE 8, 2020, PREPARED
PURSUANT TO THE REQUIREMENTS OF CALIFORNIA PUBLIC RESOURCES
CODE SECTION 21099, AND CEQA GUIDELINES SECTIONS 15064.3(8) AND 15064.7**

WHEREAS, on September 27, 2013, the Governor of the State of California signed Senate Bill 743, which included the addition of Section 21099 to the Public Resources Code, calling for the development and adoption of criteria for determining the significance of traffic impacts and consideration of vehicle miles traveled (VMT) as the metric; and

WHEREAS, on December 28, 2018 the California Office of Administrative Law issued a Notice of Approval of Regulatory Action, approving the California Natural Resources Agency's amendments and updates to the California Environmental Quality Act (CEQA) Guidelines (2018 CEQA Amendments); and

WHEREAS, the 2018 CEQA Amendments included the addition of CEQA Guidelines Section 15064.3 which establishes that VMT is the most appropriate measure of transportation impacts and sets forth criteria for analyzing transportation impacts; and

WHEREAS, CEQA Guidelines Section 15064.3(b) authorizes a lead agency to choose the most appropriate methodology to evaluate a project's VMT impacts and states that the provisions of Section 15064.3 shall apply statewide as of July 1, 2020; and

WHEREAS, CEQA Guidelines Appendix G, Section XVII pertaining to transportation impacts requires the lead agency to determine if a project would have a significant impact with respect to VMT; and

WHEREAS, CEQA Guidelines Section 15064.7(a) defines a threshold of significance as "an identifiable quantitative, qualitative, or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant; and

WHEREAS, CEQA Guidelines Section 15067.7(b) states that "[t]hresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and supported by substantial evidence"; and

WHEREAS, in order to facilitate orderly development within the City of Porterville and implement a threshold of significance that is relevant to the City's development patterns and established based upon data unique to the region, and in order to ensure consistency in significance determinations for projects within the City of Porterville, the City has elected to adopt a citywide threshold of significance to measure VMT; and

WHEREAS, the County hired VRPA Technologies, Inc, a transportation planning consultant, to develop VMT thresholds for use in reviewing the environmental impacts of projects within the County; and

WHEREAS, the Guidelines were developed through a public review process as required by CEQA Guidelines Section 15064.7(b); and

WHEREAS, the Guidelines were drafted to comply with the requirements of CEQA Guidelines Sections 15064.3 and 15064.7 including the preparation of substantial evidence supporting the proposed VMT thresholds; and

WHEREAS, substantial evidence has been provided that to support adoption of such thresholds; and

WHEREAS, the Porterville City Council has reviewed the Guidelines and determined that, in consideration of the conditions existing within the City, the thresholds established by the County and the bases upon which they were determined are appropriate for use by the City; and

WHEREAS, on September 21, 2021, the Porterville City Council held a duly noticed public hearing to consider the Guidelines and received both oral testimony and written information presented at the hearing regarding the Guidelines.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville, based upon the testimony and information presented at the hearing and upon review and consideration of the documentation provided, as follows:

SECTION 1: The Council finds that the “County of Tulare SB 743 Guidelines” (Guidelines) dated June 8, 2020 were prepared consistent with the requirements of CEQA Guidelines Sections 15064.3 and 15064.7 and that the Guidelines contain substantial evidence necessary to support adoption of thresholds of significance for vehicle miles traveled for general use as part of the City’s environmental review process for the purpose of assessing the transportation impacts for projects within the City of Porterville’s jurisdiction.

SECTION 2: The Council finds the adoption of the Guidelines is in the best interest of the City of Porterville.

SECTION 3: The City Council of the City of Porterville hereby adopts the Guidelines, attached hereto as Exhibit A, which shall be effective immediately pursuant to the requirements of CEQA Guidelines Section 15064.3(c).

PASSED, APPROVED AND ADOPTED this 21st of September, 2021.

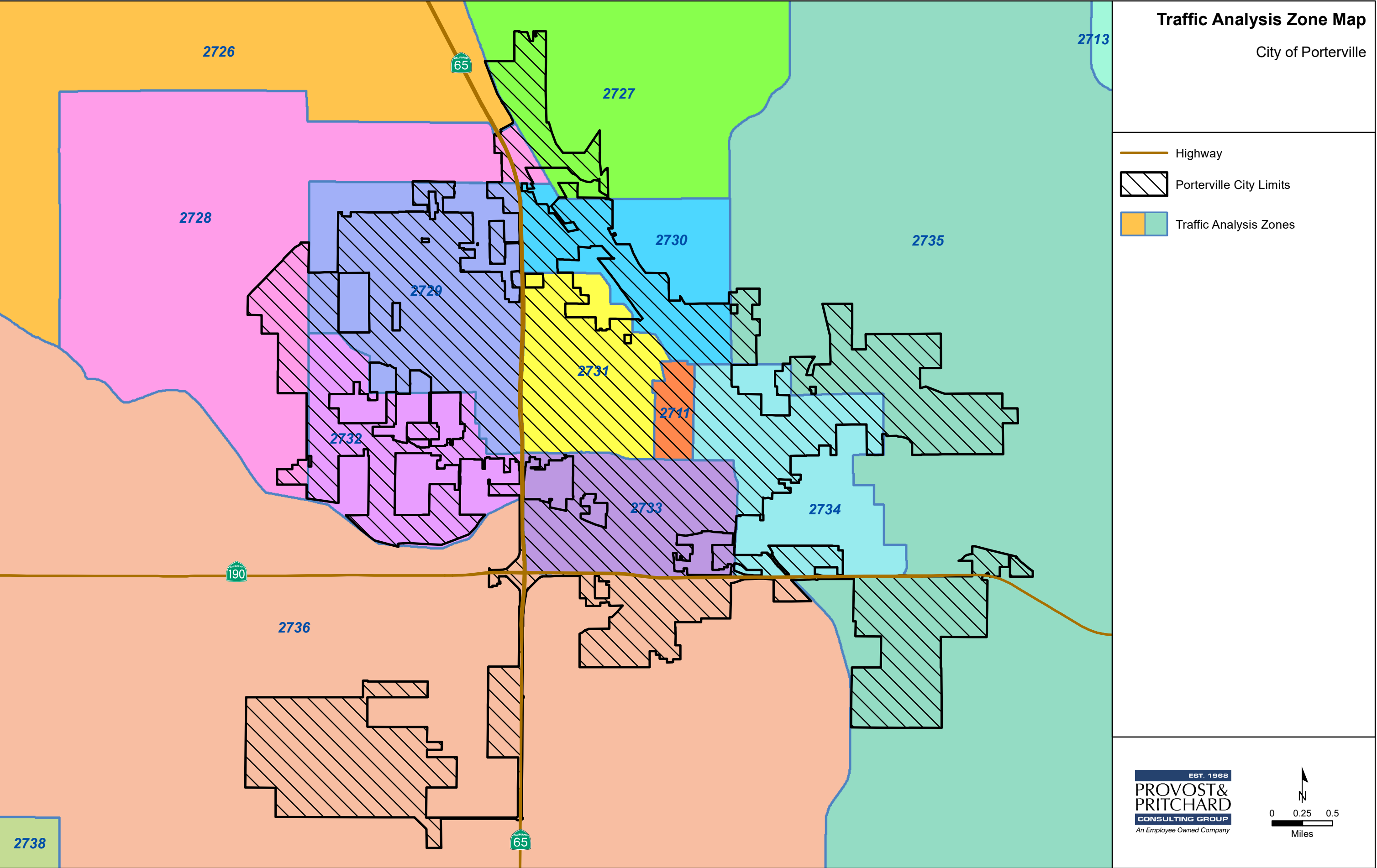
Adrian Monte Reyes, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____

Patrice Hildreth, Chief Deputy City Clerk





County of Tulare

SB 743 GUIDELINES

June 8, 2020



County of Tulare



SB 743 Guidelines

Prepared for:

County of Tulare
5961 South Mooney Boulevard
Visalia, CA 93277

Prepared By:

VRPA Technologies, Inc.
4630 W. Jennifer, Suite 105
Fresno, CA 93722
(559) 271-1200



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EXECUTIVE SUMMARY

This report provides **Tulare County's Vehicle Miles Traveled Guidelines (VMT Guidelines or Guidelines)** for the implementation of **Senate Bill 743 (SB 743) in the unincorporated area of Tulare County**. SB 743 was passed by the legislature and signed into law in the fall of 2013. This legislation led to a change in the way that transportation impacts will be measured under the California Environmental Quality Act (CEQA). Starting on July 1, 2020, automobile delay and level of service (LOS) may no longer be used as the performance measure to determine the transportation impacts of land development projects under CEQA and the new performance measure will be vehicle miles traveled (VMT). Although statewide guidance for the implementation of SB 743 has been written by the Governor's Office of Planning and Research (OPR), CEQA allows lead agencies (including Tulare County) the latitude to determine their own methodologies and significance thresholds for CEQA technical studies. The SB 743 Guidelines provided in this report are based on the statewide guidance provided by OPR, but they include clarifications and details tailored for and specific to local conditions in Tulare County.

SB 743 applies to both land development and transportation projects. The VMT analysis methodology for land development projects was developed in order to accomplish the following:

- Meet the requirements of CEQA, including the new SB 743 regulations that were adopted into CEQA in December 2018 and go into effect on July 1, 2020.
- Provide for transportation improvements to be built that benefit Tulare County residents and facilitate travel by walking, bicycling, and transit.
- Provide for analysis and mitigation of VMT impacts in a way that is feasible and within the scale of land development projects in Tulare County.

VMT analysis for land development projects is to be **conducted by comparing a project's VMT/capita or VMT/employee to the average VMT/capita or VMT/employee for the traffic analysis zone (TAZ) in which the project is located**. **Projects that have a VMT/capita or VMT/employee equal to or above the average for the TAZ are required to provide mitigation** in the form of relatively low-cost improvement projects that would support travel by bicycling or walking or provide justification that improvements at the regional level are sufficient to mitigate their VMT impacts. Certain projects such as small projects and local-serving retail projects would be presumed to have a less than significant impact and would not be required to do a VMT analysis. It is **important to note that goods movement** (e.g., the transport of raw or finished products from one location to another, for example, transfer of milk to an ice cream producing plant and then the transfer of ice cream to a distributor or directly to a retailer) is **not subject to SB 743** and **only passenger trips need to be considered in a VMT analysis**.¹

Transportation projects that are focused on improvements to travel by bicycling, walking, and transit would be presumed to have a less than significant impact (as these modes of travel eliminate or reduce miles travelled by a vehicle) and would not be required to do a VMT analysis. Certain small roadway projects and all roadway projects that are consistent with the General Plan would be presumed to have a

¹ California Public Resources Code, Section 21000 et seq. Title 14, Division 6, California Natural Resources Agency, Chapter 3, Section 15064.3, subdivision (a), states, 'For the purposes of this section, vehicle miles traveled refers to the amount and distance of automobile travel attributable to a project. Here, the term 'automobile' refers to on-road passenger vehicles, specifically cars and light trucks.' Accessed May 2020 at: https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2018_CEQA_FINAL_TEXT_122818.pdf.



less than significant impact (as these projects have been anticipated to accommodate projected growth and/or are planned improvements to the roadway system for safety, to meet current roadway standards, or to improve roads that are functionally obsolete). Larger roadway projects that are inconsistent with the General Plan would need to conduct a VMT analysis and would need to consider providing mitigation if the project is forecasted to cause an increase in VMT.

Although VMT will be the performance measure for CEQA transportation studies, California jurisdictions may still require consideration of roadway operational analysis in the project approval process and may condition projects to provide roadway improvements. Guidelines are provided for the evaluation of the effect of projects on roadways, including the determination of required roadway improvements.



1 BACKGROUND

This chapter provides background information on Senate Bill 743 (SB 743) and the need to conduct vehicle miles traveled (VMT) analyses for CEQA transportation studies.

1.1 SB 743 Legislation

SB 743 was passed by the legislature and signed into law in the fall of 2013. This legislation led to a change in the way that transportation impacts will be measured under the California Environmental Quality Act (CEQA). Starting on July 1, 2020, automobile delay and level of service (LOS) may no longer be used as the performance measure to determine the transportation impacts of land development projects under CEQA. Instead, an alternative metric that supports the goals of the SB 743 legislation will be required. Although there is no requirement to use any particular metric, the use of VMT has been recommended by the Governor's Office of Planning and Research (OPR). This requirement does not modify the discretion lead agencies have to develop their own methodologies or guidelines, or to analyze impacts to other components of the transportation system, such as walking, bicycling, transit, and safety. SB 743 also applies to transportation projects, although agencies were given flexibility in the determination of the performance measure for these types of projects.

The intent of SB 743 is to bring CEQA transportation analyses into closer alignment with other statewide policies regarding greenhouse gases, complete streets, and smart growth. Using VMT as a performance measure instead of LOS is intended to discourage suburban sprawl, reduce greenhouse gas emissions, and encourage the development of smart growth, complete streets, and multimodal transportation networks.

1.2 Governor's Office of Planning and Research (OPR) Technical Advisory

The SB 743 legislation designated OPR to write detailed guidelines for implementation. The process of writing guidelines started in January 2014 and concluded in 2018. SB 743 was incorporated into CEQA by the Natural Resources Agency in December 2018 with a required implementation date of July 1, 2020. The incorporation documents included a December 2018 Technical Advisory written by OPR which represents the current statewide guidance for the implementation of SB 743.

Under CEQA, lead agencies can determine their own methodologies and significance thresholds for CEQA technical analyses, but they are also required to provide substantial evidence as a basis of their decisions, if challenged. In its Technical Advisory, OPR generally provides substantial evidence for its recommendation. However, even OPR's recommendations are subject to challenge, and if an agency were to rely on the Technical Advisory recommendations, that agency would need to be prepared to defend the recommendations and produce the substantial evidence. OPR is not in a position to defend the Technical Advisory recommendations on behalf of agencies that choose to use it.

While OPR provides recommendations on many aspects of conducting a CEQA transportation analysis using VMT, OPR's guidance is not comprehensive and some key decisions are left for lead agencies to determine.



1.3 Definition of Vehicle Miles Traveled (VMT)

Vehicle miles traveled (VMT) is a performance measure used in transportation planning for a variety of purposes. It measures the amount of vehicle travel in a geographic region over a given period of time. When one vehicle travels a distance of one mile, it generates one vehicle mile traveled. In this Guideline, VMT is measured in terms of vehicle miles traveled per day. In the case of VMT analyses conducted for CEQA transportation studies, the vehicle to be analyzed are autos and light trucks. Goods movement is specifically excluded from a requirement to conduct VMT analysis.

VMT, as used in the Guideline, is often expressed in efficiency measures including VMT/capita and VMT/employee. In order to determine VMT/capita, the total VMT generated per day would be divided by the number of residents in a given area (for example a project, a traffic analysis zone, or all of Tulare County). VMT/employee is calculated similarly using employees rather than residents.

1.4 Consistency with Other County Transportation Policies

A key element of the Tulare County's Climate Action Plan (December 2018) is the reduction of VMT. These Guidelines will help support Tulare County's Climate Action Plan through implementation of VMT-reducing strategies at a project level.

In addition to the Climate Action Plan (CAP), the Tulare County General Plan includes a number of goals that relate to climate change, sustainability, and multimodal transportation networks. The implementation of SB 743 will support these goals by measuring the CEQA transportation impacts of land development and transportation projects in terms of vehicle miles traveled. Use of this performance measure will encourage projects to provide improvements that will support walking, bicycling, and travel by transit, all of which will support the County's climate change and sustainability goals. In some cases, project applicants may incorporate multimodal improvements as a project feature and in other cases, they may be encouraged to provide improvements as mitigation for significant VMT impacts.

The Circulation Element of the General Plan identifies a target goal of level of service D (LOS D) for roadway operations. Historically, LOS D has also been used as a significance threshold for CEQA transportation analysis. After July 1, 2020, as specified in SB 743, roadway operations will no longer be an acceptable CEQA significance threshold and the County Circulation Element will be amended to reflect this change. Maintenance of level of service D or better roadway operations will still be an important goal for the County, but actions to achieve this goal will be outside the CEQA process. Chapter 6 of this report provides a recommended methodology for conducting roadway operational analysis and the provision of roadway improvements after the implementation of SB 743.



2 PURPOSE AND OBJECTIVE OF VMT ANALYSIS

2.1 Purpose of VMT Analysis

Given the information provided in Chapter 1, the purposes of VMT analysis can be stated as follows:

- VMT analysis is needed to meet statewide requirements for transportation analyses conducted under CEQA.
- VMT analysis (along with efforts to reduce VMT) can help support Tulare County's climate goals for climate change, sustainability, and multimodal transportation networks as described in the General Plan and adopted Climate Action Plan.

2.2 Purpose of SB 743 Guidelines

The SB 743 Guidelines provide direction to county staff, consultants, and project applicants regarding the methodologies and thresholds to be used for VMT analysis within the unincorporated area of Tulare County. Basic principles for conducting VMT analysis are obtained from OPR's Technical Advisory revisions have been made to reflect local characteristics.

Although these Guidelines are intended to be comprehensive, not all aspects of VMT analysis can be addressed in a single document. County staff will need to use judgment in applying these Guidelines to specific projects and situations. Exceptions and additions to the Guidelines will need to occur on a case-by-case basis.

2.3 Coordination with Other Agencies

Preparation of a VMT analysis will require coordination with other agencies as follows:

- Caltrans will review and provide comments on certain VMT analyses, particularly if the project requires a Caltrans encroachment permit or if it is considered to have a substantial effect on state highway facilities (such as freeways, on and off ramps, rural state routes, roundabouts, etc.).
- Although most VMT analyses are expected to be conducted using the methodology included in these Guidelines, it may be determined that a regional travel demand model is the most acceptable methodology for some projects. In these cases, use of the Tulare County Association of Governments (TCAG) model is recommended and coordination with TCAG should occur.
- Additional coordination with adjacent counties and incorporated cities within Tulare County will not typically be necessary to implement SB 743 unless a proposed mitigation measure crosses jurisdictional boundaries. It should be noted that detailed coordination on transportation issues already exists between the county and the incorporated relating to the adoption of development impact fees. Consultation with potentially impacted jurisdictions should occur early in the process to ensure compatible methodologies and ultimate results are mutually agreed upon.



3 LAND DEVELOPMENT PROJECTS

This chapter provides guidance on conducting VMT analyses for land development projects, including single-use projects, mixed-use projects, redevelopment projects (i.e. any project that replaces an existing development rather than being built on vacant/undeveloped land), and specific plans.

3.1 Overview of Analysis

The VMT analysis methodology for land development projects was developed in order to accomplish the following:

- Meet the requirements of CEQA, including the new SB 743 regulations that were adopted into CEQA in December 2018 and go into effect on July 1, 2020.
- Provide for transportation improvements to be built that benefit Tulare County residents and facilitate travel by walking, bicycling, and transit.
- Provide for analysis and mitigation of VMT impacts in a way that is feasible and within the scale of land development projects in Tulare County.

The starting point for the VMT analysis provided in these Guidelines was OPR's December 2018 technical advisory. OPR recommends determining the project VMT/capita or VMT/employee and comparing it to regional and/or city-wide averages. For urban, suburban, and rural areas within counties that are part of Metropolitan Planning Areas (MPO's), OPR recommends use of VMT/capita and VMT/employee significance thresholds that are 15% below the relevant averages. OPR also states that for rural areas outside MPO's, significance thresholds may be best determined on a case-by-case basis.

It is important to note that VMT analysis, as described in these Guidelines only applies to passenger travel, not goods movement (as defined earlier). The following (referring to CEQA) is contained in OPR's technical advisory: "Section 15064.3, subdivision (a), states, 'For the purposes of this section, vehicle miles traveled refers to the amount and distance of automobile travel attributable to a project. Here, the term 'automobile' refers to on-road passenger vehicles, specifically cars and light trucks.'" Therefore, trips related to the movement of goods for agricultural or industrial purposes would not be subject to a VMT analysis and would be considered to have a less than significant impact on the transportation system. For projects that include both auto and truck (i.e. goods movement) trips only the auto trips would be analyzed. When determining mitigation measures, only a project's auto trips would be considered.

Building on the OPR guidance, these Guidelines provide a refined VMT analysis specifically tailored to the unincorporated areas within the County of Tulare's jurisdiction. These Guidelines extend OPR's concept of determining significance thresholds for rural areas on a case-by-case basis to Tulare County based on the concept that travel behavior in the small town and rural areas of Tulare County is similar to travel behavior in the rural portions of non-MPO counties.

Project VMT/capita and VMT/employee can be most easily determined using a travel demand model, either by running the model for each specific project VMT analysis or by creating maps and tables showing average VMT/capita and VMT/employee values for the area of interest. Many types



of transportation analyses in Tulare County should be conducted using the TCAG regional travel demand model and this model can potentially be used for VMT analysis if a model run is conducted for each project. However, TCAG does not provide map or table based VMT/capita and VMT/employee values. Instead VMT analysis can be conducted using the California Statewide Travel Demand Model (CSTDM), developed and maintained by Caltrans. Caltrans has provided base-year (2010) and horizon year (2040) VMT/capita and VMT/employee values for the entire state broken down by county and by geographical units known as traffic analysis zones (TAZ's) within each county.

In its Technical Advisory, OPR refers to the process described earlier for small projects as “map-based screening”. OPR recommends this methodology for determining which projects are located in VMT-efficient areas and can therefore be “screened out” from requiring a VMT analysis. For Tulare County, this process is extended to allow for the map-based analysis of VMT/capita and VMT/employee values.

Thresholds of significance for VMT analysis are also based on OPR's recommendations, but some refinements have been made to reflect the predominantly rural character of Tulare County; following are refinements applicable to Tulare County:

- OPR recommends that residential and office projects compare project VMT/capita or VMT/employee to regional or city-wide average. For Tulare County, due to its predominantly rural character, these comparisons are made between project VMT and the average VMT/capita or between project VMT/employee for the average VMT/employee in the TAZ in which the project is located.
- OPR recommends a significance threshold of 15% below average. For Tulare County, the significance threshold is below the TAZ average. Therefore, projects that have a VMT/capita or VMT/employee equal to or above the average VMT/capita or VMT/employee in the TAZ in which the project is located would be presumed to have a significant transportation impact.
- OPR recommends that local-serving retail projects can be presumed to have a less than significant transportation impact. This is because local-serving retail typically reduces trip lengths by providing additional destinations that tend to replace trips to more distant retail locations. For Tulare County, this concept is also used and it is extended to other types of local-serving projects such as schools, public facilities, parks, and local-serving medical offices.
- OPR recommends that a regional retail project may have a significant impact if results in a net increase in total VMT. This threshold is also used by Tulare County.
- OPR does not recommend a specific threshold for industrial projects. For Tulare County, an industrial project has a significant impact if its VMT/employee equals or exceeds average VMT/employee for the TAZ in which the project is located. It should be noted that goods movement is not subject to VMT analysis. Therefore, goods movement trips associated with an industrial project would not be included when determining VMT/employee.



While many projects will go through the process described above to analyze VMT, some projects will be determined to be “screened out” due to project size or project type. These projects are described in Section 3.2.

Figure 3-1 shows a flow chart that summarizes the VMT analysis process. Tulare County Traffic Zone Analysis Maps are shown in Figure 3-2. These maps provide a general indication of the location of TAZ’s within Tulare County. At the time of preparation of this report, more detailed TAZ maps were available on the website of the Northern California Section of the Institute of Transportation Engineers (www.norcalite.org). In the future these maps may be available from Tulare County staff or the Caltrans SB 743 website (<https://dot.ca.gov/programs/transportation-planning/office-of-smart-mobility-climate-change/sb-743>). VMT/capita and VMT/employee values for base year conditions based on the CSTDM are shown in Table 3-1.

It should be noted that some projects include a mix of land uses. For these projects, one way to conduct the VMT analysis would be to use the methodology described above and analyze VMT impacts and mitigation for each land use type separately. An alternative approach would be to conduct an analysis determine the VMT reduction that would occur due to internal capture (i.e. trips between different land uses that occur within the project site). The information in Appendix A may be helpful in determining VMT reductions for mixed use projects.

3.2 Screening Criteria

Following is a description of projects that would have a less than significant transportation impact due to project size or project type. If a project meets at least one of the following screening criteria, it would not require a detailed VMT analysis.

3.2.1 Small Projects

Some projects are small enough that they can be presumed to have a less than significant transportation impact without doing a detailed VMT analysis. For Tulare County, projects that generate less than 500 trips per day can be presumed to have a less than significant impact (see Appendix D for additional information on how this value was determined). Trip generation would normally be determined using the current edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. Other potential sources include the San Diego Association of Governments (SANDAG) trip generation guide (Not So Brief Guide of Vehicular Traffic Generation Rates in the San Diego Region, April 2002), articles in the ITE Journal, as well as trip generation rates obtained from other accepted sources. In some cases, project applicants may choose to conduct counts of existing similar facilities in order to determine trip generation rates.

3.2.2 Local-Serving Retail and Similar Land Uses

Consistent with OPR’s Technical Advisory, local-serving retail uses are presumed to have a less than significant impact on VMT since they tend to attract vehicle trips from adjacent areas that would have otherwise been made to more distant retail locations. This presumption also applies in Tulare County.



Most retail developments in the unincorporated area of Tulare County are anticipated to be local serving. In cases where there is reasonable doubt on whether a project is local serving or regional, County staff can exercise an option of requesting, or requiring, a market study to assist in the evaluation/determination of localness or regionality.

Other developments that are not technically retail may fall under this category such as medical offices, insurance agents, and other offices that are intended to serve the general public. See Appendix E for a list of projects that would fall into this category based on the County's zoning code. Project applicants are encouraged to submit a written analysis to Tulare County for a determination on whether the local serving status applies.

3.2.3 Local-Serving Public Facilities

Similar to retail land uses, local-serving public facilities are presumed to have a less than significant impact on VMT. This would include government facilities intended to typically serve the local public, parks, and public elementary schools, public middle schools, and high schools.

3.2.4 Affordable and Farmworker Housing Projects

OPR's Technical Advisory allows for a less than significant finding for transportation impacts of residential projects that are 100% affordable housing located in infill areas. For Tulare County, affordable housing is defined as affordable to all persons with a household income equal to or less than 50% of the area median income (as defined by California Health and Safety Code Section 50093), housing for senior citizens, housing for transitional foster youth, disabled veterans, and homeless persons. In addition, this screening category applies to all 100% affordable housing projects that meet the detailed criteria above, regardless of whether they are located in infill areas. It also applies to all developments intended primarily for farm worker housing regardless of their status with respect to affordability.

3.2.5 Redevelopment Projects That Result in a Net Reduction of VMT

According to CEQA, projects are considered to have a less than significant impact if they result in a net reduction in the relevant performance measure (in this case VMT). Therefore, redevelopment projects in Tulare County that generate less VMT than the existing project they are replacing would be considered to have a less than significant impact on VMT. For the purposes of VMT analysis, a redevelopment project is any project that replaces an existing development rather than being built on vacant/undeveloped land. Since VMT/capita and VMT/employee are efficiency metrics, a redevelopment project that would produce more VMT than the existing project it is replacing would need to conduct a VMT analysis assuming the proposed land use (with no credit taken for the existing land use) to determine whether the proposed project meets the applicable significance thresholds (i.e. a value below the average VMT/capita or VMT/employee of the TAZ in which the project is located).



3.2.6 Mixed-Use Projects That Result in a Net Reduction of VMT

Mixed-use projects typically generate less VMT than the individual component land uses would generate if they were built on separate project sites because mixed-use projects allow some trips to be made by walking or by short vehicle trips which would occur within or very near the project site. Mixed-use projects that wish to demonstrate a net reduction in VMT would need to conduct an internal capture analysis using the methodology described in the current edition Institute of Transportation Engineers Trip Generation Handbook. Once a reduction in VMT is demonstrated through internal capture, the VMT reduction would be used to indicate a reduced level of VMT/capita or VMT/employee for one or more of the individual land uses. After applying this reduction, the individual land use components of the project would be analyzed separately with respect to applicable significance thresholds.

3.3 Significance Thresholds

Significance thresholds for land development projects are summarized below. Additional discussion and substantial evidence can be found in Appendix C.

- Residential Projects: A significant transportation impact occurs if the project VMT per capita equals or exceeds the average VMT per capita for the TAZ where the project is located.
- Office Projects: A significant transportation impact occurs if the project VMT per employee equals or exceeds the average VMT per employee for the TAZ where the project is located.
- Regional Retail Projects: A significant transportation impact occurs if the project results in a net increase in VMT.
- Industrial Projects: A significant transportation impact occurs if the project VMT per employee exceeds the average VMT per employee for the TAZ where the project is located.

Appendix B includes information on project types not described above.

3.4 Mitigation

The preferred method of VMT mitigation in Tulare County is for project applicants to provide transportation improvements that facilitate travel by walking, bicycling, or transit. This can be accomplished as follows:

- A survey should be conducted within one half mile of the project site to determine any gaps in facilities for walking, bicycling, or transit. For example, this could include repair of damaged or construction of new sidewalks, installation of curb ramps, provision of bicycle facilities, or improvement to transit stops or access to transit routes. For bicycle facilities, the improvement could be a Class I, II, or III bicycle facility consistent with TCAG's Regional Active Transportation Plan or Tulare County Complete Streets plans and programs.
- If suitable improvements are not found within one half mile of the project site, improvements could be suggested in more remote locations as long as they support walking, bicycling, and transit in the unincorporated area of Tulare County.



- The project list in Appendix F, based on the TCAG Regional Active Transportation Plan, can be consulted for potential projects that could be used for VMT mitigation.
- In order to provide VMT mitigation for CEQA purposes, the cost of the mitigation provided should exceed either \$20 per average daily trip generated by the project or 0.5% of the total construction cost of the project (not including land acquisition). The \$20 value per average daily trip is based on a generally typical statewide minimum roadway mitigation value of \$2,000 per single family dwelling unit and an assumption that transit, bicycling, and walking make up approximately 1% of all trips in Tulare County. The value of 0.5% of construction cost is meant to be roughly equivalent to this value but expressed in a different way.
- If a project provides mitigation that meets either or both of the VMT mitigation costs described above, it can presume a 1% reduction in VMT for reporting purposes. The goal of this mitigation is that it will be sufficient to reduce a project's VMT impacts to a level of insignificance.
- In some cases, it may be infeasible for projects to meet the requirements described earlier. In these cases, a project may submit reasonable rationale to the County and request mitigation of VMT impacts on a regional basis. The project applicant would then provide reasonable documentation (i.e., evidence) of how its implementation would provide funding toward unfunded projects. Suitable projects may be found in the TCAG Regional Active Transportation Plan, transit development plans, bicycle and pedestrians plans adopted at the local level, or as part of complete streets projects. Payment could be made through direct or indirect payment of fees or other monetary contributions that would be used to fund relevant improvements. In order for a project to demonstrate a 1% reduction in VMT for reporting purposes, a reasonable argument must be made and submitted by the project applicant to the County for review and subsequent approval.

3.5 Step by Step Summary of VMT Analysis for Land Development Projects

Following is a step by step summary of the process for VMT analysis of land development projects. Case studies of example projects are provided in Appendix D.

- Determine whether the project is relieved of the requirements to conduct a VMT analysis using the screening criteria described in Section 3.2.
- If the project is not relieved, determine the TAZ where the project is located based on the maps shown in Figure 3-2 or the more detailed maps available from the ITE or Caltrans sources noted at the end of Section 3.1.
- Determine the average VMT/capita or VMT/employee for the TAZ in which the project is located based on Table 3-1.
- Unless the project has unique characteristics that would result in less VMT generation than a typical project, assume the project VMT/capita or VMT/employee is the same as the average for the TAZ in which the project is located. This would typically result in a significant VMT impact.



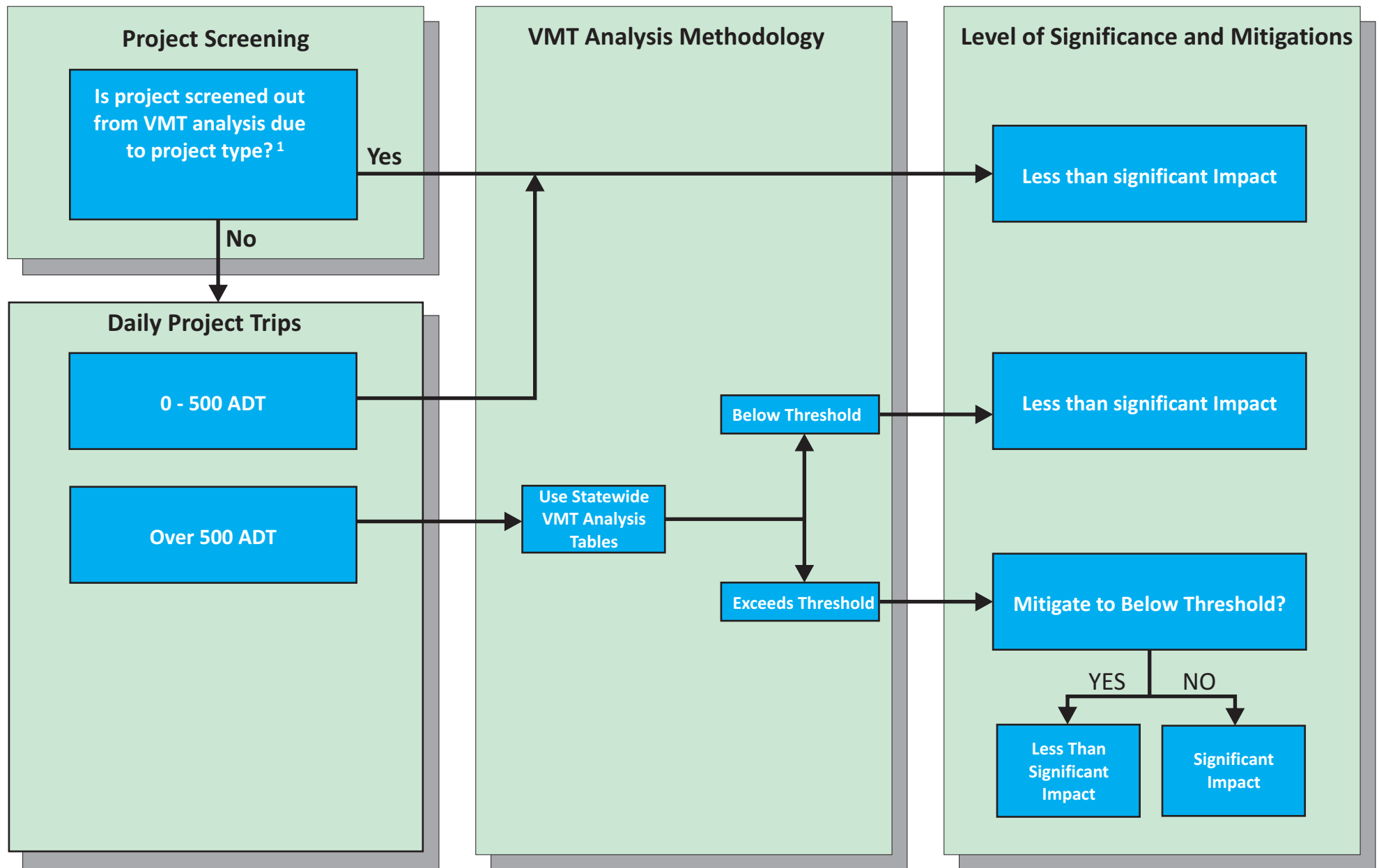
- Provide VMT mitigation as described in Section 3.4.

3.6 Additional VMT Methodologies for Unique Situations

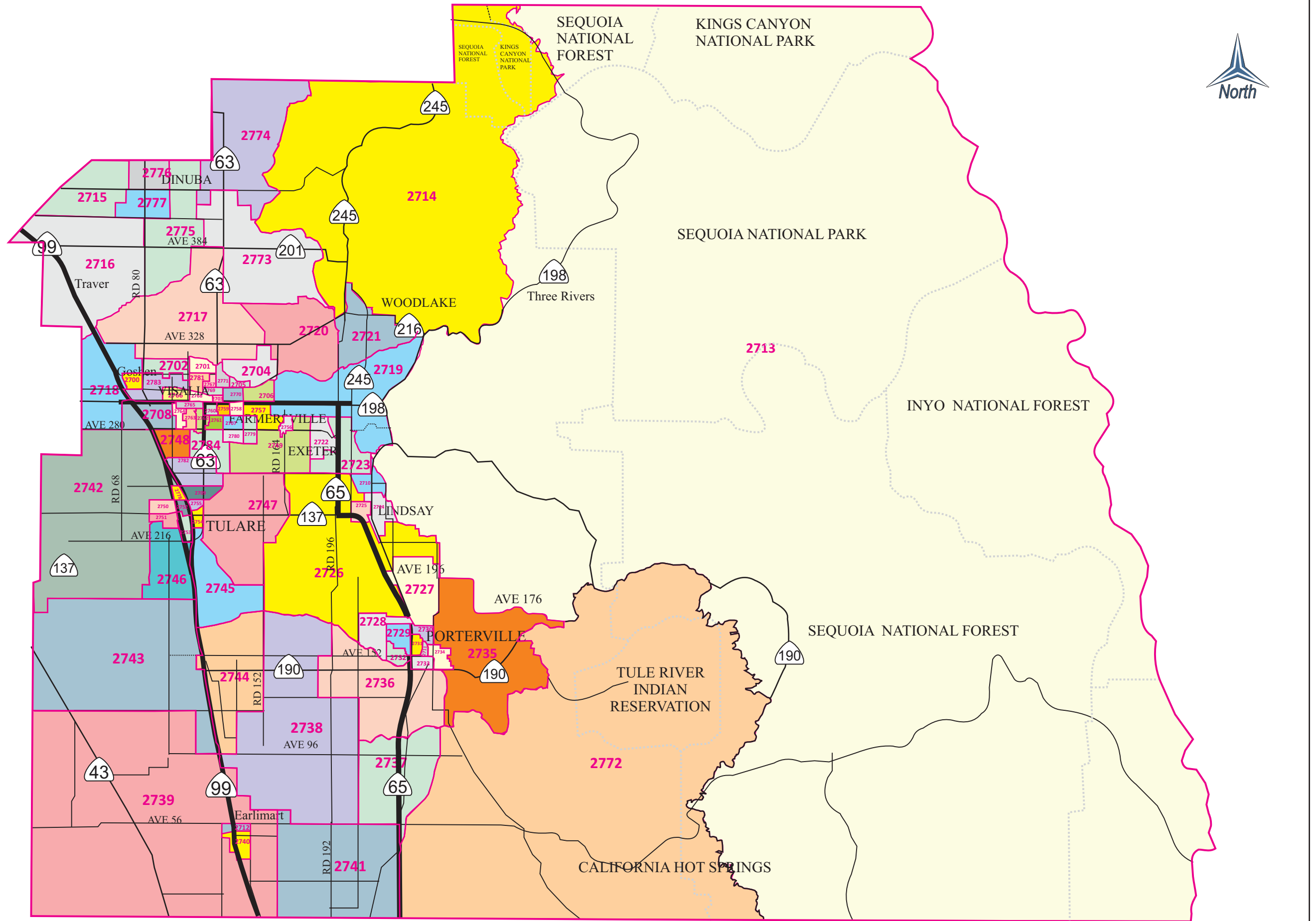
For some projects, it may be acceptable to conduct VMT analysis in an alternative manner than what is described above. This could apply to proposed very large projects that would require a model run rather than the methodology described above. It could also apply to projects that have unique VMT characteristics for which the average VMT/capita or VMT/employee in the TAZ where the project is located would not be applicable.

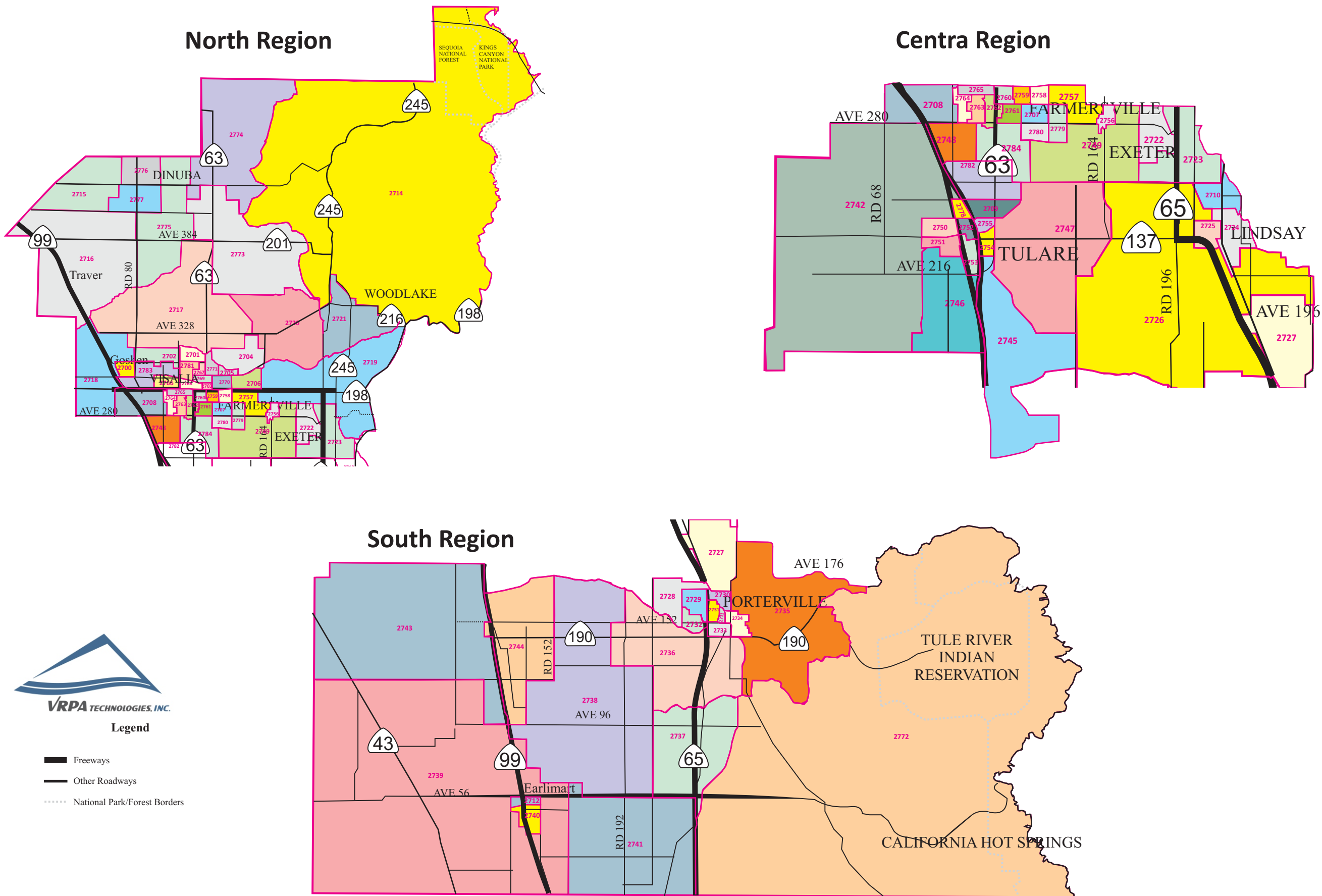


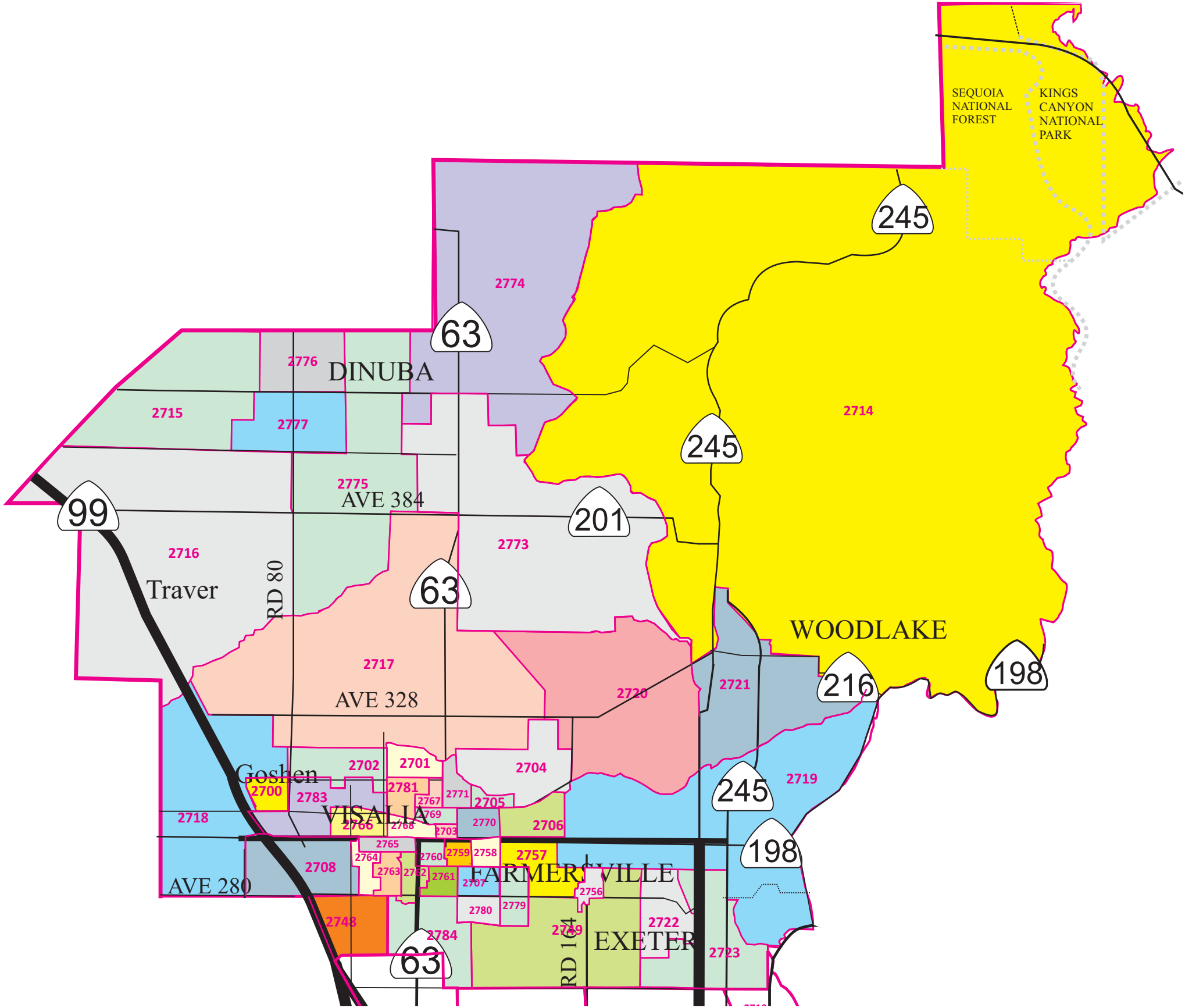
Figure 3-1
VMT Analysis for Land Development Projects



1. VMT impacts presumed to be less than significant for certain projects, including local-serving retail projects, other local-serving projects, and affordable housing projects. See section 3.2

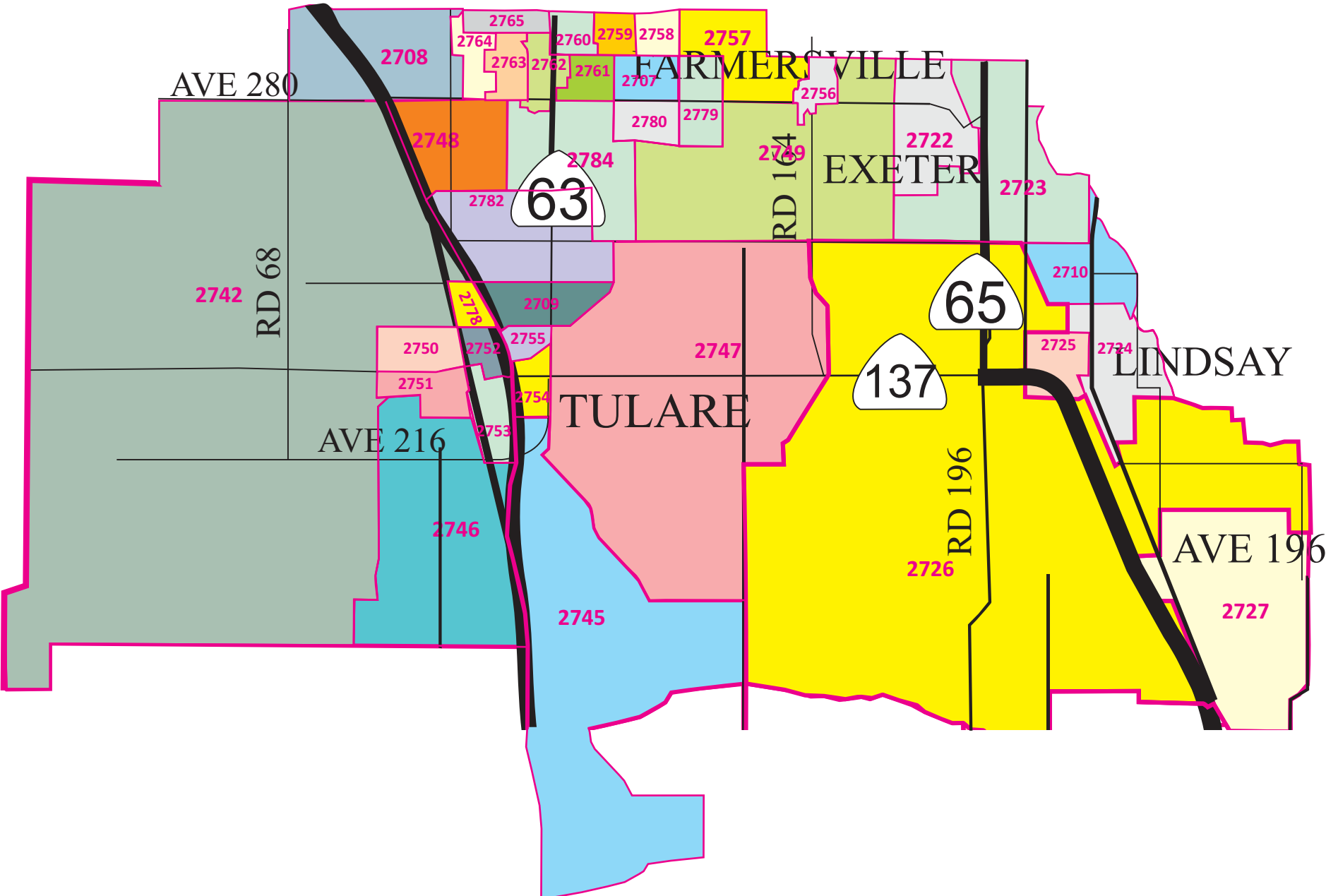






Legend

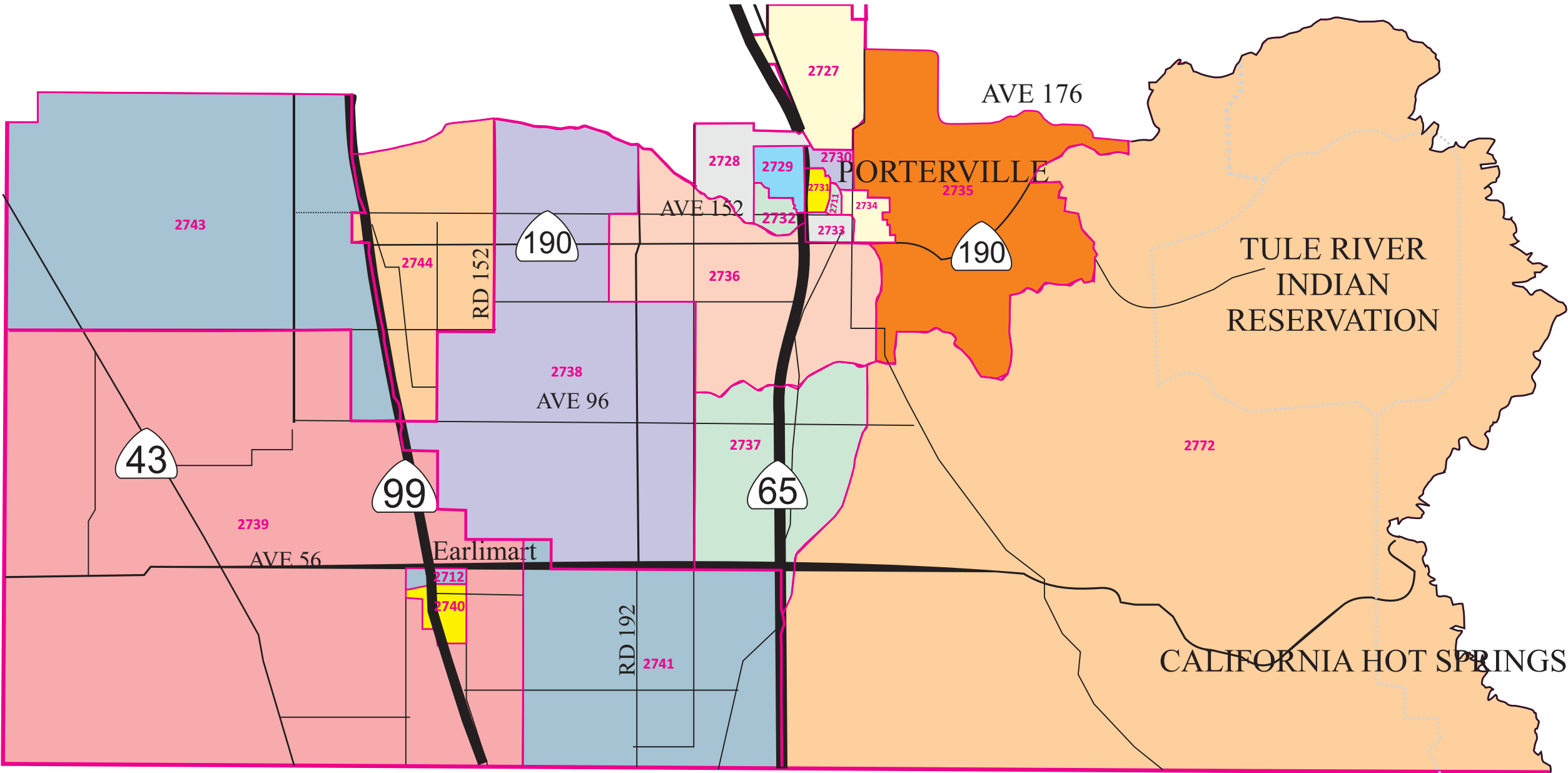
- Freeways
- Other Roadways
- National Park/Forest Borders



Legend

- Freeways
- Other Roadways
- National Park/Forest Borders





Legend

- Freeways
- Other Roadways
- National Park/Forest Borders



Table 3-1
Vehicle Miles Traveled Analysis For
Tulare County Traffic Analysis Zones

Zone Number	Community or Hamlet	Daily VMT Per Capita	Daily VMT Per Employee
2700	Goshen	14.55	30.92
2701	-	11.15	29.28
2702	-	14.15	26.10
2703	-	6.04	35.06
2704	-	15.71	28.35
2705	-	10.65	29.20
2706	-	10.71	38.62
2707	-	9.86	43.54
2708	-	12.58	30.19
2709	-	12.63	34.53
2710	Tonyville	19.05	56.72
2711	-	6.32	33.21
2712	Earlimart	9.15	31.06
2713	Springville/Three Rivers	42.71	10.59
2714	Three Rivers	31.93	20.35
2715	El Monte Mobile Village	19.09	27.40
2716	Delft Colony/London/ Traver	25.44	29.38
2717	-	12.38	33.38
2718	Goshen/West Goshen	17.04	32.70
2719	Lindcove	21.77	29.63
2720	Ivanhoe	17.19	29.83
2721	-	18.69	27.50
2722	-	13.50	30.85
2723	Tooleville	14.79	31.46
2724	-	11.81	30.44
2725	-	13.31	29.41
2726	-	20.24	34.32
2727	Strathmore	16.10	33.58
2728	-	9.82	32.62
2729	-	8.09	30.10
2730	-	8.01	32.60
2731	-	6.66	30.62
2732	-	8.88	30.30
2733	-	7.21	30.79
2734	-	8.03	29.61
2735	-	11.51	21.49
2736	-	11.44	24.87
2737	Ducor/Terra Bella	19.68	29.09
2738	Pixley	20.12	30.16

Table 3-1
Vehicle Miles Traveled Analysis For
Tulare County Traffic Analysis Zones

Zone Number	Community or Hamlet	Daily VMT Per Capita	Daily VMT Per Employee
2739	Allensworth/Alpaugh/ Pixley/Teviston	30.12	29.82
2740	Earlimart	11.64	21.63
2741	Richgrove	18.37	26.05
2742	Waukena	17.78	26.01
2743	Pixley/Tipton	27.56	24.40
2744	Pixley/Tipton	20.76	26.87
2745	-	16.65	32.27
2746	Matheny Tract	12.85	29.18
2747	East Tulare Villa	16.42	28.45
2748	-	12.60	26.38
2749	Hypericum	16.19	33.14
2750	-	9.01	28.45
2751	-	9.33	32.38
2752	-	10.02	30.39
2753	-	9.56	32.21
2754	-	11.09	29.55
2755	-	10.95	27.58
2756	-	11.72	31.01
2757	-	11.27	32.23
2758	-	9.42	30.43
2759	-	8.03	34.14
2760	-	7.61	31.43
2761	-	9.14	35.02
2762	-	7.71	31.64
2763	-	9.38	28.72
2764	-	8.84	30.90
2765	-	7.67	29.21
2766	-	9.38	30.28
2767	-	8.62	27.66
2768	-	7.22	28.65
2769	-	7.06	33.28
2770	-	8.25	30.83
2771	-	8.76	32.23
2772	Springville	31.70	16.76
2773	Cutler-Orosi/Seville	16.75	30.49
2774	Cutler-Orosi/ East Orosi/ Yetttem	17.01	27.17
2775	Monson/Sultana	19.27	25.81

Table 3-1
Vehicle Miles Traveled Analysis For
Tulare County Traffic Analysis Zones

Zone Number	Community or Hamlet	Daily VMT Per Capita	Daily VMT Per Employee
2776	-	11.95	24.62
2777	-	10.70	26.16
2778	-	13.40	30.99
2779	-	12.98	26.01
2780	-	9.82	31.55
2781	-	8.35	29.40
2782	-	15.04	25.60
2783	Goshen	10.50	27.12
2784	-	10.31	24.49

4 UPDATE OF THE GENERAL PLAN AND COMMUNITY PLANS

This chapter provides guidance on VMT analysis for updates to the General Plan and Community Plans.

4.1 VMT Analysis

VMT analysis for the General Plan or Community Plans would generally be conducted by comparing the total VMT/capita of the study area with the plan in the planning horizon year to the VMT/capita of the study area in the base year. This analysis would be conducted using the TCAG regional travel for updates to the General Plan. For updates to community plans, the VMT analysis could be conducted using the TCAG regional travel demand model or using sketch planning techniques. The base year of the analysis would typically be the base year of the model if a travel demand model is used for the calculations or existing conditions if sketch planning techniques are used.

4.2 Significance Thresholds

A significant impact would result if the VMT/capita of the study area within the planning horizon year exceeds the VMT/capita of the study area in the base year.

4.3 Mitigation

VMT mitigation for the General Plan and Community Plans would typically consist of adding new facilities or improvements to facilitate walking, bicycling, or transit or by reducing the level of roadway improvements included in the applicable plan.



5 TRANSPORTATION PROJECTS

SB 743 also applies to transportation projects. Consistent with the adoption language when SB 743 was incorporated into CEQA by the Natural Resources Agency, lead agencies have the discretion to continue using level of service and delay as the performance measure to determine the impacts of transportation projects or to choose a different performance measure. As recommended in OPR's Technical Advisory, Tulare County has determined that it is acceptable to use VMT as the performance measure for transportation projects.

5.1 Screening Criteria

Consistent with OPR's Technical Advisory, certain types of transportation projects are presumed to have a less than significant impact on transportation. A list of these project types is shown below. Additional project types that have similar VMT characteristics to the projects described below can also be presumed to have a less than significant impact. A determination of whether a proposed project has similar VMT characteristics to the project types listed below will need to be conducted at the time of analysis.

Certain roadway projects would also have a less than significant impact. This could occur when a new roadway is proposed that would reduce the lengths required between local origins and destinations. For example, a proposed new roadway could reduce VMT if it allowed for less out of direction travel to key destinations than existing available travel routes.

The projects that meet the screening criteria have been categorized into different project types and they include the following:

Maintenance

- Rehabilitation, maintenance, replacement, safety, and repair projects designed to improve the condition of or replace existing transportation assets for example, highways; roadways; bridges; culverts; etc.; that are structurally deficient or functionally obsolete (e.g., using Caltrans and/or County of Tulare criteria) to current engineering standards and that do not add additional motor vehicle capacity
- Rehabilitation and maintenance projects that do not add motor vehicle capacity

Safety

- Roadside safety devices or hardware installation such as median barriers and guardrails
- Roadway shoulder enhancements to provide "breakdown space," dedicated space for use only by transit vehicles, to provide bicycle access, or to otherwise improve safety, but which will not be used as automobile vehicle travel lanes
- Addition of an auxiliary lane of less than one mile in length designed to improve roadway safety
- Grade separation to separate vehicles from rail, transit, pedestrians or bicycles



- Addition of passing lanes, truck climbing lanes, or truck brake-check lanes in rural areas that do not increase overall vehicle capacity along the corridor

Operational Improvements

- Installation, removal, or reconfiguration of traffic lanes that are not for through traffic, such as left, right, and U-turn pockets, two-way left turn lanes, or emergency breakdown lanes that are not utilized as through lanes
- Addition of roadway capacity on local or collector streets provided the project also substantially improves conditions for pedestrians, cyclists, and, if applicable, transit
- Conversion of existing general purpose lanes (including ramps) to managed lanes or transit lanes, or changing lane management in a manner that would not increase vehicle travel
- Installation, removal, or reconfiguration of traffic control devices
- Timing of signals to optimize vehicle, bicycle, or pedestrian flow
- Installation of roundabouts or traffic circles
- Installation of publicly available alternative fuel/charging infrastructure

Transit

- Addition of a new lane that is permanently restricted to use only by transit vehicles
- Initiation of new transit service

Reductions in Roadway Capacity

- Reduction in number of through lanes

Pedestrian and Bicycle Facilities

- Addition of new or enhanced bike or pedestrian facilities on existing streets/highways or within existing public rights-of-way
- Addition of Class I bike paths, trails, multi-use paths, or other off-road facilities that serve non-motorized travel

5.2 Vehicle Miles Traveled Analysis

VMT analysis of roadway projects that do not meet the screening criteria described above is conducted by determining whether the project was included in the General Plan

For projects that do require VMT analysis, the typical approach would be to use the TCAG regional travel demand model and compare a model run without the project to a model run with the project and determine the net change in total VMT. Any net increase in VMT would result in a significant



impact. It may also be possible to use sketch planning techniques to calculate VMT for a small-scale transportation project if the size of the project would so small as to be unreasonable for inclusion in a regional travel model. The methodology would vary depending on the project and would most likely include estimating VMT based on key origins and destinations of travelers using the facility.

5.3 Significance Thresholds

Following is the significance threshold for transportation projects:

- Transportation Projects: A significant transportation impact occurs if the proposed project would result in a higher level of VMT than was anticipated for the project in the General Plan Circulation Transportation and Circulation Element or Community Plan or if a capacity increasing project is proposed that was not included in the General Plan Transportation and Circulation Element.

5.4 Mitigation

VMT mitigation measures for roadway projects could include the provision of improvements that facilitate walking, bicycling, or transit.



6 LOCAL TRANSPORTATION ANALYSIS

Although SB 743 changes the CEQA transportation performance measure from level of service to vehicle miles traveled (VMT), it does not affect a local agency's ability to analyze roadway operations and require land development projects to provide improvements when the traffic generated by a project will affect the local roadway system. In Tulare County, a local transportation analysis (LTA) should be generally be provided for land development projects that generate more than 100 peak hour trips. The purpose of the LTA is to analyze traffic generated by the project and recommend transportation improvements to accommodate increases in traffic. An LTA should generally be provided for transportation projects that add 100 or more trips to other roadways or intersections. While the focus of the analysis will typically be on the roadway system, the LTA should also recommend any improvements needed to facilitate walking, bicycling, and transit in the area of the project site, regardless of whether the project has significant or less than significant impact on VMT. This section describes the recommended methodology for analysis of local roadway conditions.

The purpose of an LTA is to forecast, describe, and analyze how a development will affect existing and future circulation infrastructure for users of the roadway system, including vehicles, bicycles, pedestrians, and transit. The LTA assists transportation engineers and planners in both the development community and public agencies when making land use, mobility infrastructure, and other development decisions. An LTA quantifies the expected changes in transportation conditions and translates these changes into transportation system effects in the vicinity of a project.

The roadway transportation analysis included in an LTA is separate from the transportation impact analysis conducted as part of the environmental (CEQA) project review process described earlier. The purpose of the roadway transportation analysis is to ensure that all project applicants provide reasonable transportation infrastructure improvements in order to accommodate their multimodal transportation demands.

Unique situations may call for variation from these Guidelines. It is recommended that consultants who prepare an LTA conduct early coordination with Tulare County staff. This could include submitting a scoping letter (e.g., a methodology memorandum) for review by Tulare County to verify the application of these Guidelines and to identify any analysis needed to address unique circumstances. Caltrans and lead agencies may need to consult and agree on the specific methods used in local transportation analysis studies involving any State Route facilities

6.1 Need for a Study

An LTA is required for all projects which generate traffic greater than 100 peak-hour trips in the AM or PM peak hours.

6.2 Study Parameters

It is recommended that the geographic area examined in the LTA include all key intersections, local roadway segments between signalized intersections, intersections, freeway entry and exit ramps, and mainline freeway locations where the proposed project will add 50 or more peak hour trips in either direction to the existing roadway traffic.

The data used in the LTA should not be more than two years old and should not reflect a temporary interruption (special events, construction detour, etc.) in the normal traffic patterns unless that is the



nature of the project itself. If recent traffic data is not available, current counts should be made by the project applicant's consultant.

Tulare County's goal for roadway level of service (LOS) on all freeways, roadway segments, and intersections is LOS D. Roadway capacity analysis shall be conducted for the study area described earlier and improvements shall be considered for locations which are projected to operate worse than level of service D (i.e. level of service E or F). Projects shall provide physical improvements or a fair share payment toward physical improvements when it contributes a 5% or higher increase in traffic to a roadway facility anticipated to operate at level of service E or F.

6.3 Scenarios to be Studied

The following scenarios are required to be addressed in the roadway analysis (unless there is concurrence with the lead agency that one or more of these scenarios may be omitted). Situations where a one or more scenarios may be omitted include the following:

- Small projects in areas where roadways are known to be adequate for anticipated future conditions would not require a Horizon Year or Horizon Year + Proposed Project scenario.
- In areas where there are no nearby cumulative developments and substantial increases in near-term traffic are not anticipated would not require a Near-term or Near-term + Proposed Project scenario.

Existing Conditions: Document existing traffic levels and peak-hour levels of service in the study area. Identify locations where roadways do not meet target levels of service for existing conditions.

Existing Plus Project Conditions: Analyze the effect of the proposed project in addition to existing conditions. This scenario identifies the effect of a project on the transportation network with no other changes in conditions.

Near-term (approved and pending): Analyze the cumulative conditions resulting from the development of "other" approved and "reasonably foreseeable" pending projects that are anticipated to influence the study area. This is the baseline against which project effects are assessed. Tulare County (or adjacent jurisdictions) can provide copies of the traffic studies of previously-approved projects. If data is not available for near-term cumulative projects, a percentage per year growth factor should be used. If applicable, transportation network improvements should also be included in this scenario. This would include programmed and fully funded network improvements that are scheduled to open prior to the project's anticipated opening day.

Near-term + Proposed Project: Analyze the effects of the proposed project at its anticipated opening day in addition to near-term baseline conditions.

Horizon Year: Identify traffic forecasts, typically approximately 20 years into the future, through the output of a TCAG model forecast or other traffic forecast methodology approved by the County of Tulare.

Horizon Year + Proposed Project: Analyze the additional project traffic effect to the horizon year condition. When reasonable, and particularly in the case of very large developments or new general/community plans, the TCAG model should be run with, and without, the additional development to show the net effect on all parts of the area's transportation system.



6.4 Project Trip Generation and Distribution

Project trip generation would normally be determined using the current edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. Other potential sources include the San Diego Association of Governments (SANDAG) trip generation guide (Not So Brief Guide of Vehicular Traffic Generation Rates in the San Diego Region, April 2002), articles in the ITE Journal, as well as trip generation rates obtained from other accepted sources. In some cases projects may choose to conduct counts of existing similar facilities in order to determine trip generation rates.

Reasonable reductions to trip rates should also be considered with proper analysis of pass-by and diverted traffic on adjacent roadways and for mixed-use developments.

Project trips shall be assigned and distributed either based on estimated trip distribution patterns or through use of the TCAG model. The magnitude of the proposed project will usually determine which method is employed.

For projects using the manual method the trip distribution percentages shall be derived from existing local traffic patterns using professional judgement. For projects using the computer model, the trip distribution percentages shall be derived from a select zone assignment. The centroid connectors should accurately represent project access to the street network.

6.5 Analysis of Project Effect on the Roadway System

The LTA shall include a roadway analysis to determine the effect that the project will have for each of the previously outlined study scenarios. This will include daily or peak-hour capacity analyses for freeways and roadway segments. Intersections and freeway ramp merge/diverge areas shall be conducted based on AM and PM peak hour conditions. The capacity analysis shall be conducted for all of the traffic analysis scenarios described earlier. The analysis will typically be conducted using the most recent edition of the Highway Capacity Manual for intersections and freeway ramp merge/diverge areas.

6.6 Need for Roadway Improvements

Roadway improvements or a fair share contribution for roadway improvements shall be recommended for any roadway facilities that are anticipated to operate worse than the target of level of service D. Following is specific guidance for individual situations:

- For unsignalized intersections that are anticipated to operate at LOS E or F, a signal warrant analysis shall be conducted using peak hour warrants. If this analysis indicates that a traffic signal is not warranted, alternative improvements to achieve LOS D or better should be recommended, if feasible. If no feasible improvements to achieve LOS D or better are available, the intersection can be determined to operate at LOS D and no improvements would be needed.
- For roadway segments that are anticipated to operate at LOS E or F using roadway segment analysis, consideration shall be given to the operation of the traffic signals at either end of the segment (if applicable). If the adjacent traffic signals are anticipated to operate at LOS D or better, the roadway segment shall not need improvements.



- For all facilities, roadway improvements will not be needed if the project traffic is less than 5% of total traffic with the project.
- In cases where a fair share payment is recommended it shall be based on the project's share of total future traffic with the project. The fair share shall be determined based on the project's anticipated traffic increase divided by the total of anticipated traffic increases from the project and all other traffic increases.

6.7 Effect of Trucks on Pavements

For projects with large concentrations of truck traffic, the LTA shall include an analysis of the effect of truck traffic on the pavement condition of affected roadways. Such projects would include industrial developments of all types, sand and gravel mining, landfills, and batch processing plants. The pavement analysis shall be conducted for the same study area as the remainder of the LTA. Improvements shall be recommended whenever the project would have a substantial effect on the roadway pavement and the intent of the improvement would be to restore the pavement to the pre-project condition or better.



7 ADDITIONAL RESOURCES FOR VEHICLE MILES TRAVELED ANALYSIS

This chapter provides locations of websites that can be used to locate additional resources that may be useful in conducting VMT analyses in Tulare County and a list of reference documents.

7.1 Websites with Additional Resources

- Detailed TAZ Maps for the California Statewide Model: www.norcalite.org
- Governor’s Office of Planning and Research (ORP): <http://www.opr.ca.gov/ceqa/updates/sb-743/>
- California Air Pollution Control Officers Association (CAPCOA). This organization has provided one of the most widely used resources for VMT mitigation (Quantifying Greenhouse Gas Mitigation Measures, August 2010). It can be found at the following website: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>
- SANDAG Mobility Management Project and VMT Reduction Tool: <https://www.icommutesd.com/planners/tdm-local-governments>
- Caltrans SB 743 Website: <https://dot.ca.gov/programs/transportation-planning/office-of-smart-mobility-climate-change/sb-743>

7.2 References

Technical Advisory on Evaluating Transportation Impacts in CEQA, Governor’s Office of Planning and Research, December 2018: http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf

Climate Action Plan, Tulare County, December 2018 Update: <http://generalplan.co.tulare.ca.us/> then click on “Climate Action Plan 2018 Update”

Tulare County General Plan, 2030 Update, August 2012: <http://generalplan.co.tulare.ca.us/>

Trip Generation, Institute of Transportation Engineers, 10th Edition: <https://itetripngen.org/index.html>

(Not So) Brief Guide of Vehicular Trip Generation for the San Diego Region, San Diego Association of Governments, April 2002:

https://www.sandag.org/uploads/publicationid/publicationid_1140_5044.pdf

Trip Generation Handbook, Institute of Transportation Engineers, 3rd Edition, September 2017:

<https://ecommerce.ite.org/IMIS/ItemDetail?iProductCode=RP-028D-E>

Regional Active Transportation Plan (with amendments): <https://tularecog.org/tcag/programs-funding/active-transportation-program-atp/regional-active-transportation-plan/tcag-regional-active-transportation-plan-walk-and-bike-tulare-county-with-amendments/>

California Health and Safety Code:

<https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=HSC>



California Public Resources Code. Section 21000 et seq. Title 14. Division 6. California Natural Resources Agency. Chapter 3. Section 15064.3, subdivision (a). Accessed May 2020 at:
https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2018_CEQA_FINAL_TEXT_122818.pdf.



APPENDIX A
ALTERNATIVE
VEHICLE MILES
TRAVELED
ANALYSIS FOR
NON-STANDARD
LAND USE TYPES



TABLE A-1: VMT ANALYSIS OF NON-STANDARD LAND USE TYPES

LAND USE TYPE	BASIS FOR DETERMINATION OF A SIGNIFICANT VEHICLE MILES TRAVELED (VMT) IMPACT
Religious	See local-serving retail
Education	See local-serving retail
Hotel	See office
Medical Office or Hospital	See local-serving retail
Library	See local-serving retail

APPENDIX B

SCREENING

CRITERIA AND

THRESHOLD

EVIDENCE

SCREENING CRITERIA AND THRESHOLD EVIDENCE

This appendix provides context and evidence for the screening criteria and threshold evidence included in Chapters 3 for Land Development Projects, Chapter 4 for Update of the General Plan and Community plans, and Chapter 5 for Transportation Projects.

Screening Criteria

Certain types of development projects are presumed to have less than significant impacts to the transportation system, and therefore would not be required to conduct a VMT analysis if any of the following criteria (that is, small projects, local-serving retail and similar uses, local-serving public facilities, affordable housing, and redevelopment projects that results in less VMT) are established, based on substantial evidence.

Small Projects

Small projects, which are whole projects with independent utility that would generate less than 500 average daily vehicle trips (ADT), would also not result in significant transportation impacts on the transportation system:

Evidence – Traffic impact analysis conducted using level of service and delay as a performance measure has traditionally used minimum values for projects that are considered large enough that an analysis is required to determine whether the project has CEQA transportation impacts. In many agencies, these minimum project sizes are documented in an agency’s traffic impact study guidelines. Although some agencies are carrying the small project size threshold forward from level of service and delay-based analyses to VMT analyses, Tulare County does not have published traffic impact study guidelines. In order to establish a minimum project size for which a project is required to conduct a VMT analysis, current minimum project sizes for VMT analysis were gathered from statewide sources as shown in Table B-1. Of the agencies listed in the table, The Sacramento region and the San Diego region stand out as jurisdictions that include rural areas such as Tulare County. The Sacramento region uses VMT specific to the region and this is considered less applicable to Tulare County than the San Diego minimum project size which is based on previous experience in conducting transportation analyses for CEQA. Of the two values listed for the San Diego region, the value of 500 ADT (i.e. 500 daily trips) for projects inconsistent with the General Plan is considered to be more applicable to Tulare County. This is because the value of 1,000 ADT for projects consistent with the General Plan is based on individual projects in the San Diego region comparing level of service and delay-based analyses with a General Plan specific to their location. However, the value of 500 ADT for projects inconsistent with the General Plan fits the situation of VMT analyses conducted in Tulare County since no previous VMT analysis will have been conducted on a project basis. Therefore, absent substantial evidence otherwise, it is reasonable to conclude that the addition of 500 or fewer daily trips could be considered not to lead to a significant impact. It should be noted that consistency with the General Plan for the purpose of this discussion means that the proposed project would be anticipated to generate equal to or fewer trips than the land use designated in the General Plan.

Local-Serving Retail and Similar Uses

Local-serving retail is defined in Tulare County as any retail development, regardless of size, that is anticipated to serve local customers. These types of developments would reduce trip lengths (and therefore VMT) by offering

Table B-1
Sample Minimum Project Size Requirements for SB 743 Analysis

Agency	Minimum Project Size	Basis for Determination
City of San Jose	Based on OPR Technical Advisory but stated in terms of sq. ft.	OPR Technical Advisory
City of Elk Grove	10 d.u. or 50,000 sq.ft. commercial	N/A
Sacramento Area Council of Governments	237 ADT	Statistical analysis of regional VMT data
City of Los Angeles	250 ADT	N/A
City of Pasadena	10 d.u./10,000 sq.ft. commercial/300 ADT	N/A
City of San Diego	Based on OPR guidelines but using local trip generation. Result is 300 ADT.	Based on OPR guidelines but using local trip generation. Result is 300 ADT.
City of Fresno	500 ADT	Comparison to greenhouse gas emissions thresholds
San Diego Region	500 ADT (for projects inconsistent with the General Plan)	Previous Traffic Impact Study Guidelines
San Diego Region	1,000 ADT (for projects consistent with the General Plan)	Previous Traffic Impact Study Guidelines

additional retail choices allowing customers to make shorter trips than they would make to more distant retail developments. This would apply to retail developments intended to serve customers in the immediate area (such as a convenience store located in a rural area). It would also apply to retail developments that would serve customers in located anywhere in the unincorporated area or Tulare County, as long as the project would reduce the need for travel to more remote retail developments in adjacent counties.

Evidence – The OPR Technical Advisory provides that “because new retail development typically redistributes shopping trips rather than creating new trips, estimating the total change in VMT (i.e., the difference in total VMT in the area affected with and without the project) is the best way to analyze a retail project’s transportation impacts.” Local serving retail generally shortens trips as longer trips from regional retail are redistributed to new local retail.

Local-Serving Public Facilities

Similar to local-serving retail, local-serving public facilities such as schools, government offices, medical offices, and parks serve the community and either produce very low VMT or divert existing trips from established local facilities.

Evidence – Similar to local serving retail, local serving public facilities would redistribute trips and would not create new trips. Thus, similar to local serving retail, trips are generally shortened as longer trips from a regional facility are redistributed to the local serving public facility. The evidence from the OPR Technical Advisory described above also applies to local-serving public facilities.

Affordable Housing Projects

Residents of affordable residential projects typically generate less VMT than residents in market rate residential projects. In recognition of this effect, and in accordance with the OPR Technical Advisory, deed-restricted affordable housing projects meet the region’s screening criteria and would not require a VMT analysis.

Projects that provide affordable housing affordable to persons with a household income equal to or less than 50 percent of the area median income as defined by California Health and Safety Code Section 50093, housing for senior citizens (as defined in Section 143.0720(e)), housing for transitional foster youth, disabled veterans, or homeless persons (as defined in 143.0720(f)) are not required to complete a VMT analysis.

Evidence –Affordable residential projects generate fewer trips than market rate residential projects. This supports the assumption that the rate of vehicle ownership is anticipated to be less for persons that qualify for affordable housing. Additionally, senior citizens, transitional foster youth, disabled veterans, and homeless individuals also have low vehicle ownership rates.

Redevelopment Projects That Result in a Net Reduction in VMT

A redevelopment project that demonstrates that the total project VMT is less than the existing land use’s total VMT is not required to complete a VMT analysis. For the purposes of VMT analysis, a redevelopment project is defined as a land development project that is proposed for a project site that already is developed as opposed to a project that is proposed to be built on a project site that is vacant.

Evidence – Consistent with the OPR Technical Advisory, “[w]here a project replaces existing VMT-generating land uses, if the replacement leads to a net overall decrease in VMT, the project would lead to a less-than-significant transportation impact. If the project leads to a net overall increase in VMT, then the thresholds described above should apply.”

Thresholds

If a project is required to complete a VMT analysis, the project’s impacts to the transportation system would be significant if the VMT would exceed the average VMT/capita or VMT/employee of the traffic analysis zone (TAZ) in which the project is located.

Residential Projects

Threshold – below average household VMT/capita in the TAZ where the project is located.

Evidence – The OPR Technical Advisory recommends the use of VMT/capita as the performance measure for VMT analysis of residential projects. It provides specific recommendations for numerical thresholds to be used on a statewide basis, but also includes the following statement: “In rural areas of non-MPO counties (i.e., areas not near established or incorporated cities or towns), fewer options may be available for reducing VMT, and significance thresholds may be best determined on a case-by-case basis. Note, however, that clustered small towns and small town main streets may have substantial VMT benefits compared to isolated rural development, similar to the transit oriented development described above.” Although Tulare County is an MPO county, these guidelines recommend the use of significance thresholds developed for the local characteristics of small town and rural areas of Tulare County. These guidelines extend the concept of rural guidelines in non-MPO counties developed on a case by case basis to the unincorporated area of Tulare County that may not be considered rural by other definitions. For the purpose of VMT analysis, the same characteristics of rural areas of non-MPO counties mentioned by OPR apply to all of Tulare County. These include lack of a high concentration of transit, pedestrian, and bicycle facilities and a high degree of reliance on the automobile mode for basic transportation. However, these guidelines acknowledge the VMT benefits of providing transit, bicycle, and pedestrian improvements in small towns and small town main streets by encouraging the use of these types of improvements as mitigation measures.

Office/Employment Projects

Threshold – below average VMT/employee in the TAZ where the project is located.

Evidence – See evidence provided above for residential projects.

Transportation Project Screening Criteria

This section provides a list of transportation projects that are presumed to have a less than significant impact; and therefore, would not be require a VMT analysis. In addition, information is provided on significance thresholds for projects that would require a VMT analysis.

Consistent with OPR’s Technical Advisory, project types that would not result in increased vehicle travel have, by the very nature of the project, a less than significant impact and can be screened out from conducting a VMT analysis. These types of projects include, but are not limited to:

- Rehabilitation/maintenance projects intended to maintain transportation facilities that do not add motor vehicle capacity or an increase of VMT
- Addition of bicycle facilities (i.e., Class I, II, or III facilities and bicycle parking).
- Intersection traffic signal improvements/turn-lane configuration changes
- Additional capacity on local/collector streets if conditions are substantially improved for active transportation modes
- Installation of roundabouts and other traffic calming devices

The following specific project types are presumed to have a less than significant impact to VMT:

- Rehabilitation, maintenance, replacement, safety, and repair projects designed to improve the condition of or replace existing transportation assets for example highways; roadways; bridges; culverts; etc.; that are structurally deficient or functionally obsolete (e.g., using Caltrans and/or County of Tulare criteria) to current engineering standards and that do not add additional motor vehicle capacity
- Roadside safety devices or hardware installation such as median barriers and guardrails
- Roadway shoulder enhancements to provide “breakdown space,” dedicated space for use only by transit vehicles, to provide bicycle access, or to otherwise improve safety, but which will not be used as automobile vehicle travel lanes
- Addition of an auxiliary lane of less than one mile in length designed to improve roadway safety
- Installation, removal, or reconfiguration of traffic lanes that are not for through traffic, such as left, right, and U-turn pockets, two-way left turn lanes, or emergency breakdown lanes that are not utilized as through lanes
- Addition of roadway capacity on local or collector streets provided the project also substantially improves conditions for pedestrians, cyclists, and, if applicable, transit
- Conversion of existing general purpose lanes (including ramps) to managed lanes or transit lanes, or changing lane management in a manner that would not increase vehicle travel
- Addition of a new lane that is permanently restricted to use only by transit vehicles
- Reduction in number of through lanes
- Timing of signals to optimize vehicle, bicycle, or pedestrian flow
- Installation of roundabouts or traffic circles
- Initiation of new transit service

- Rehabilitation and maintenance projects that do not add motor vehicle capacity
- Addition of new or enhanced bike or pedestrian facilities on existing streets/highways or within existing public rights-of-way
- Installation of publicly available alternative fuel/charging infrastructure
- Addition of passing lanes, truck climbing lanes, or truck brake-check lanes in rural areas that do not increase overall vehicle capacity along the corridor

Evidence – The list above is consistent with recommendations in the OPR Technical Advisory that indicates projects that can be presumed to have a less than significant impact on VMT due to overall project characteristics.

Threshold

For transportation projects, significant impact occurs if the project results in a net increase in VMT as compared with the level of VMT anticipated to occur through implementation of the Transportation and Circulation Element of the General Plan or Community Plan. In practice, this means that projects included in the Transportation and Circulation Element would have a less than significant VMT impact and VMT-increasing projects that are not included in the Transportation and Circulation Element would have a significant impact. Projects that replace a project in the Transportation and Circulation Element would have a significant impact if they would be anticipated to generate more VMT than the project they are replacing.

Evidence – OPR's Technical Advisory does not have a recommended threshold for transportation projects and leaves this determination up to lead agencies. It is more applicable and appropriate that a VMT analysis for roadway projects is considered at a planning level when developing regional or agency-specific transportation plans. The transportation plan for the region or agency is developed in consideration of the need to reduce vehicle miles traveled and the plan provides a coordinated effort to achieve this goal. Projects approved at the planning level support regional or agency-specific goals with respect to VMT. In Tulare County, the relevant transportation plans are the Regional Transportation Plan/Sustainable Communities Strategies prepared by the Tulare County Association of Governments and the Transportation and Circulation Element of the General Plan prepared by Tulare County.

APPENDIX C

POTENTIAL PROJECTS FOR USE IN VMT MITIGATION

Table C-1
Tulare County - Bicycle & Pedestrian Projects

TAZ	Agency - Project Description	Project Type	Cost (\$1,000s)	Source Document
All	Tulare County Active Transportation Campaign	Other/Safe Route to School (SRTS)	\$ 263	ATP
2776	Dinuba Elementary School Multi-Use Path	Trail-Path	\$ 550	ATP
2776/77	Dinuba Safe Route to School	Sidewalk/ Crossing/SRTS	\$ 530	ATP
2777	Dinuba Downtown Sidewalk Improvements	Sidewalk	\$ 334	ATP
2777	Dinuba Ventura Street Ped Path & Rail Crossing	Trail-Path/Crossing	\$ 500	ATP
2777	Dinuba Kamm/Greene Intersection Improvements	Crossing/SRTS	\$ 250	ATP
2776/77	Dinuba Citywide Bikeway	Bike	\$ 572	ATP
2776/77	Dinuba USD Safe Route To School	Other/SRTS	\$ 1,504	ATP
2722/23	Exeter Safe Route To School	Sidewalk/SRTS	\$ 998	ATP
2723	Exeter Rocky Hill Dr Ped & Bike Improvements	Sidewalk/Bike/ SRTS	\$ 1,000	ATP
2722	Exeter Road Path, Phase II	Trail-Path	\$ 1,750	ATP
2722/23	Exeter Citywide Bike Network	Bike	\$ 325	ATP
2756	Farmersville East Walnut Ave Sidewalks and Bike Lanes	Sidewalk/Bike/ SRTS	\$ 2,858	ATP
2719/2749/ 2756/2757	Farmersville Citywide Bikeway Network	Bike/Trail-Path	\$ 1,513	ATP
2724	Lindsay Page-Moore Tract Sidewalk Improvements City Project	Sidewalk	\$ 600	ATP
2724	Lindsay Page-Moore Tract Sidewalk Improvements Lindsay USD Project	Sidewalk	\$ 830	ATP
2724/25/26	Lindsay Citywide Bikeway Network	Bike	\$ 236	ATP
2711/2729/ 2731/2732/ 2734	Porterville Morton Ave Crosswalk Warning Lights	Crossing/SRTS	\$ 242	ATP
2732	Porterville Orange Ave Crosswalk Warning Lights	Crossing/SRTS	\$ 301	ATP
2711/2732/ 2733	Porterville Main Street Crosswalk Warning Lights	Crossing/SRTS	\$ 360	ATP
2732/33	Porterville Tule River Parkway Multi-Use Trail	Trail-Path	\$ 6,362	ATP
All Porterville City TAZ's	Porterville Citywide Bikeway Network	Bike/Trail-Path	\$ 1,677	ATP
2739	Tulare County, Allensworth Sidewalk Improvements	Sidewalk/SRTS	\$ 290	ATP
2739	Tulare County, Alppaugh Sidewalk Improvements	Sidewalk/SRTS	\$ 870	ATP
2773	Tulare County, Cutler-Ave 408 Improvements	Sidewalk	\$ 440	ATP
2773	Tulare County, Cutler-George Rd/2nd Dr Improvements	Sidewalk	\$ 3,000	ATP
2737	Tulare County, Ducor-Avenue 56/Carlisle Road Improvements	Sidewalk/SRTS	\$ 1,660	ATP

Table C-1
Tulare County - Bicycle & Pedestrian Projects

TAZ	Agency - Project Description	Project Type	Cost (\$1,000s)	Source Document
2712/2740	Tulare County, Earlimart-State Street Sidewalk Improvements Phase I	Sidewalk/SRTS	\$ 1,460	ATP
2712/2740	Tulare County, Earlimart-State Street Sidewalk Improvements Phase II	Sidewalk/SRTS	\$ 2,100	ATP
2712/2740	Tulare County, Earlimart-State Street Sidewalk Improvements Phase III	Sidewalk/SRTS	\$ 2,270	ATP
2712	Tulare County, Earlimart Middle School Crossing Improvements	Crossing/SRTS	\$ 63	ATP
2740	Tulare County, Earlimart - Washington Avenue Sidewalk Improvements	Sidewalk/SRTS	\$ 490	ATP
2740	Tulare County, Earlimart Elementary School Crossing Improvements	Crossing/SRTS	\$ 80	ATP
2712	Tulare County, Earlimart-Alila School Crossing Improvements	Crossing/SRTS	\$ 70	ATP
2700/2718	Tulare County, Goshen - Avenue 308 Improvements	Sidewalk/Bike	\$ 920	ATP
2700/2718/ 2783	Tulare County, Goshen - Goshen Avenue Improvements	Sidewalk/Bike	\$ 4,670	ATP
2720	Tulare County, Ivanhoe - Avenue 3w32/Road 159 Improvements	Sidewalk	\$ 847	ATP
2720	Tulare County, Ivanhoe - Road 160 Improvements	Sidewalk/SRTS	\$ 735	ATP
2746	Tulare County, Matheny Tract Roadway Improvements	Sidewalk	\$ 4,850	ATP
2773	Tulare County, Orosi - Avenue 416 Improvements	Sidewalk	\$ 1,910	ATP
2773	Tulare County, Orosi - Avenue 413 Improvements	Sidewalk/SRTS	\$ 630	ATP
2773	Tulare County, Seville - Road 156 Improvements	Sidewalk/SRTS	\$ 223	ATP
2727	Tulare County, Strathmore- Avenue 198 Improvements	Sidewalk/SRTS	\$ 230	ATP
2727	Tulare County, Strathmore- Avenue 198 Improvements	Sidewalk	\$ 1,300	ATP
2744	Tulare County, Tipton - Evans Road Sidewalk Improvements	Sidewalk/SRTS	\$ 3,900	ATP
2716	Tulare County, Traver - 6th Street Sidewalk Improvements	Sidewalk	\$ 1,170	ATP
2716	Tulare County, Traver - Merritt Drive Sidewalk Improvements	Sidewalk/Bike/ SRTS	\$ 1,300	ATP
2742	Tulare County, Waukena Elementary School Improvements	Sidewalk/SRTS	\$ 210	ATP
All	Tulare County, Countywide Bikeway Network	Bike/Trail-Path	\$12,630	ATP
2700/2783/ 2718	Tulare County, Goshen Area Bike/Ped Improvements	Bike/Trail-Path/ SRTS	\$ 250	ATP
2747/2755	City of Tulare, Santa Fe Trail Crossing @ Mooney Blvd	Crossing	\$ 574	ATP

Table C-1
Tulare County - Bicycle & Pedestrian Projects

TAZ	Agency - Project Description	Project Type	Cost (\$1,000s)	Source Document
2751/52	City of Tulare, Santa Fe Trail Crossing @ E, M, and Blackstone Streets	Crossing	\$ 255	ATP
All Tulare City TAZ's	City of Tulare, Tulare Citywide Bikeway Improvements	Bike/Trail-Path	N/A	ATP
2772	Tule River Indian Reservation, North Reservation Road Improvements	Sidewalk	\$ 2,399	ATP
2718	City of Visalia, Westerly Extension of Goshen Avenue Trail	Trail-Path	\$ 2,000	ATP
2760	City of Visalia, Evans Ditch Trail @ Rotary Park	Trail-Path/SRTS	\$ 635	ATP
2701/02	City of Visalia, Santa Fe Trail Crossing @ Rigger Avenue	Crossing	\$ 350	ATP
2770	City of Visalia, Mill Creek Trail From Burke Street to Ben Maddox Way	Trail-Path	N/A	ATP
TBD	City of Visalia, Greenway Trail From SCE Rector Station to St. John's River Trail	Trail-Path	\$ 3,500	ATP
2757	City of Visalia, Packwood Creek Trail North of Tulare Avenue	Trail-Path	\$ 500	ATP
2757	City of Visalia, Packwood Creek Trail Bridge North of Tulare Avenue	Crossing	\$ 275	ATP
2757/58	City of Visalia, Packwood Creek Trail Crossing @ Lovers Lane	Crossing	\$ 350	ATP
2707/2758/2759	City of Visalia, Walnut Avenue Trail Crossing @ San Joaquin Valley Railroad	Crossing	\$ 1,100	ATP
2707	City of Visalia, K Avenue Regional Trail - Santa Fe Street to Lovers Lane	Trail-Path	\$ 1,425	ATP
2722/2723/2749/2756/2757/2779	City of Visalia, K Avenue Regional Trail - Lovers Lane to Rocky Hill	Trail-Path	\$ 8,500	ATP
All Visalia City TAZ's	City of Visalia, Citywide Bikeway Network	Trail-Path	\$12,100	ATP
All Visalia City TAZ's	City of Visalia, Citywide Safe Routes to School Master Plan	Other/SRTS	\$ 75	ATP
2721	City of Woodlake, Kaweah Street Pedestrian Pathway	Sidewalk/SRTS	\$ 730	ATP
2721	City of Woodlake, Valencia Boulevard/Sequoia Avenue Improvements	Sidewalk/SRTS	\$ 515	ATP
2721	City of Woodlake, Magnolia Street Pedestrian Pathway	Sidewalk	\$ 775	ATP
2721	City of Woodlake, Woodlake Citywide Bikeway Network	Bike	\$ 73	ATP

APPENDIX D

CASE STUDIES

APPENDIX D

CASE STUDIES

Introduction

This appendix summarizes analysis of VMT impacts of four case study projects in Tulare County. All four are hypothetical projects (one residential, one office, and two retail). The locations of these projects are shown in Figure D-2.

Case Study 1: Residential Project

Following is a VMT estimate for a residential project. This case study project is presumed to be located west of Visalia, south of the Visalia Airport on Avenue 280 east of SR 99. It consists of 214 multifamily rental dwelling units and 24 single family dwelling owner-occupied units.

Analysis overview

The analysis uses data from the California Statewide Travel Demand Model (CSTDm).

This residential project is located in Traffic Analysis Zone 2708 (TAZ 2708) with an average VMT/capita of 12.58 (see Table 3-1). This is a typical project and there is no reason to expect that it would have a higher or lower VMT/capita than the average for the TAZ. Since project VMT/capita is assumed to be equal to or above the VMT/capita of the zone in which the project is located, it has a significant VMT impact

Mitigation of Residential Project VMT

A survey of pedestrian facilities near the project site indicates that the installation of curb ramps and sidewalk repairs are needed. Based on the ITE Trip Generation Manual, this project is expected to generate 1,857 daily trips. At a mitigation cost of \$20/daily trips, the target value of pedestrian improvements is \$37,120. The county and the applicant agree on a set of off-site pedestrian improvements with an estimated minimum cost of \$37,120. The applicant provides the pedestrian improvements as a condition of approval of the project. For reporting purposes, the assumed VMT/capita reduction is 1% of 12.58 or 0.12. The resulting VMT/capita after mitigation is 12.46 which is below the average VMT/capita in the TAZ which the project is located. After mitigation, the project has a less than significant impact.

Case Study 2: Office Project

This case study provides an example of a VMT analysis for an office project. This hypothetical project would be located on Avenue 216 east of SR 65 in unincorporated Tulare County south of the City of Lindsay. It is an office building consisting of 200,000 square feet of office space.

Analysis overview

The analysis used data from the California Statewide Travel Demand Model (CSTDm).

This office project is located in Traffic Analysis Zone (TAZ 2726) with an average VMT/employee of 34.32 (see Table 3-1). This is a typical project and there is no reason to expect that it would have a higher or lower VMT/employee than the average for the TAZ. Since project VMT/employee is assumed to be equal to or above the VMT/employee of the zone in which the project is located, it has a significant VMT impact

Mitigation of Residential Project VMT

Based on the ITE Trip Generation Manual, this project is expected to generate 2,078 daily trips. At a mitigation cost of \$20/daily trip, the target value of pedestrian improvements is \$41,560. A survey of transit, bicycle, and pedestrian facilities near the project site indicates that there are no suitable improvement projects in the vicinity of the project site. A review of Table C-1 in Appendix C indicates that there are no projects in TAZ 2726 that the project could use to provide mitigation. However, Table C-1 includes a project in TAZ 2712 to install crossing improvements at the Earlimart Middle School at a cost of \$63,000. While this cost exceeds the minimum mitigation cost of \$41,560, the applicant has decided to provide this improvement in order to demonstrate a full mitigation of VMT impacts. The applicant agrees to implement this project as a condition of approval of the project. For reporting purposes, the assumed VMT/employee reduction is 1% of 34.32 or 0.34. The resulting VMT/capita after mitigation is 33.98 which is below the average VMT/capita in the TAZ in which the project is located. After mitigation, the project has a less than significant impact.

Case Study 3: Three Rivers Variety Store Project

The project is a 9,100 square foot retail store proposed to be located in the unincorporated Tulare County community of Three Rivers along SR 198. It is also located in TAZ 2713 of the Statewide Travel Demand Model.

Project Trip Generation

This analysis utilizes trip generation rates from the Institute of Transportation Engineers (ITE) publication Trip Generation, 10th Edition, specifically rates for “Variety Store” (Code 813). The project is expected to generate approximately 578 daily trips on a weekday basis.

Need for SB 743 Analysis

OPR recommends that local-serving retail projects can be presumed to have a less than significant transportation impact. This is because local-serving retail typically reduces trip lengths by providing additional destinations that tend to replace trips to more distant retail locations. As local-serving retail it would be screened out from VMT analysis because the project would serve to shorten shopping trips

Case Study 4: Large Retail Project

Project Description

The project is a proposed 87,035 sq. ft. retail store, located to the west of SR 99 in the unincorporated community of Goshen. The project is located in TAZ 2718 of the Statewide Travel Demand model.

Project Trip Generation

The trip generation of the proposed project was based on the Institute of the Transportation Engineers Trip Generation Manual, 10th Edition. The proposed project would generate 6,252 daily trips.

Need for SB 743 Analysis

OPR recommends that local-serving retail projects can be presumed to have a less than significant transportation impact. This is because local-serving retail typically reduces trip lengths by providing additional destinations that tend to replace trips to more distant retail locations. For this project, the key question is whether it fits into the category of local serving. Expressed in terms of VMT generation, the question is whether the project would attract local shoppers who would otherwise travel to more distant retail locations. The County requests a market survey.

The market survey shows that the project would attract local trips and would shorten trip lengths, the project is considered to decrease VMT and the impact of the project is considered less than significant. No mitigation measures are needed.

Figure D-2
Locations of Case Study Projects



APPENDIX E

GLOSSARY

GLOSSARY OF TERMS

Key Terms	
Term	Definition
Affordable Housing Projects	Housing projects or developments designed and built specifically to be affordable to those with a median household income or below.
Average Daily Traffic	The average 24-hour traffic count at a given location.
Breakdown Space or Breakdown Lane	An area along the side of a highway where vehicles are able to stop for an emergency; in some areas these lanes or spaces are opened during high volume travel times to reduce congestion.
California Environmental Quality Act (CEQA)	A state of California statute that requires local agencies to identify significant environmental impacts of their actions and avoid or mitigate those impacts, if feasible.
Climate Action Plan	The Climate Action Plan (CAP) is designed to reduce Tulare County's greenhouse gas (GHG) emissions.
Delay	The additional travel time experienced by a driver, passenger, or pedestrian due to circumstances that impede the desirable movement of traffic. It is measured as the time difference between actual travel time and free-flow travel time.
Detection Systems	A set of traffic flow sensors that indicate the presence or passage of vehicles and provides data or information that supports traffic management applications such as signal control, freeway mainline and ramp control, incident detection, and gather of vehicle volume and classification data to meet State and Federal reporting requirements.
Development	Construction, re-construction, re-model or alteration of the size of any building structure, or area of occupancy, requiring a development permit; any grading activities requiring a development permit; change in the density or intensity of use of land requiring a development permit.
New Development	Construction of a new building structure on vacant land or to replace demolished/razed property.

Key Terms

Term	Definition
Governor's Office of Planning and Research (OPR)	The office of Planning and Research (OPR), created by statute in 1970, is part of the Office of the Governor. OPR serves the Governor and his Cabinet as staff for long-range planning and research and constitutes the comprehensive state planning agency. (Government Code §65040).
Greenhouse Gas (GHG)	Gases that trap heat in the atmosphere. Principal GHGs include carbon dioxide (CO ₂), methane (CH ₄), nitrous oxide (N ₂ O), ozone (O ₃), and water vapor (H ₂ O).
Institute of Transportation Engineers (ITE)	The Institute of Transportation Engineers is an international education and scientific association of transportation professionals who are response for meeting mobility and safety needs.
Level of Service (LOS)	Level of services (LOS) is a qualitative measure used to relate the quality of vehicle traffic service. LOS is used to analyze roadways and intersections by categorizing traffic flow and assigning quality levels of traffic based on based on performance measures like vehicle speed, density, congestion, etc.
Mitigation (as used in the California Environmental Quality Act)	An improvement that addresses the significant CEQA impacts of a project.
Mixed-Use Projects or Developments	A type of urban development, urban planning, or zoning type that blends residential, commercial, cultural, institutional, entertainment, or other uses into one space, where those functions are to some degree physically and functionally integrated.
Multimodal	Multimodal refers to multiple modes or ways of travel, such as walking, biking, riding transit or carpooling. Typically, multimodal is used in reference to street design or commuter benefits programs, designed to encourage people to use alternatives to the most common mode of travel, driving alone.
Non-Residential Development	Non-residential or commercial development includes the following land uses: industrial, retail, hotel, office, manufacturing, and mixed-use.
Tulare County Association of Governments (TCAG)	The Tulare County Association of Governments is an association of local Tulare County governments which serves as the metropolitan planning organization for the County.

Key Terms

Term	Definition
Screening Criteria	Values, targets, or performance standards used to evaluate or compare the significance of an identified hazard, event, or associated risk to determine the tolerability. They may be defined both in quantitative and qualitative terms.
Senate Bill 743 (SB 743)	Senate Bill 743 (SB 743) requires the Governor's Office of Planning and Research (OPR) to identify new metrics for identifying and mitigating transportation impact within CEQA.
Significance Thresholds (as used in the California Environmental Quality Act)	An identifiable quantitative, qualitative, or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant
Threshold Evidence	Justification for use of a particular threshold
Traffic Analysis Zone (TAZ)	A traffic analysis zone (TAZ) is a special area delineated by state and/or local transportation officials for tabulating traffic-related data – especially journey-to-work and place-of-work statistics. A TAZ usually consists of one or more census blocks, or block groups, or census tracts.
Traffic Calming	Traffic calming is a set of street designs and traffic rules that slow and reduce traffic while encouraging walkers and cyclists to share the street.
Traffic Calming Devices	Sidewalk extensions, roundabouts and traffic circles, street narrowing, speed humps
Traffic Signal Priority (TSP)	A general term for a set of operational improvements that use technology to reduce dwell time at traffic signals for transit vehicles by holding green lights longer or shortening red lights. TSP may be implemented at individual intersections or across corridors or entire street systems.
Vehicle Miles Traveled (VMT)	Vehicle miles traveled is a measure used in transportation planning for a variety of purposes. It measures the amount of travel for all vehicles in a geographic region over a given period of time, typically a one-year period. It is calculated by adding up all of the miles driven by all cars and trucks on all of the roadways in a region. In this Guideline, VMT is measured in terms of vehicle miles of travel per day. In case of VMT analyses conducted for CEQA transportation studies, the vehicles to be analyzed are autos and light trucks. Goods movement is specifically excluded from a requirement to conduct VMT analyses.

Key Terms

Term	Definition
Wayfinding Signage	Wayfinding signage is concerned with helping to direct travelers from point to point, or confirming progress along a route.

Planning Commission Resolutions

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF THE ADDENDUM)
ENVIRONMENTAL IMPACT REPORT)
FOR THE 2020 TRANSPORTATION)
AND CIRCULATION ELEMENT AMENDMENT) RESOLUTION NO. 9751
VEHICLE MILES TRAVELLED GUIDELINES)
(SB 743 IMPLEMENTATION) AND)
COMPLETE STREETS POLICY (GPA 20-003))

Resolution of the Tulare County Planning Commission ("Commission") recommending adoption to the Board of Supervisors ("Board") of the Addendum to the (2012) Tulare County 2030 General Plan Final Environmental Impact Report (State Clearinghouse No. 2006041162) for the 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets policy. The General Plan Amendment is required to (i) Meet the requirements of CEQA, including the new SB 743 regulations that were adopted into CEQA in December 2018 and go into effect on July 1, 2020, (ii) Provide for transportation improvements to be built that benefit Tulare County residents and facilitate travel by walking, bicycling, and transit, (iii) Provide for analysis and mitigation of VMT impacts in a way that is feasible and within the scale of land development projects in Tulare County, and (iv) the Complete Streets policy will build on the existing adopted Complete Street Plans and formalize the existing and future Complete Streets Framework through inclusion in the Tulare County General Plan Transportation and Circulation Element (See Attachment 2) pursuant to Section 15164 of the CEQA Guidelines.

WHEREAS, on October 15, 2019, the Board, by Resolution No. 2019-0884, approved the Economic Development and Planning Branch's proposal to prepare the 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets Policies; and

WHEREAS, The County prepared a Final EIR for the 2010 draft Tulare County General Plan 2030 Update (SCH #2006041162) and released the Final EIR for public review on or about August 30, 2011. The FEIR for the General Plan 2030 Update was prepared in compliance with the CEQA (Public Resources Code Section 21000 et seq. and the CEQA Guidelines (California Code of Regulations, Title 14). The Final EIR was distributed on CD to the State Clearinghouse, and all agencies who commented on the RDEIR. Individual notices of the FEIR availability were sent to agencies, organizations, and individuals who commented on the RDEIR. The Final EIR was available in all Tulare County Libraries, at the Tulare County Resource Management Agency and the following website, <http://generalplan.co.tulare.ca.us>; and,

WHEREAS, The Board of Supervisors has given notice of the proposed amendment to the General Plan as provided in Sections 65355, 65090, and 65091 of the Government Code of the State of California. A public notice was printed in the Dinuba Sentinel on August 23, 2012 the

Visalia Times Delta, Porterville Recorder, and the Tulare Advance Register on August 17, 2012 at least ten days prior to the public hearing before the Board of Supervisors on August 28, 2012.; and,

WHEREAS, this Addendum EIR for the 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets Policies, inclusive of: General Plan Amendment No. GPA 20-003 an amendment to the Transportation and Circulation Element; and

WHEREAS, on July 8, 2020, pursuant to State CEQA Guidelines, the Notice of Intent to Adopt the Addendum EIR for the 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets Policies, was published in the Foothills Sun-Gazette (a newspaper of general circulation in Tulare County) and posted on the Tulare County Resource Management Agency (RMA) website <https://tularecounty.ca.gov/rma/index.cfm/planning-building/environmental-planning/environmental-impact-reports/addendum-eir-for-the-2020-transportation-and-circulation-element-amendment/>; and

WHEREAS, through a good faith and substantial analysis of environmental impacts from this Project in the Addendum EIR, staff found, and the Commission agrees, that all impacts are less than significant, and that an addendum to a previously certified EIR is appropriate as some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred; and therefore, the Addendum EIR is the appropriate level of environmental review under CEQA for this Project; and

WHEREAS, the Environmental Assessment Officer has reviewed and authorized the processing of the Addendum Environmental Impact Report for the 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets;

WHEREAS, the Addendum Environmental Impact Report (Exhibit "A"), is attached and incorporated by reference herein; and

WHEREAS, the 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets Policies will become consistent with the Tulare County General Plan 2030 Update, and will include the following primary goals and objectives;

- 1) Meet the requirements of CEQA, including the new SB 743 regulations that were adopted into CEQA in December 2018 and go into effect on July 1, 2020:
 - a) Provide for transportation improvements to be built that benefit Tulare County residents and facilitate travel by walking, bicycling, and transit;
 - b) Provide for analysis and mitigation of VMT impacts in a way that is feasible and within the scale of land development projects in Tulare County;

- c) Reduce vehicle miles travelled throughout the County, thereby positively affecting air quality and greenhouse gas reduction; and
 - d) Help to improve the circulation and transit systems within this community, including, but not limited to, laying the groundwork for the construction of key projects such as Safe Routes to Schools, Complete Streets, and Bike Lanes/Pedestrian Paths.
- 2) Complete Streets - It is expected that the community planning areas will be improved for the following reasons:
- a) To design and implement a multi-modal transportation system that will serve projected future travel demand, minimize congestion, and address future growth; and
 - b) Provide designated routes and loading standards that reduce the noise and safety concerns associated with truck traffic; and
 - c) Provide safe and convenient pedestrian access between residential neighborhoods, parks, open space, and schools that service those neighborhoods; and
 - d) Ensure the provision of adequate off-street parking for all land uses; and
 - e) Provide a transportation system that is integrated with the region; and
 - f) Encourage the use of public transit services to reduce reliance on the automobile; and
 - g) Provide efficient goods movement; and
 - h) Provide safe and convenient facilities for non-motorized modes of transportation that enhance the future livability and character of unincorporated communities.
- 3) Strengthening Relationship with TCAG - An important benefit of the Complete Streets process will be the opportunity for RMA to strengthen the County's relationship with the Tulare County Association of Governments (TCAG) in that this and other transportation plans will help to facilitate the funding and implementation of several key transportation programs such as Safe Routes to Schools, and other Bike/Pedestrian Projects. By pursuing these transportation programs through a heightened collaborative process, the likelihood of getting actual projects in the ground will be realized faster than historically achieved. In doing so, these communities and others can become safer and healthier by providing a more efficient transportation network.

WHEREAS, on Wednesday, July 2, 2020, a Notice of Public Hearing was duly sent to public agencies, pertinent departments, and interested parties, and published on July 8, 2020 in the Foothill Sun-Gazette (a newspaper of general circulation in Tulare County) for a Commission meeting set for Wednesday, July 22, 2020; and

WHEREAS, a public hearing was conducted on July 22, 2020, at the regular Planning Commission in the Board of Supervisors Chambers, where there was an opportunity for public testimony to be received on 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets Policies; and

WHEREAS, at that meeting on July 8, 2020, Staff presented evidence to the Planning Commission,

WHEREAS, this resolution recommended approval and certification of the Addendum EIR for the 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets Policies;

WHEREAS, the Commission finds that the Staff of the Tulare County RMA has conducted the necessary investigations (including environmental review of this matter); prepared a written Staff Report (made a part hereof), and provided additional information affecting this Addendum EIR, at the public hearing noticed, convened and conducted for this matter; and based on substantial evidence, submitted this Addendum EIR, for the consideration of, and action by, the Commission; and

NOW, THEREFORE, BE IT RESOLVED as follows:

1. This Commission hereby recommends certification by the Board based on their findings and substantial evidence in the record that the analysis presented in the Addendum EIR (SCH #2006041162), for the 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets Policies (GPA 20-003) has been completed in compliance with CEQA and the State CEQA Guidelines.

2. This Commission further finds that a Public Hearing was opened and closed at the conclusion of the items discussion, at a regular meeting of the Commission held on July 22, 2020.

3. This Commission is deemed the recommending body, and the Board is the approving body, with respect to the Addendum EIR for the 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets Policies. In the context of CEQA, the County is the "Lead Agency."

4. Therefore, the findings made in regards to the Addendum EIR, for the Project, are recommended by the Commission for the County as Lead Agency on July 22, 2020, by Resolution No. 9751.

5. Consistent with Public Resource Code section 21081 and State CEQA Guidelines sections 15091 through 15093 (including Public Resources Code section 21061.1 and State CEQA Guidelines section 15364 relating to the definition of "feasibility"), the Commission hereby makes various findings relating to the less than significant effects identified in the Project Addendum EIR. Based on substantial evidence in the Addendum EIR and pursuant to the discussion in each section of the Addendum EIR, and the Public Record of Proceedings, the Commission finds and declares that the an addendum to the previously certified EIR is appropriate as some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

AND, BE IT FURTHER RESOLVED as follows:

A. The Commission, after considering all of the evidence presented, hereby determines the following findings to be relevant in evaluating the General Plan Amendment:

1. The 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets Policies is recommended to the Board for approval.
2. The amendment of the General Plan Transportation and Circulation Element to incorporate “Complete Streets Policies” contained in the 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets Policies is recommended to the Board for approval.
3. The amendment of the General Plan Transportation and Circulation Element to incorporate “Vehicle Miles Traveled Guidelines (SB 743 Implementation)” contained in the 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets Policies is recommended to the Board for approval.
4. State law requires that the County General Plan shall be internally consistent. The amendments are consistent with the Transportation and Circulation, Element of the Tulare County General Plan.
5. The Environmental Assessment Officer approved the Addendum EIR, prepared for the 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets Policies.
6. This Commission hereby finds, based on substantial evidence that the analysis presented in the Addendum EIR, for the 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets Policies (GPA 20-003) has been completed in compliance with CEQA and the State CEQA Guidelines.
7. RMA Staff coordinated with Caltrans as part of the 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets policies.

B. The Commission finds that the County is required to implement Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets policies (AB 1358). Therefore, the public will benefit from the Project as it will implement the General Plan and advance socially desirable community improvements that are environmentally and economically sound.

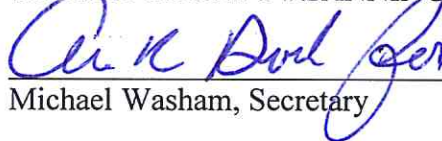
C. The Commission confirms that the Addendum EIR, is available at the Tulare County Resource Management Agency at 5961 South Mooney Boulevard, Visalia, California 93277, (559) 624-7000. The custodian for these documents and other material is Mr. Hector Guerra, Chief Environmental Planner, Environmental Planning Division, Tulare County Resource Management Agency.

D. The Commission hereby recommends that the Board: (i) certify and adopt the Addendum EIR, for the 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets Policies and (ii) direct the Environmental Assessment Officer, or designee, to file the Notice of Determination for the Project upon approval of the 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets Policies.

The foregoing resolution was adopted upon motion of Commissioner Millies, seconded by Commissioner Pearson, at a regular meeting of the Planning Commission on July 22, by the following roll call vote:

AYES: Whitlatch, McEloy, Elliott, Aguilar, Millies, Dias, Perterson
NOES:
ABSTAIN:
ABSENT:

TULARE COUNTY PLANNING COMMISSION


Michael Washam, Secretary

Exhibits:

A – Addendum Environmental Impact Report

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF AN AMENDMENT	)	
TO THE TRANSPORTATION AND	)	
CIRCULATION ELEMENT	)	RESOLUTION NO. 9752
OF THE TULARE COUNTY GENERAL PLAN	)	
(GPA 20-003).	)	

Resolution of the Tulare County Planning Commission recommending the adoption of the amendment to the Transportation and Circulation Element of the Tulare County General Plan for the 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets by the Board of Supervisors.

WHEREAS, on October 15, 2019, the Board, by Resolution No. 2019-0884, approved the Economic Development and Planning Branch's proposal to prepare the 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets Policies; and

WHEREAS, the Planning Commission has been given notice of the amendment to the General Plan as provided in Section 65854 of the Government Code of the State of California; and

WHEREAS, staff has performed necessary investigations of fact bearing upon the amendments to assure action consistent with the procedures and purposes set forth in the California Government Code, the State General Plan Guidelines, and other elements of the Tulare County General Plan; and

WHEREAS, a public notice was printed in the Foothills Sun-Gazette on Wednesday, July 8, 2020, at least ten days prior to the public hearing before the Planning Commission on July 22, 2020; and

WHEREAS, the Chairman of the Planning Commission Opened the Public Hearing and thereby an opportunity for public testimony was provided at a regular meeting of the Planning Commission on July 22, 2020; and

WHEREAS, at the July 22, 2020 meeting of the Planning Commission, Staff presented the 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets; and

WHEREAS, the Complete Streets policy will build on the existing adopted Complete Street Plans and formalize the existing and future Complete Streets Framework through inclusion in the Tulare County General Plan Transportation and Circulation Element; and

WHEREAS, at that meeting of the Planning Commission, Staff presented the 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission hereby certifies that it has reviewed and considered the information contained in the Addendum Environmental Impact report for compliance with the California Environmental Quality Act (CEQA), and the State CEQA Guidelines for the Implementation of CEQA, prior to taking action on the amendment. The 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets amendment to the Transportation & Circulation Element of the Tulare County General Plan.

B. This Planning Commission, after considering all the evidence presented, hereby determines the following findings to be relevant in evaluating the proposed General Plan Amendment:

1. The amendment of the Transportation and Circulation Element to incorporate the 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets is recommended to the Board of Supervisors for approval.
2. State law requires that the County General Plan shall be internally consistent. The amendments are consistent with Transportation and Circulation Element of the Tulare County General Plan.
3. The Environmental Assessment Officer approved the Addendum Environmental Impact Report (AEIR) prepared for the project.
4. This Planning Commission hereby finds, based on substantial evidence, that the analysis presented in the Addendum EIR for GPA 20-003 has been completed in compliance with the California Environmental Quality Act and the State CEQA Guidelines for the Implementation of the California Environmental Quality Act of 1970.
5. RMA Staff conducted coordination with Caltrans as part of the 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets.

AND, BE IT FURTHER RESOLVED as follows:

C. This Planning Commission hereby recommends that the Tulare County Board of Supervisors certify the Addendum EIR and adopt the 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets Policies (GPA 20-003).

D. The Planning Commission hereby recommends that the Tulare County Board of Supervisors adopt General Plan Amendment No. GPA 20-003 for the 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets Policies and amendments to the Transportation and Circulation, Element of the Tulare County General Plan.

The foregoing Resolution No. 9752 was adopted upon motion by Commissioner Millies, seconded by Commissioner Dias, at a regular meeting of the Planning Commission on July 22, 2020, by the following roll call vote for the 2020 Transportation and Circulation Element Amendment-Vehicle Miles Traveled Guidelines (SB 743 Implementation), and Complete Streets.

AYES: Whitlatch, McEloy, Elliott, Aguilar, Millies, Dias, Pearson

NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY PLANNING COMMISSION



Michael Washam, Secretary

Exhibits:

Exhibit "A" – 2020 Vehicle Miles Traveled Guidelines (SB 743 Implementation)

Exhibit "B" – 2020 Complete Streets Transportation and Circulation Element Policy Amendment

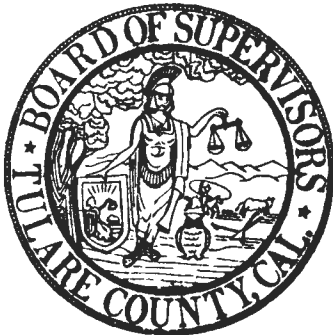
Board Of Supervisors Resolution

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

IN THE MATTER OF ADOPT GENERAL)
PLAN AMENDMENT GPA 20-003) Resolution No. 2020-0472

UPON MOTION OF SUPERVISOR TOWNSEND, SECONDED BY
SUPERVISOR SHUKLIAN, THE FOLLOWING WAS ADOPTED BY THE BOARD OF
SUPERVISORS, AT AN OFFICIAL MEETING HELD AUGUST 11, 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: Mercedes Gomez
Deputy Clerk

* * * * *

1. Held a Public Hearing at 9:30 a.m. or shortly thereafter.
2. Adopted and Certified the Addendum to the Tulare County General Plan, Environmental Impact Report, under the California Environmental Quality Act (CEQA), and the Mitigation Monitoring and Reporting Program (MMRP) for the proposed 2020 Transportation and Circulation Element Amendment and Vehicle Miles Traveled Guidelines (SB 743 Implementation) and Complete Streets Policy (AB 1358) (SCH #2006041162) consistent with Planning Commission Resolution No. 9751; and
3. Adopted General Plan Amendment No. GPA 20-003 for the Proposed 2020 Transportation and Circulation Element Amendment and Vehicle Miles Traveled Guidelines (SB 743 Implementation) and Complete Streets Policy (AB 1358) consistent with Planning Commission Resolution No. 9752.

RMA

08/11/2020
ML



CITY COUNCIL AGENDA – SEPTEMBER 21, 2021

SUBJECT: Community Civic Event - Cars under the Stars - Holiday Series - Porterville Chamber of Commerce - September 25, 2021, October 30, 2021, November 26, 2021, and December 27, 2021

SOURCE: Finance

COMMENT: On August 31, 2021, the City received a Community Civic Event application from the Porterville Chamber of Commerce, to hold several drive-in movie nights, "Cars Under the Stars - Holiday Series", at the Porterville Sports Complex on September 25, October 30, November 26, and December 27, 2021. At its meeting on April 6, 2021 and May 4, 2021, after due consideration, the City Council approved this similar event which was held at the Sports Complex from April to August 2021.

The Chamber is requesting approval to hold Cars Under the Stars Drive-in Movie Night events at the Porterville Sports Complex on the above stated dates from September to December 2021, from 5:00 pm to 11:00 pm. The Chamber is requesting to utilize the improved parking lot of the Sports Complex, admitting no more than 150 vehicles per event and hosting up to six vendors for food, drinks and snacks. The Chamber is also seeking to secure sponsors to make these events free to the public.

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. The requirements are listed on the attached copy of the application and agreement, Exhibit A and Exhibit B. Event organizers are required to adhere to all State and local guidelines and limitations pertaining to COVID-19.

RECOMMENDATION: That the City Council consider the Community Civic Event Application and Agreement from the Porterville Chamber of Commerce.

ATTACHMENTS: 1. Community Civic Event Application

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? Website?
Application date: 8/31/2021 Event date: 09/25/2021, 10/30/2021, 11/26/2021, 12/27/2021
Event time: 5:00 pm-11:00 pm, times will vary on sunset & dusk

Name of Event: "Cars Under the Stars"- Holiday Series

Sponsoring organization: Porterville Chamber of Commerce Phone # (559)784-7502

Address: 93 N. Main St

Authorized representative: Christina T. Clausen Phone # (559)784-7502/560-6242

Address: 93 N. Main St

Event chairperson: Christina T. Clausen Phone # (559)784-7502/560-6242

Location of event Porterville Sports Complex

(Location map must be attached)

Type of event: pop-up drive-in movie night

Non-profit organization status: 501c6

(IRS Determination)

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

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

Police protection Yes No X Refuse pickup Yes No X

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

Parks facility application required: Yes X No Attached X

Assembly permit required: Yes No X 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/gov/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 sponsoring organization/applicant's insurance coverage shall apply as primary to, and on a non-contributory basis with, any other available coverage of the City. 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 with the application. 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 two million dollars (\$2,000,000.00) per occurrence of bodily injury and property damage, combined single limit. (Ordinance 15-20(e) 18)

CC 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.

NA CC 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.

CC 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.

CC 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.

CC 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	<i>Chad T. Allen</i>	8/31/2021
(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

5:00 pm-11:00 pm, times will vary on sunset & dusk

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

Sponsoring organization: Porterville Chamber of Commerce

Event date: 09/25/2021, 10/30/2021, 11/26/2021, 12/27/2021 Hours: 5:00 pm-11:00 pm, times will vary on sunset & dusk

[illegible][illegible]

<u>Parking lots and spaces</u>	<u>Location</u>	<u>Activity</u>
Entire Paved Parking Lot	Porterville Sports Complex	Drive-In Movie Night

Requirements for Community Civic Event

"Cars Under the Stars"-Holiday Series

September 25, 2021

October 30, 2021

November 26, 2021

December 27, 2021

4:00 pm-11:00pm

Location: Porterville Sports Complex
2701 W Scranton Ave
Porterville, CA 93257

Finance Director:

M. Bemis

City Engineer:

D. Cervantez

Community Development Manager:

J. Ridenour

Public Works Director:

M. Knight

No comments.

Fire Marshall:

C. Dignam

On page 6 of their application, they show the Emergency Exit along a dirt path to the northwest end of the parking lot. I do not believe this path is sufficient for ingress/egress of emergency vehicles as there are dirt berms and bollards in and along the path. Please have them identify a proper secondary access point for emergency vehicles.

Parks and Leisure Services Director:

D. Moore

Coordinate with Parks regarding ending time of each night event.

Police Lieutenant:

R. Carrillo

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.

CITY OF PORTERVILLE/POLICE DEPARTMENT
Community Civic Event Application

Cars Under the Stars – Holiday Series
September 25, 2021 / October 30, 2021
November 26, 2021 / December 27, 2021
5:00 PM – 11:00 PM Dependent on Dusk

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 Ron Moore, Rose Gurule or Bruce Sokoloff can be reached at (559) 782-7410.
- Event organizers shall ensure all state and local guidelines pertaining to COVID-19 are adhered to.

Rick Carrillo, Lieutenant
Porterville Police Department

CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)



This application must be submitted ten (10) days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

- 1 Name and home address of the applicant: Christina T. Clausen 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 T. Clausen 93 N. Main St
- 4 Type of event for which amplification equipment will be used: pop-up drive-in movie night
- 5 Dates and hours of operation of amplification equipment: 09/25/2021, 10/30/2021, 11/26/2021, 12/27/2021
5:00 pm-11:00 pm, times will vary on sunset & dusk
- 6 A general description of the sound amplifying equipment to be used: Speakers on a 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.

The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section. (Ord. Code § 6311)

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 persons within the building or enclosure in which the show 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.

Christina T. Clausen
Signature of Applicant

9/31/2021
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.

L152
City of Porterville, Chief of Police/Designee

9/7/21
Date

W Scranton Ave

Ave 136

W Scranton Ave

Exit 1

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

Emergency
exit





PORTCHA-01

JMADRIGAL

DATE (MM/DD/YYYY)

9/2/2021

CERTIFICATE OF LIABILITY INSURANCE

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.Madrigal@INSURICA.com

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A: United States Liability Insurance Company

25895

INSURER B:

INSURER C:

INSURER D:

INSURER E:

INSURER F:

INSURED

Porterville Chamber of Commerce
93 N. Main Street Suite A
Porterville, CA 93257-3711

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 SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC ☐ OTHER:	X	NBP1561899	7/17/2021	7/17/2022	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 \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	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) ☐ If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
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. Reference Events - Cars Under the Stars - Holiday Series Event Dates: 9/25/2021, 10/30/2021, 11/26/2021 & 12/27/2021.

CERTIFICATE HOLDER

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

CANCELLATION

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

UNITED STATES LIABILITY INSURANCE GROUP
WAYNE, PENNSYLVANIA

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS COVERAGE FORM

BLANKET ADDITIONAL INSURED ENDORSEMENT

Section II – LIABILITY, C., Who Is An Insured is amended to include as an insured any person, entity or organization that is:

1. A franchisor under a franchise agreement with the Named Insured as franchisee relating to "your work"; or
2. A licensor under a license agreement with the Named Insured as licensee relating to "your work"; or
3. A co-owner with the Named Insured in premises used for "your work"; or
4. A majority owner with a controlling interest in the Named Insured but only with respect to liability arising out of such owner's (i) financial or operational control of the Named Insured; or (ii) ownership, maintenance or use of premises leased or occupied by the Named Insured for purposes of "your work"; or
5. A mortgagee, assignee or receiver of the Named Insured relating to "your work"; or
6. A lessor, or an agent of a lessor, under a lease agreement with the Named Insured as lessee relating to "your work"; or
7. A grantor of a permit to the Named Insured as permittee relating to "your work".
However, if the grantor of a permit is a federal, state or local government or political subdivision, there is coverage under this endorsement only for liability arising from:
 - a. The existence, maintenance, repair, construction, erection or removal of advertising signs, awnings, canopies, cellar entrances, coal holes, driveways, manholes, marquees, hoist away openings, sidewalk vaults, street banners or decorations and similar exposures; or
 - b. The construction, erection or removal of elevators; or
 - c. The ownership, maintenance or use of any elevators covered by this insurance; or
8. A lessor of equipment leased to the Named Insured relating to "your work"; or
9. A contributor, benefactor, or supporter who provides financial assistance to the Named Insured in connection with "your work".

but only to the extent the Named Insured is required to add such person, entity or organization as an additional insured to this policy under a written contract, written permit or written agreement relating to "your work".

Such person, entity or organization is an insured only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" that is caused, in whole or in part by your acts or omissions or the acts or omissions of those acting on your behalf in connection with "your work" while such written contract, written permit or written

agreement is in effect.

EXCLUSIONS

There is no coverage under this endorsement for loss or expense, including but not limited to the cost of defense for "bodily injury", "property damage" or "personal and advertising injury":

1. That occurs after all of "your work", including materials, parts or equipment furnished in connection with "your work" and performed under a written contract, written permit or written agreement has ended; or

When that portion of "your work" out of which the "bodily injury", "property damage" or "personal and advertising injury" arises and performed under a written contract, written permit or written agreement has been put to its intended use by any person(s) or organization(s);
whichever occurs first.

2. Arising directly or indirectly from construction or demolition operations of any kind performed by you.
3. Caused or alleged to be caused by the sole negligence of an additional insured under this endorsement.
4. Arising out of "your work" performed for a federal, state or local government or political subdivision under a written permit; or
5. Included within the "products-completed operations hazard".

CONDITIONS

Coverage provided by this endorsement will be excess over any insurance available to any additional insured under this endorsement unless a written contract, written permit or written agreement specifically requires that coverage under this endorsement is primary.

All other terms and conditions of this policy remain unchanged. This endorsement is a part of your policy and takes effect on the effective date of your policy unless another effective date is shown.



Honorable Members of City Council,

I would like to give you an update on our Summer Series portion of the previously approved *Cars Under the Stars*. I am happy to report we did not have any significant issues during our events. The events were not as successful as we had hoped but did succeed in providing the community with a safe outing option in light of county health restrictions. Considering what we learned during the execution of the events we held, we are planning a "Holiday Series". We are seeking sponsors for the event and will make it free to the public. We will be working on advertising more effectively to reach more of our community but still limiting entrance to 150 vehicles and keeping the previously suggested 6 vendor limits.

CHRISTINA T CLAUSEN

CEO/ President, Porterville
Chamber of Commerce

CONTACT

PHONE:
P. 559.784.7502

WEBSITE:
portervillechamber.org/

EMAIL:
christina@portervillechamber.org

Thank you for your time, input and consideration as we work to build our community events.

Christina T. Clausen
CEO/ President



CITY COUNCIL AGENDA – SEPTEMBER 21, 2021

SUBJECT: Authorization of Street Closure for Music on Main Concert Series

SOURCE: Parks and Leisure Services

COMMENT: At its meeting on September 7, 2021, the City Council authorized Music on Main events to take place at Centennial Park for the Fall season of 2021. The Porterville Chamber of Commerce is resuming the concert series after being on hiatus since Fall of 2019 due to the COVID-19 pandemic. The City has served as an event co-sponsor of Music on Main since its inception, providing logistical support for the concerts through our Parks and Leisure Services Department, while the Chamber of Commerce is in charge of scheduling the musical performances and organizing additional activities to enhance the events.

In an effort to enhance Music on Main, the Chamber of Commerce is proposing to close off Cleveland Avenue from Main Street to the alley just east of Centennial Park. The street closure would provide space to host food trucks, vendors and other types of booths. All food sales shall adhere to County health permit requirements. In addition, the street closure would provide an area for a pop-up vaccination event. The proposed time of the street closure is 4:30 to 8:30 P.M. Music on Main Street is held Fridays at 6:00 P.M. at Centennial Park September- October 2021. Music on Main Street will adhere to all current safety guidance related to COVID-19 and is subject to change.

RECOMMENDATION: That the City Council consider:

1. Authorizing the street closure for Music on Main on Cleveland Avenue between Main Street and the alley just east of Centennial Park; and
2. Authorizing food trucks/vendors at Music on Main.

ATTACHMENTS: 1. Internal Civic Event Application

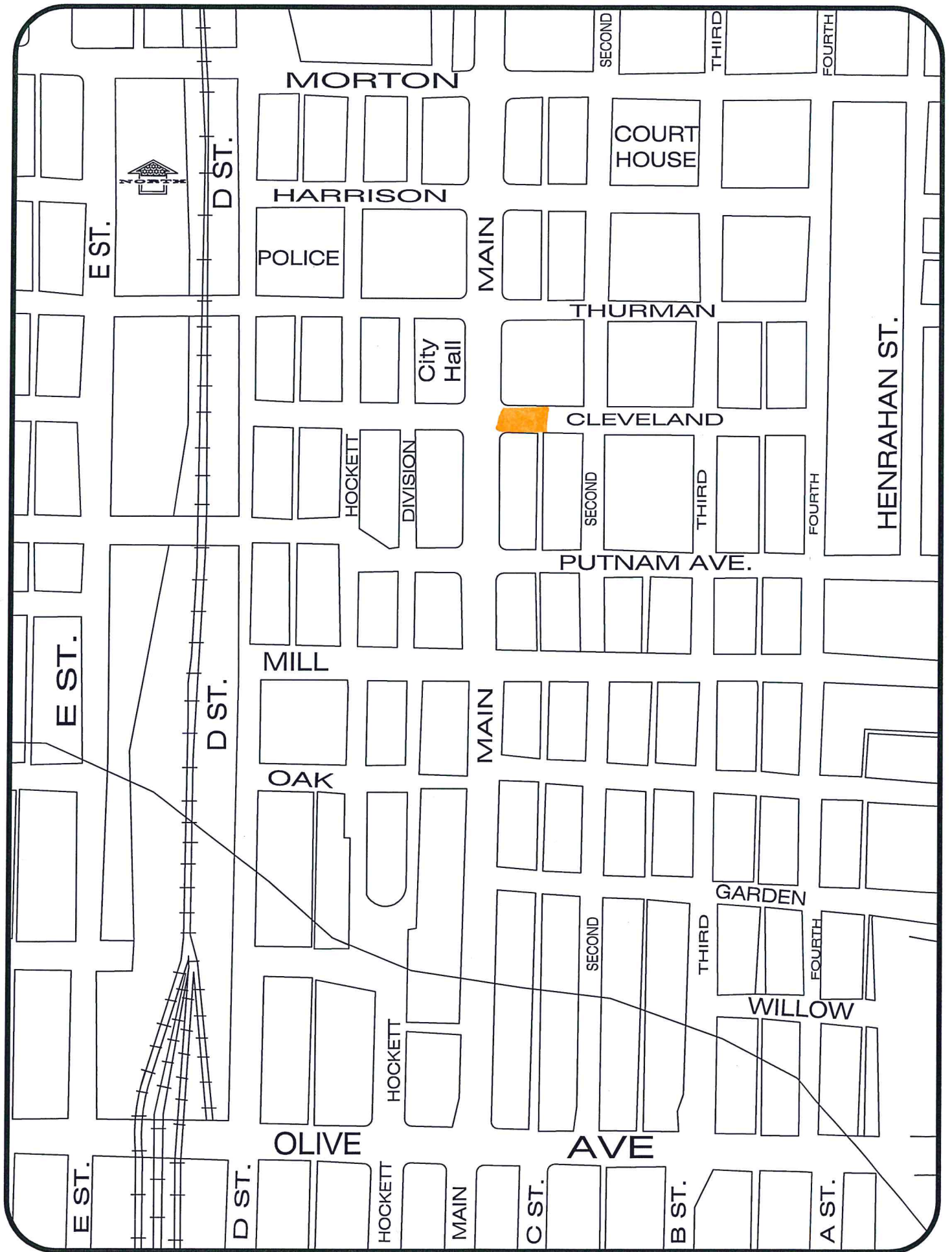
Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager



CITY OF PORTERVILLE

Internal Community Civic Event

(For events primarily sponsored and organized by City Departments)



Application Date: 8/30/2021

Event Date:

Friday evenings
9/17/21- 10/29/21

Location of Event Centennial Park, 296 N. Main St.

Name of Event: Music on Main- fall series

Sponsoring Department: Parks & Leisure Services

Department Contact Amy Graybehl

Affiliated Organizations: Porterville Chamber of Commerce

City Services Requested:

Barricades (Quantity)

Yes

No

Refuse Pickup:

Yes

No

Amplified Noise Permit

Yes

No

Police Assistance:

Yes

No

Parks Facility Application

Yes

No

Street Sweeping:

Yes

No

Assembly Permit

Yes

No

Other:

Staff Comments (list special requirements or conditions for event):

P&LS Director:

Public Works Director:

Community Dev. Director:

Field Services Manager:

Fire Chief:

Police Chief: Notes attached.

Deputy City Manager/ Administrative Services Director: Risk Management requires compliance with all City, State & Federal mandates concerning COVID-19.

CITY OF PORTERVILLE/POLICE DEPARTMENT
Community Civic Event Application

Music on Main, September 17, 2021 – October 29, 2021

Proposed Conditions/Requirements for Downtown Event, September 17 – October 29, 2021

- City Council approval is required for all street closures.
- On all streets approved for closure, ensure adequate barricades/barriers are used to warn motorists of non-access and prevent vehicle access to those designated areas.
- If event organizers anticipate the need for removal of parked vehicles from public roadways related to the event, the affected public roadways must be posted with appropriate signage no less than 24 hours in advance of the event. Said signs and associated posting must meet minimum requirements as established by the California Vehicle Code. (Recommend event organizers contact Officer Carl Jordan of the Porterville Police Department/Traffic Unit in order to ensure that signs meet the requirements as established by law or request additional assistance).
- Food vendors should provide inspection certificates from the Tulare County Health Department to members of the organizing committee, to ensure food product safety.
- An Outside Amplifier Permit has been approved and granted. However, event organizers shall not allow music to be played so loud as to unreasonably disturb the peace and good order of any residents or business establishments in the surrounding area.
- At conclusion of event, event organizers shall ensure streets are promptly cleared of any vehicles, equipment, booths or anything that could present a hazard to pedestrians or vehicles traveling through this area.

Rick Carrillo, Lieutenant
Porterville Police Department



CITY COUNCIL AGENDA – SEPTEMBER 21, 2021

SUBJECT: Community Civic Event - Pioneer Days - October 22-23, 2021

SOURCE: Parks and Leisure Services

COMMENT: The inaugural Pioneer Days & Rib Cook-Off was held October 13, 2012. The event, organized by the City of Porterville Parks and Leisure Services Department, has evolved over the years into one of the largest annual special events in Porterville. Pioneer Days serves as a fundraiser for the Zalud House Museum and was not held in 2020 due to the ongoing COVID-19 pandemic. All of the revenue collected from the event goes directly into funding much needed small capital improvement projects to the Zalud House and grounds. Pioneer Days revenue from the past three years, along with Zalud House annual revenue (not including Pioneer Days revenue) the past three fiscal years are as presented below:

2017 Pioneer Days: \$5,917.56

2018 Pioneer Days: \$9,905.59

2019 Pioneer Days: \$8,135.14

Zalud House FY 2018-2019: \$9,104.62

Zalud House FY 2019-2020: \$7,461.54

Zalud House FY 2020-2021: \$6,161.04

With the pandemic still very much prevalent, staff has developed a new plan for the 2021 Pioneer Days & Rib Cook-Off. The event is proposed to be held October 22-23, 2021. The youth pageant has always been one of the highlights of Pioneer Days. Staff is proposing to have the pageant for ages 3-14 be held at Centennial Park on October 22 at 6:00 P.M. The main event of Pioneer Days has always been the Rib Cook-Off drawing an excess of 20 teams, and a tremendous turnout from the public to taste the BBQ ribs. An adapted plan for this year's Rib Cook-Off is to hold a drive-thru event at the Sports Complex. The Rib Cook-Off teams will still compete, and the public will have the opportunity to purchase tickets in advance of the event and drive-thru at the Sports Complex to pick up the ribs from 12:00-2:00 P.M.

Holding the event in the proposed modified fashion will still enable the community to enjoy a portion of what has made Pioneer Days such a special event. Staff is hopeful that this year's event will renew some positive Pioneer Days & Rib Cook-Off momentum heading into 2022 when, if safe to do so, will resume with all of the original components of the event. This event will adhere to all current safety guidance related to COVID-19 and is subject to change.

Item No. 9.

The Sports Complex is an approved drive-thru location by the City Council's COVID-19 Ad Hoc Committee. The Internal Community Civic Event form was routed to City staff.

RECOMMENDATION: That the City Council authorize Pioneer Days on October 22-23, 2021, as proposed adhering to all current safety guidance related to COVID-19 and is subject to change.

ATTACHMENTS:

1. Internal Community Civic Event Form
2. Pioneer Days Pageant - Centennial Park
3. Rib Cook-Off - Sports Complex
4. Police Department Comments
5. Outside Amplifier Permit

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE

Internal Community Civic Event

(For events primarily sponsored and organized by City Departments)



Application Date: 9/2/2021 Event Date: Oct. 22 & 23, 2021

Location of Event Centennial Park Stage (10/22) & Sports Complex (10/23)

Name of Event: Pioneer Days Pageant (10/22) & Drive Thru Rib Cook-Off (10/23)

Sponsoring Department: Parks & Leisure Services

Department Contact Tonya Hall, 791-7697

Affiliated Organizations: _____

City Services Requested:

Barricades (Quantity)
Amplified Noise Permit
Parks Facility Application
Assembly Permit
Other: _____

	No
Yes	No
Yes	No
Yes	No

Refuse Pickup:
Police Assistance:
Street Sweeping:

Yes	No
Yes	No
Yes	No

Staff Comments (list special requirements or conditions for event):

P&LS Director: _____

Public Works Director: Michael Knight:
No comments.

Community Dev. Director: _____

Field Services Manager: _____

Fire Chief: _____

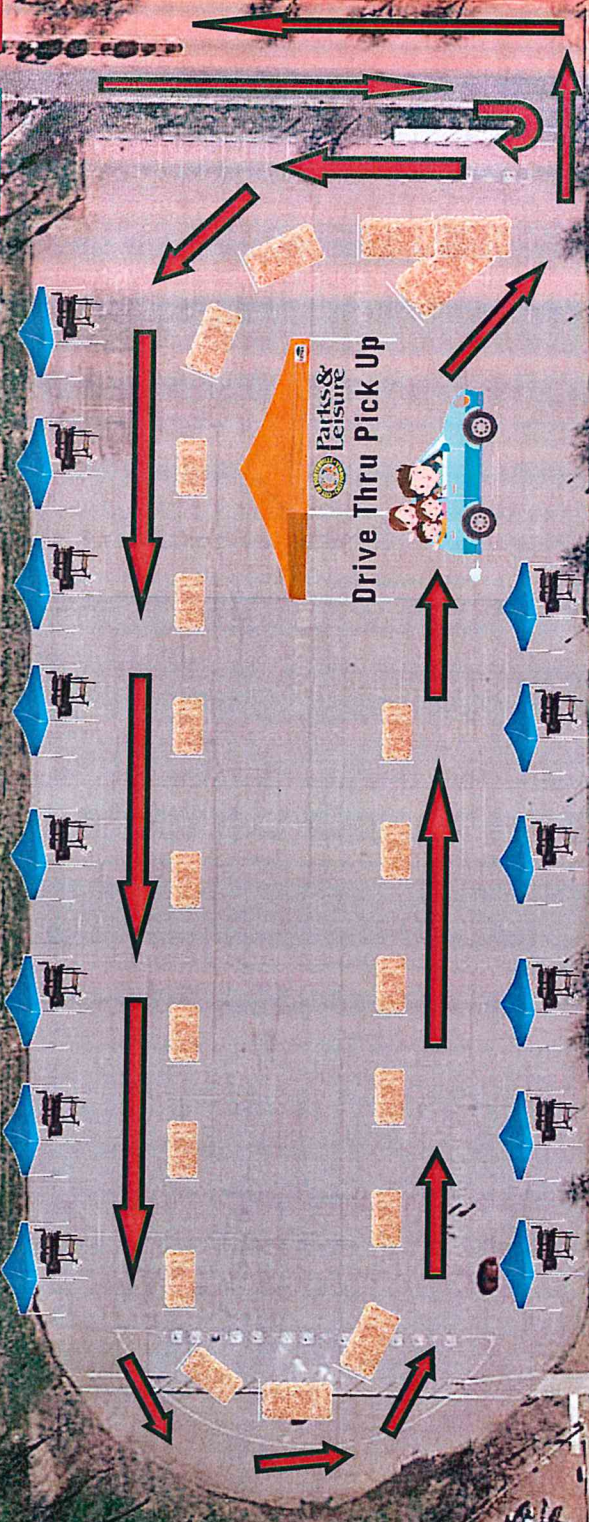
Police Chief: _____

Administrative Services Mgr.: Patrice Hildreth:
Risk Management requires compliance with all Covid-19 mandates.

Transit: _____

Ave 136 W Scranton Ave Ave 136 W Scranton Ave Ave 136 W Scranton Ave Ave 136 W Scranton Ave Ave 136 W Scranton Ave

ENTER EXIT



Google

Porterville, CA 93257



orterville

ifornia 93257

Sunny 74°F

9:05 AM

Directions

Save

Nearby

Send to your phone

Share

quick facts

Porterville is a city in the San Joaquin Valley, in Tulare County, California, United States. It is part of the Visalia-Porterville metropolitan statistical area. Since its incorporation in 1902, the city's population has grown as it annexed nearby incorporated areas. [View details](#)

Hotels

About pricing



Holiday Inn Express...

4.4

2 stars



Americas Best Val...

3.7

2 stars



Motel

3.5

2 stars

View more hotels

Porterville

Type here to search

Restaurants

Hotels

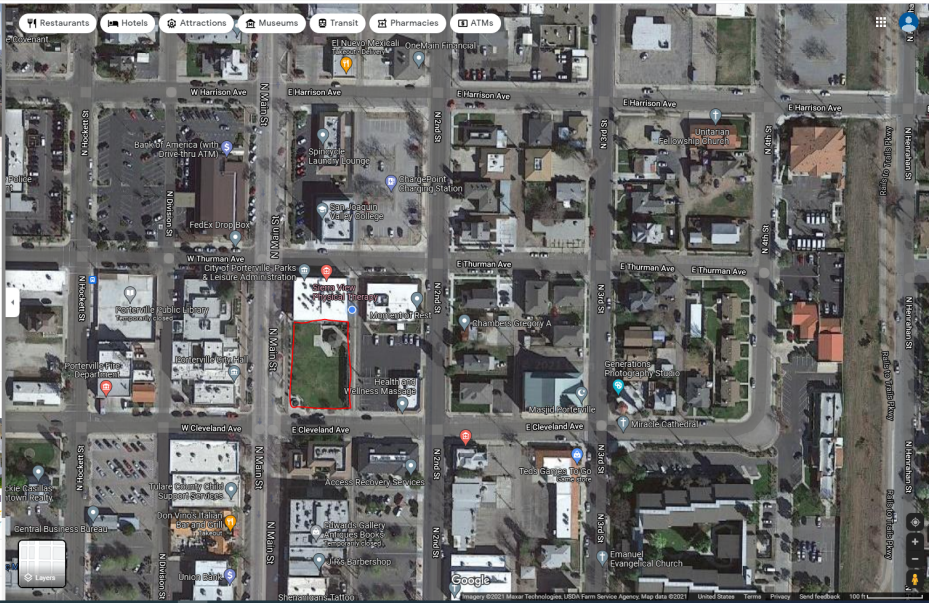
Attractions

Museums

Transit

Pharmacies

ATMs



9:05 AM

5/16/2021

Porterville, CA 93257



Porterville

93257

Sunny · 74°F
9:07 AM

Directions

Save

Nearby

Send to your phone

Share

Quick facts

Porterville is a city in the San Joaquin Valley, in Tulare County, California, United States. It is part of the Visalia-Porterville Metropolitan Statistical Area. Since its incorporation in 1902, Porterville's population has grown as it annexed nearby unincorporated areas. [Wikipedia](#)

Hotels

About pricing



Holiday Inn Express...
3.7 stars



Americas Best Value...
2 stars



Motel...
2 stars

[View more hotels](#)

Search

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Restaurants

Hotels

Attractions

Museums

Transit

Pharmacies

ATMs



Porterville, CA 93257

Porterville Dog Park

Porterville City Park

Sequoia National Forest

Porterville Sports Complex

Porterville

Region 315 Porterville

W. Stratton Ave

Young's Commercial Transfer - Porterville

Southwest Detention Center

Porterville Municipal Airport

Det. Air Port

Google

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CITY OF PORTERVILLE

Community Civic Event Application

Proposed Event: Pioneer Days Pageant & Drive Thru Rib Cook-Off

Date of Event: October 22, 2021 / October 23, 2021

Location of Event: Centennial Park Stage / Porterville Sports Complex

Recommendations/Requirements:

- All street closures in the city require City Council approval.
- If event organizers anticipate the need to have vehicles removed from the associated streets and alleys, the streets in question must be properly posted, in accordance with the California Vehicle Code, well in advance of the event. Event organizers shall contact Lt. Ron Moore, Lt. Bruce Sokoloff or Lt. Rose Gurule of the Porterville Police Department no less than 30 days prior to the event if vehicle removal is to be authorized. The aforementioned Lt.'s can be reached at 559-782-7410 or 559-782-7400.
- If the sales and consumption of alcoholic beverages are anticipated, a beer garden shall be established and alcohol may only be sold and consumed within the designated beer garden. A minimum of two (2) security guards shall be assigned to control the beer garden while it is in operation. No persons under the age of 21 shall be allowed to enter the beer garden and no alcohol shall be allowed to leave the beer garden. The consumption of alcohol at any other event site shall be strictly prohibited.
- Event organizers shall have applied and been granted a temporary license to sell alcohol from the California Department of Alcoholic Beverage Control.
- Food vendors should provide inspection certificates from the Tulare County Health Department to event organizers, to ensure safe food products.
- An Outside Amplifier Permit has been requested and granted. However, event organizers shall not allow music to be played so loud as to unreasonably disturb the peace and good order of any residents or business establishments in the surrounding area.

Rick Carrillo, Lieutenant
Porterville Police Department

CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)



This application must be submitted ten (10) days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

- 1 Name and home address of the applicant: Tonya Hall, 15 E. Thurman Ave Suite A, Porterville
- 2 Address where amplification equipment is to be used: Sports Complex, 2701 W. Scranton, Porterville
- 3 Names and addresses of all persons who will use or operate the amplification equipment: Tonya Hall/ P&L Services
- 4 Type of event for which amplification equipment will be used: Drive Thru Rib Cook-Off
- 5 Dates and hours of operation of amplification equipment: October 23, 2021, 7:00AM-3:00PM
- 6 A general description of the sound amplifying equipment to be used: Music, public speaking, intermitten gunfire.
SEE BELOW

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,

The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section. (Ord. Code § 6311)

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.

Tonya Hall
Signature of Applicant

9-2-21
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.

[Signature]
City of Porterville, Chief of Police/Designee

9-15-21
Date

GUNFIRE WILL BE BY BLANKS ONLY AND FIRED BY
TRAINED PERSONNEL D.C. 152

CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)



This application must be submitted ten (10) days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

- 1 Name and home address of the applicant: Tonya Hall, 15 E. Thurman Ave Suite A, Porterville
- 2 Address where amplification equipment is to be used: Centennial Park Stage, Main Street
- 3 Names and addresses of all persons who will use or operate the amplification equipment: Tonya Hall/ P&L Services
- 4 Type of event for which amplification equipment will be used: Pioneer Days Pageant
- 5 Dates and hours of operation of amplification equipment: October 22, 2021, 6:00PM-8:00PM
- 6 A general description of the sound amplifying equipment to be used: Music, public speaking

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,

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

Tonya Hall
Signature of Applicant

9-2-21
Date

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[Signature]
City of Porterville, Chief of Police/Designee

9-15-21
Date



CITY COUNCIL AGENDA – SEPTEMBER 21, 2021

SUBJECT: Consideration of Zoning Ordinance Amendment to Downtown Retail South of Olive Avenue

SOURCE: Community Development

COMMENT: Staff has been contacted by various members of the community that have shown interest in opening new automobile oriented businesses within the City's Downtown areas, particularly within the Downtown Retail South of Olive Avenue (DR-S) zone district. Many of these applicants have expressed interest in opening within this zone district due to the prevalence of buildings that have historically been used for commercial ventures relating to automobile sales, repairs, and washing; however, these applicants have not been able to proceed at the desired locations due to current zoning regulations prohibiting the operation of automobile service and repair (major) and automobile washing facilities. The current regulations permit automobile sales and leasing, and automobile service and repair (minor), subject to a Conditional Use Permit.

Prior to the adoption of Ordinance 1764 (Porterville Development Ordinance) on June 4, 2010, Ordinance 1198 served as the previous Development Ordinance for Porterville. Under the previous regulations, the area now designated as Downtown Retail – South of Olive Avenue (DR-S) was formally designated as C-3 (Heavy Commercial). Under this zoning classification, automobile repair and service of both major and minor classifications, in addition to washing and upholstery services, were allowed by right in the C-3 Zone district. The DR-S zone district is located on Main Street south of Olive Avenue to Date Avenue as well as on Orange Avenue from Main Street to Locust Avenue.

Significant planning efforts in the early 2000s with California Department of Transportation and the City included the intention to further develop the interchange at State Route 190 and South Main Street into a full interchange, thereby providing direct access to Main Street from the state highway system. In anticipation of these plans, the City Council took action to adopt Ordinance 1764 to promote redevelopment of the southern portion of Downtown to serve as a “welcoming gateway” to the Downtown districts. In the time since the adoption of Ordinance 1764, the State has indicated it will no longer consider a full interchange for the State Route 190 and Main Street access point. At the same time, staff has seen an increase of requests from potential business owners and current property owners looking to utilize existing spaces for automotive oriented businesses, such as automotive repair and automotive washing facilities, instead of retrofitting existing facilities for new uses or developing

new structures in an economy with rising construction costs and supply chain issues.

A review of the current land uses in the DR-S zone district indicated that fifteen (15) businesses are currently operating under a legal non-conforming status and would not be able to open in their current locations today if they applied for a business license under the current Development Ordinance.

Staff is requesting direction from the City Council to amend Chapter 202 Downtown Districts of the Porterville Development to include automotive vehicle service and repair major and minor, as well as automotive vehicle service and repair washing, as permitted uses in the DR-S zone district.

RECOMMENDATION: That the City Council provide direction to staff to move forward with a City-initiated amendment to Chapter 202 Downtown Districts of the Porterville Development Ordinance, and any applicable planning documents, to include automotive vehicle service and repair major and minor, as well as automotive vehicle service and repair washing, as permitted uses in the Downtown Retail South of Olive Avenue zoning district.

ATTACHMENTS: 1. Downtown Retail-South Zone Map
 2. Porterville Development Ordinance Chapter 202 -
 Downtown Districts

Appropriated/Funded:

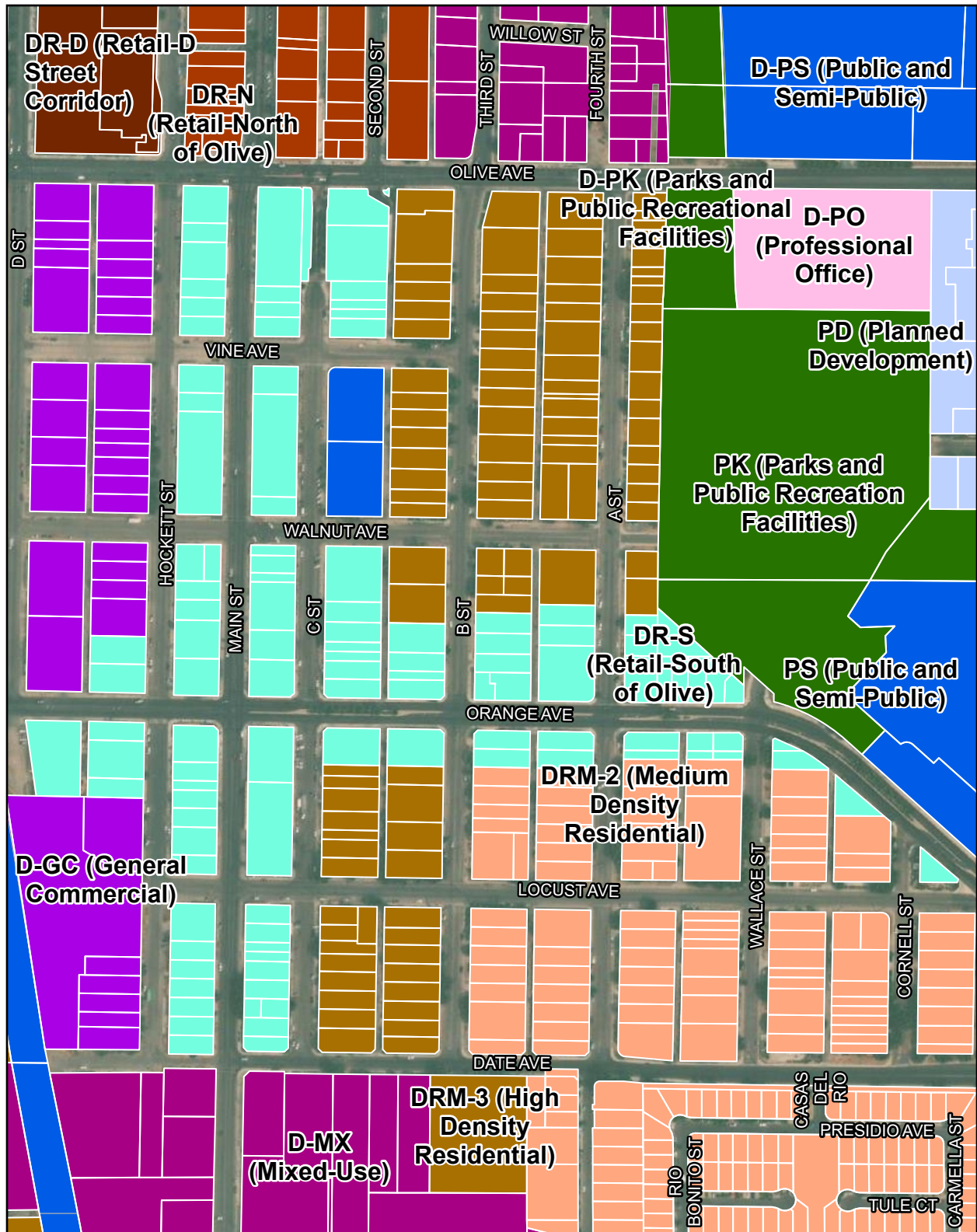
Review By:

Department Director:

Jason Ridenour, Community Development Director

Final Approver: John Lollis, City Manager

DR-S Zoning



1 in = 400 feet



Chapter 202 Downtown Districts

Sections:

202.01	Purpose
202.02	Land Use Regulations
202.03	Development Standards
202.04	Supplemental Regulations

202.01 Purpose

The specific purposes of the Downtown Districts are to:

- (a) Maintain a thriving, vibrant Downtown compatible with surrounding land uses.
- (b) Foster the location of cultural and civic uses and public open space to maintain Downtown as the civic core of the City.
- (c) Provide for a range of commercial and retail services that add to a diversified economic base.
- (d) Allow mixed uses to create a more vibrant community and offer additional opportunities for housing for residents requiring convenient access to community services and less dependency on auto transportation.
- (e) Ensure that development is visually attractive and pedestrian friendly.
- (f) Preserve and enhance the pedestrian-oriented environment of the Downtown area.
- (g) Ensure that potential development and redevelopment is integrated into the Downtown and supports the vitality of the area.

Additional purposes of each district within the Downtown Districts:

DR-N Downtown Retail – North of Olive Avenue. Maintain the pedestrian- and transit-oriented environment of retail, restaurants, services, and government offices in the heart of Porterville’s Downtown, focused on Main Street. Maintain the traditional Downtown character, with buildings built immediately adjacent to the sidewalk, active commercial uses on the ground floor, ample on-street parking, and a visually attractive streetscape with trees, historic street lights, benches, and other pedestrian amenities.

DR-S Downtown Retail – South of Olive Avenue. Create an attractive commercial corridor that provides a welcoming gateway at the southern entrance to Downtown. Buildings should line the street, with street trees along the entire length of the street, and small landscaped front yards between the buildings and the sidewalk.

DR-D Downtown Retail – D Street Corridor. Provide for a mix of medium-scale retail and service uses in a manner compatible with the Downtown pedestrian environment. Buildings should line the street, with deep landscaped front yards and rows of trees.

D-MX Downtown Mixed-Use. Create a mixed-use area that attracts businesses and residents to locate Downtown, and provides a transition area between commercial areas and residential neighborhoods. Allow a mix of commercial, service, office, and residential uses that do not adversely impact one another in a significant way. Create an attractive streetscape of buildings that line the street, with landscaping and trees tailored to the width and the existing design character of the street.

D-PO Downtown Professional Office. Encourage the adaptive re-use of existing buildings with office and professional uses, and infill of new office buildings, in order to provide convenient services to local residents and businesses, complement nearby retail development, and maintain the historic residential character of the area. Maintain the pattern of small lots, historic residential building forms, landscaped front yards, and street trees in planter strips.

D-PS Downtown Public and Semi-Public. Provide areas for larger-scale public facilities that serve the community, with a focus on integrating development into the Downtown. Encourage land uses and design features that enhance the vitality, character and quality of life of the Downtown and surrounding residential areas. Ensure that the traditional block pattern of Downtown is maintained. Incorporate public streets and pedestrian walkways that connect these larger scale projects to Downtown streets and walkways. Design streets with attractive landscaped front yards and street trees, consistent with the character of existing and adjoining streets.

DRM-2 Downtown Medium Density Residential. Encourage a variety of housing types, such as small-lot single-family homes, detached zero lot line developments, duplexes, townhouses, and garden apartments with a maximum residential density of 16.5 units per acre in the Downtown area. Encourage housing in Downtown to provide opportunities for residents to live in close proximity to community services and retail establishments, and to help support the vitality of Downtown businesses. Maintain the existing character of buildings that front the street, landscaped front yards, and street trees.

DRM-3 Downtown High Density Residential. Facilitate the development of attached homes, two- to four-plexes, and apartment or condominium buildings with a maximum residential density of 33.0 units per acre in Downtown, to create a more vibrant community and offer additional opportunities for housing for residents requiring convenient access to community services and less dependency on auto transportation. Maintain the existing character of buildings that front the street, landscaped front yards, and street trees.

D-GC Downtown General Commercial. Provide areas for retail, service, and heavier commercial uses that meet local and community needs in a manner complimentary to the adjacent Downtown pedestrian-oriented environment.

202.02 Land Use Regulations

Table 202.02 below prescribes the land use regulations for “Downtown” Districts. The regulations for each district are established by letter designations as follows:

“P” designates permitted uses.

“C” designates use classifications that are permitted after review and approval of a Conditional Use Permit by the City Council.

“M” designates use classifications that are permitted after review and approval of a Minor Conditional Use Permit by the City Council.

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

“-” designates uses that are not permitted.

Use classifications are defined in Chapter 700, Use Classifications. In cases where a specific land use or activity is not defined, the Zoning Administrator shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and sub-classifications not listed in the table or not found to be substantially similar to the uses below are prohibited. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Chapter.

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TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS										
<i>Use Classification</i>	<i>DR-N</i>	<i>DR-S</i>	<i>DR-D</i>	<i>D-MX</i>	<i>DRM-2</i>	<i>DRM-3</i>	<i>D-PO</i>	<i>D-GC</i>	<i>D-PS</i>	<i>Additional Regulations</i>
Residential Use Classifications										
Single Family Dwelling	See sub-classifications below									
<i>Attached</i>	P(1)	-	-	-	P	P	-	-	-	
Multi-family Residential	P(1)	P(2)	-	P	P	P	P(1)	-	-	Section 201.04(b)
Family Day Care Home	See sub-classifications below									
<i>Small</i>	P	P	-	P	P	P	P	-	-	
<i>Large</i>	-	-	-	P	P	P	-	-	-	Section 301.07 Family Day Care Home, Large
Group Residential	-	-	-	P(3)	P	P	-	-	-	
Mixed Use Development				C						Section 203.04 Supplemental Regulations
Residential Care Facilities, Limited	P	P	-	P	P	P	P	-	-	
Single Room Occupancy Hotels	-	-	-	C(1)	-	-	-	-	-	Section 301.18 Single Room Occupancy Hotels
Public and Semi-Public Use Classifications										
Clubs and Lodges	C(4)	P	P	P	-	-	P(5)	P	-	Section 301.02 Alcoholic Beverage Sales
Colleges and Trade Schools, Public or Private	C(5)	C	C	C	-	-	C	C	P	
Community Center	-	-	-	C	-	-	-	-	P	
Cultural Institutions	C(5)	C	C	C	-	-	P	C	P	
Day Care Centers	C	C	C	C	C	C	P	-	C	

TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS										
<i>Use Classification</i>	<i>DR-N</i>	<i>DR-S</i>	<i>DR-D</i>	<i>D-MX</i>	<i>DRM-2</i>	<i>DRM-3</i>	<i>D-PO</i>	<i>D-GC</i>	<i>D-PS</i>	<i>Additional Regulations</i>
Elderly and Long Term Care	-	-	-	-	P	P	P	-	-	
Government Offices	P	P	P	-	-	-	P	-	P	
Instructional Services	P(5)	P	P	P	-	-	P	P	P	
Park and Recreation Facilities, Public	P	P	P	P	P	P	P	P	P	
Religious Facilities	-	-	-	C	C	C	-	-	-	
Residential Care Facilities, General	-	-	-	-	C	C	-	-	-	Section 301.15 Residential Care Facilities, General
Schools, Public or Private	P(4)	P	P	P	-	-	-	-	P	
Social Service Facilities	-	-	-	C	C	C	-	-	-	Section 301.19 Social Service Facilities
Commercial Use Classifications										
Animal Care, Sales, and Services	See sub-classifications below									
<i>Kennels</i>	-	-	C	-	-	-	-	C	-	
<i>Pet Stores</i>	M(6)	P(6)	P(6)	M(6)	-	-	-	P(6)	-	
<i>Veterinary Services, Small</i>	-	-	C	-	-	-	-	P(6)	-	
Artists' Studios	P	P	P	P	-	-	-	P	-	
Automobile/Vehicle Sales and Services	See sub-classifications below									
<i>Automobile/Vehicle Rentals.</i>	-	-	-	-	-	-	-	P	-	

TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS										
<i>Use Classification</i>	<i>DR-N</i>	<i>DR-S</i>	<i>DR-D</i>	<i>D-MX</i>	<i>DRM-2</i>	<i>DRM-3</i>	<i>D-PO</i>	<i>D-GC</i>	<i>D-PS</i>	<i>Additional Regulations</i>
<i>Automobile/Vehicle Sales and Leasing.</i>	-	C	C(7)	-	-	-	-	P	-	
<i>Automobile/Vehicle Service and Repair, Major.</i>	-	-	C	-	-	-	-	C	-	Section 301.04 Automobile/Vehicle Service and Repair, Major and Minor
<i>Automobile/Vehicle Service and Repair, Minor.</i>	-	C(7)	C(7)	-	-	-	-	P	-	Section 301.04 Automobile/Vehicle Service and Repair, Major and Minor
<i>Automobile/Vehicle Service and Repair, Washing.</i>	-	-	-	-	-	-	-	C	-	Section 301.05 Auto Service Stations and Car Washing
<i>Service Station</i>	-	-	-	-	-	-	-	C	-	Section 301.05 Auto Service Stations and Car Washing
Banks and Financial Institutions	See sub-classifications below									
<i>Banks and Credit Unions</i>	P(8)	P(8)	P	P(8)	-	-	P(8)	P	-	
Building Materials and Services	-	-	-	-	-	-	-	P(9)	-	
Business Services	P(10)	P(10)	P(10)	P(10)	-	-	P	P	-	
Cannabis Dispensary	P	P	P	P	-	-	-	P	-	Municipal Code Chapter 15, Article VII
Commercial Entertainment and Recreation	See sub-classifications below									

TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS										
<i>Use Classification</i>	<i>DR-N</i>	<i>DR-S</i>	<i>DR-D</i>	<i>D-MX</i>	<i>DRM-2</i>	<i>DRM-3</i>	<i>D-PO</i>	<i>D-GC</i>	<i>D-PS</i>	<i>Additional Regulations</i>
<i>Cinema/Theaters</i>	C	C	C	C	-	-	-	C	-	Section 301.02 Alcoholic Beverage Sales
<i>Downtown Entertainment</i>	-	-	C	C	-	-	-	C	C	Section 301.02 Alcoholic Beverage Sales
<i>Small-scale</i>	C	C	C	C	-	-	-	C	-	Section 301.02 Alcoholic Beverage Sales
Eating, Drinking, and Smoking Establishments	See sub-classifications below									
<i>Bars/Night Clubs/Lounges</i>	C	C	C	C	-	-	-	C	-	Section 300.08 Outdoor Seating; Section 301.02 Alcoholic Beverage Sales
<i>Coffee Shops/Cafes</i>	P(8)	P(8)	P(8)	P(8)	-	-	P(8)	P(8)	P(8, 13)	Section 300.08 Outdoor Seating
<i>Restaurants</i>	P(8)	P(8)	P(8)	P(8)	-	-	P(8)	P(8)	P(8, 13)	Section 300.08 Outdoor Seating; Section 301.02 Alcoholic Beverage Sales
<i>Tobacco Bars</i>	C	C	C	C	-	-	-	C	-	
Food and Beverage Retail Sales, less than 5,000 square feet	P	P	P	P	-	-	P(11)	P	P(11)	Section 301.02 Alcoholic Beverage Sales
Food and Beverage Retail Sales, more than 5,000 to 50,000 square feet	P	P	P	P	-	-	-	-	-	Section 301.02 Alcoholic Beverage Sales
Hotels and Motels	C	C	C	C	-	-	-	C	-	
Bed and Breakfasts	-	-	-	P(3)	-	P(3)	P(3)	-	-	

TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS										
<i>Use Classification</i>	<i>DR-N</i>	<i>DR-S</i>	<i>DR-D</i>	<i>D-MX</i>	<i>DRM-2</i>	<i>DRM-3</i>	<i>D-PO</i>	<i>D-GC</i>	<i>D-PS</i>	<i>Additional Regulations</i>
Maintenance and Repair Services less than 1,500 square feet	-	-	-	-	-	-	-	P(12)	-	
Medical Facilities	See sub-classifications below									
<i>Medical Clinic</i>	-	P	P	P	-	-	P	P	P	
<i>Professional/Medical</i>	P(13)	P	P	P	-	-	P	P	P	
Mixed Use Development				C						Section 203.04 Supplemental Regulations
Nurseries and Garden Centers	-	C	C	C	-	-	-	P	-	
Offices	See sub-classifications below									
General Offices	P(13)	P	P	P	-	-	P	P	P	
Walk-In Clientele	P	P	P	P	-	-	P	P	P	
Parking, Public or Private	P	P	P	P	P	P	P	P	P	
Personal Services	P	P	P	P	-	-	P	P	-	
Retail Sales, less than 50,000 square feet	P	P	P	P	-	-	P(11)	P	-	
Retail Sales, more than 50,000 square feet	C	C	C	C	-	-	-	C	-	
Industrial Use Classifications										
Handicraft/Custom Manufacturing	-	-	-	-	-	-	-	P	-	
Industry, Limited	-	-	-	-	-	-	-	C	-	

TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS										
<i>Use Classification</i>	<i>DR-N</i>	<i>DR-S</i>	<i>DR-D</i>	<i>D-MX</i>	<i>DRM-2</i>	<i>DRM-3</i>	<i>D-PO</i>	<i>D-GC</i>	<i>D-PS</i>	<i>Additional Regulations</i>
Recycling Facilities	See sub-classifications below									
<i>Reverse Vending Machine</i>	-	P	P	P	-	-	-	P	P	Section 301.14 Recycling Facilities
<i>Recycling Collection Facility</i>	-	C	-	-	-	-	-	C	C	Section 301.14 Recycling Facilities
Transportation, Communication, and Utilities Use Classifications										
Communication Facilities	See sub-classifications below									
<i>Antenna and Transmission Towers, camouflage facilities</i>	P(14)	P(14)	P(14)	P(14)	-	-	P(14)	P(14)	P(14)	Section 301.20 Telecommunication Facilities
<i>Antenna and Transmission Towers, non-camouflage facilities</i>	C(14)	C(14)	C(14)	C(14)	-	-	C(14)	C(14)	C(14)	Section 301.20 Telecommunication Facilities
<i>Broadcasting Facility</i>	-	M	M	M	-	-	-	M	-	Section 301.20 Telecommunication Facilities
<i>Call Center</i>	-	-	-	-	-	-	P(5)	P(5)	P	
<i>Recording Studio</i>	-	-	P(6)	P(6)	-	-	-	P(6)	-	
Transportation Passenger Terminals	P(15)	P(15)	P(15)	-	-	-	-	-	-	
Utilities, Minor	P	P	P	P	P	P	P	P	P	
Other Applicable Types										
Accessory Uses and Structures	P	P	P	P	P	P	P	P	P	Section 301.01 Accessory Uses and Structures

TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS										
Use Classification	DR-N	DR-S	DR-D	D-MX	DRM-2	DRM-3	D-PO	D-GC	D-PS	Additional Regulations
Home Occupations	P	P	P	P	P	P	-	-	-	Section 301.09 Home Occupations
Second Dwelling Unit	-	-	-	-	P	P	-	-	-	Section 301.16 Second Dwelling Unit
Nonconforming Use	Chapter 307 Nonconforming Uses, Structures, and Lots									
Temporary Use	Section 301.21 Temporary Uses									
Specific Limitations: - Residential units allowed only on upper floors unless approved with a Conditional Use Permit. Common ancillary areas are allowed on the ground floor except on Main Street. - On Main Street, residential units are allowed only on upper floors unless approved with a Conditional Use Permit. - Limited to no more than two rooms in a dwelling rented to not more than a total of four persons and meals are not provided to more than four boarders. - Allowed only on upper floors and limited to 5,000 square feet in size. - Limited to 5,000 square feet in size. - Provided that such use shall be completely enclosed in a building of soundproof construction. - Limited to uses conducted wholly within a building enclosed on all sides including the display, storage, repair, and reconditioning of vehicles. - Drive-through facilities are prohibited. - Bulk storage of sand, gravel, or cement is not allowed. - Wholesale services are not allowed. - Permitted only as accessory to a primary use. - No outdoor operations or outdoor storage are allowed. - Limited to 25 percent of ground floor area unless additional floor area is approved with a Conditional Use Permit. No square footage limitation on upper floors. - Shall not be located within 300 feet of any R district except as detailed in 301.20e. - Not allowed on Main Street. No repair or storage of vehicles is allowed.										

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202.03 Development Standards

Table 202.03 prescribes the development standards for Downtown Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Chapter, while individual letters refer to subsections that directly follow the table.

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TABLE 202.03: DEVELOPMENT STANDARDS – DOWNTOWN DISTRICTS										
Standard	DR-N	DR-S	DR-D	D-MX	DRM-2	DRM-3	D-PO	D-GC	D-PS	Additional Standards
Lot, Density, and Block Standards										
Minimum Lot Area (sq ft)	-	-	-	-	6,000	6,000	6,000	6,000	6,000	
Minimum Lot Width (ft)	-	-	-	-	60	60	60	60	60	
Minimum Lot Depth (ft)	-	-	-	-	75	75	75	75	75	
Minimum Density (dwelling units/acre)	-	-	-	15	-	-	-	-	-	
Maximum Density (dwelling units/net acre)	No max, FAR applies to combined Residential and Non-residential		-	41.0	16.5	33.0	-	-	-	
Maximum Block Dimension (ft)	Dimension: 500; 600 with mid-block pedestrian way									Section 202.04(b) Maximum Block Length
Building Form, Location, and Street Design										
Maximum Height (ft)	50 on corner lots and lots over 2 acres; 40 on all other lots			40, 50 with CUP	35	40, 50 on corner lots	30; 40 with CUP	• 50 on corner lots and lots over 2 acres; • 40 on interior lots		Section 300.06 Heights and Height Exceptions
Minimum Height (ft)	Main St: 28	-	-	-	-	-	-	-	-	
Minimum Yards (ft)	See sub-classifications below									
Front (Main Street frontage is always considered the front of the lot)	0 min; 10 max Shall be paved on Main St with tile, stone, brick, concrete, or comparable material.	Commercial: 15 for buildings, 10 for parking. Main St and Olive St: 10 min, 20 max Residential: 15	10 min; 20 max D St: 15	0; 10 on Main St or ground floor residential	20	15	15 min; 25 max	10	20	• Section 202.04(i) Building Projections; • Unless otherwise stated, shall be landscaped in accord with Chapter 303 Landscaping.

TABLE 202.03: DEVELOPMENT STANDARDS – DOWNTOWN DISTRICTS

<i>Standard</i>	<i>DR-N</i>	<i>DR-S</i>	<i>DR-D</i>	<i>D-MX</i>	<i>DRM-2</i>	<i>DRM-3</i>	<i>D-PO</i>	<i>D-GC</i>	<i>D-PS</i>	<i>Additional Standards</i>
<i>Interior Side</i>	- Commercial: 0 - Residential: Where residential is allowed, every unit shall have at least one window with a minimum of 15 ft of clear separation from another building or wall				1-2 stories: 5 3 or more stories: 10		5	0	20	Section 202.04(i) Building Projections
<i>Street Side or Rear on a Street Frontage</i>	East of 2nd St: 10; Otherwise: 0 min; 10 max	10	10	0; 10 if on Main St and for ground floor residential	10	10	15	10	20	- Section 202.04(i) Building Projections; and - Unless otherwise stated, shall be landscaped in accord with Chapter 303 Landscaping
<i>Transitional – Street side</i>	5	15	15				15	15	15	Section 202.03(c) Transitional Standards
<i>Rear, not on a Street Frontage</i>	- Commercial: 0 - Residential: Where residential is allowed, every unit shall have at least one window with a minimum of 15 ft of clear separation from another building or wall				10	10	0, 5 from alley	0	20	Section 202.04(i) Building Projections
Maximum Floor Area Ratio, all uses	3.0	3.0	3.0	3.0	-	-	.50	1.0	.25(a)	
Maximum Building Coverage (% of lot)	-	-	-	-	50	60	-	-	50	
Minimum Percent of Building at Setback Line	-	50 (b)	50 (b)	50 (b)	-	-	-	-	-	
Parking										
Maximum Curb Cut per Lot or Street Frontage	One, none on Main Street	One, unless more are required by the City for public services					One	One, unless more are required by the City for public services		Section 202.04(d) Parking

TABLE 202.03: DEVELOPMENT STANDARDS – DOWNTOWN DISTRICTS

<i>Standard</i>	<i>DR-N</i>	<i>DR-S</i>	<i>DR-D</i>	<i>D-MX</i>	<i>DRM-2</i>	<i>DRM-3</i>	<i>D-PO</i>	<i>D-GC</i>	<i>D-PS</i>	<i>Additional Standards</i>
Maximum Curb Cut Width (ft)	20	20	20	20	20	20	10	20	20	
Landscaped Setback between Parking and Street (ft)	5	5; 10 on Main, Orange, and C Streets	5, 10 on D St	5, 10 on Main St	10	10	10	5	10	Chapter 303 Landscaping
Setback of Parking from Buildings	5	5	5	5	10, 5 may be occupied by a pedestrian walkway paved with tile, stone, brick, concrete, or comparable material.		5, may be occupied by a pedestrian walkway with tile, stone, brick, concrete, or comparable material.	5	10	
Parking Lot Location Standards Apply	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Section 202.04(d) Parking
Open Space and Landscaping										
Usable Open Space (sq ft per residential unit)	75	75	-	100	150, 50 of which shall be private		-	-	-	Section 202.04(e) Open Space
Additional Standards										
Supplemental Regulations Apply	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Section 202.04 Supplemental Regulations

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Additional Development Regulations:

- (a) **Determining FAR.** When determining FAR in the D-PS district, meeting rooms, cafeteria facilities, and conference facilities are excluded from floor area.
- (b) **Retail Stores or Shopping Centers.** The percent of building at setback line requirement may be waived with Conditional Use Permit approval for retail stores or shopping centers with a gross floor area of fifty thousand (50,000) square feet or greater when the City Council finds that alternative features have been incorporated into the project to achieve pedestrian orientation and to accommodate pedestrians and bicycle access.
- (c) **Transitional Standards.** When a site is adjacent to an R district, the following standards apply:
 - (1) Buildings exceeding twenty (20) feet in height must be set back five (5) feet from the interior side and rear property line; for buildings exceeding twenty-five (25) feet in height shall be stepped back one (1) additional foot for every foot of height above twenty-five (25) feet.
 - (2) The maximum height within forty (40) feet of an R district boundary is thirty-five (35) feet. The maximum height within fifty (50) feet of an R district boundary is forty (40) feet.

202.04 Supplemental Regulations

- (a) **Design Guidelines.** All development shall comply with the Downtown Design Guidelines adopted by resolution.
- (b) **Maximum Block Length.** Block length in the downtown districts are limited to five hundred (500) feet, measured from curb edge to curb edge. A block length of up to six hundred (600) feet shall only be allowed when a mid-block pedestrian connection is provided.
- (c) **Street Preservation.** Existing streets in Downtown shall be preserved. Public right-of-way shall not be eliminated or abandoned unless substantial public benefits are provided such as a new park.
- (d) **Parking.** Parking shall be provided and maintained according to the general standards of Chapter 304, On-site Parking and Loading, as well as the standards of this subsection.
 - (1) **Parking Location**
 - a. Parking shall be located at the rear of the site or at the side of the building.
 - b. Parking shall not be located between a public street and a building except for double frontage lots. Parking shall only be located between a public street and a building in the rear of a double frontage lot where no other alternative exists.

- c. The parking location requirements may be waived with Conditional Use Permit approval for retail stores or shopping centers with a gross floor area of fifty thousand (50,000) square feet or greater when the City Council finds that alternative features have been incorporated into the project to achieve pedestrian orientation and to accommodate pedestrians and bicycle access.

(2) ***Parking Lot Access***

- a. Access shall be provided from a side street or alley when they are available.
- b. Commercial parking lot access shall not be provided from a residential street where alternate access is available.
- c. Wherever possible, parking entrances shall share curb cuts in order to minimize the overall number of curb cuts.

(3) ***Residential Parking***

- a. Garages or other enclosed or covered parking facilities for use by residents shall not be a significant visible feature from the public street or from adjacent bikeways, sidewalks or other pedestrian amenities.
- b. Residential parking shall be clearly signed and reserved for the residents.

(e) **Open Space**

- (1) ***Open Space - Residential Uses.*** Private and common open space areas shall be provided in multi-family developments in accordance with this section. Private areas typically consist of balconies, decks, patios, and fenced yards. Common areas typically consist of landscaped areas, patios, swimming pools, barbeque areas, playgrounds, trees, bushes, groundcover, and turf.

- a. ***Minimum Dimensions.*** Open space shall have the following minimum dimensions in order to count towards open space requirements:
 - 1. Open space located on the ground level (e.g., common areas, decks, patios): ten (10) feet.
 - 2. Open space located above ground level (e.g., balconies): five (5) feet.
- b. ***Usability.*** A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface shall be a combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing. Slope shall not exceed ten (10) percent.
- c. ***Accessibility.***
 - 1. Private Open Space. The space shall be accessible to only one (1) residential unit by a doorway to a habitable room or hallway.

2. Common Open Space. The space shall be accessible to all the residential units on the lot.
 - d. *Existing Buildings*. If the project involves the renovation of an existing building and it is not feasible to provide outdoor open space, open space shall be provided in interior common areas such as a community or fitness room.
- (2) **Open Space - Commercial Uses**. Commercial developments on lots greater than fifteen thousand (15,000) square feet shall provide a plaza or outdoor dining area which provides public seating and is accessible from the public sidewalk.
 - a. *Minimum Size*: three hundred (300) square feet for lots between fifteen thousand (15,000) and thirty thousand (30,000) square feet in size; six hundred (600) square feet for lots thirty thousand (30,000) square feet in size or larger.
 - b. *Minimum Dimensions*: Twelve (12) feet.
 - c. *Parking Lot Buffering*. The required public area shall be separated from any parking area with a minimum five (5) foot wide landscaped buffer area and screened with a decorative wall or berm (two and one-half to three and one-half (2.5 to 3.5) feet high.
- (f) **On-Site Pedestrian Walkways**. In the D-PO District, all front yards shall contain a continuous front walk connecting the public sidewalk to the front entrance steps of the building. In all other districts, on-site pedestrian circulation and access shall be provided according to the following standards.
 - (1) **Internal Connections**. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
 - (2) **To Street Network**. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main entry and sidewalk.
 - (3) **To Neighbors**. Direct and convenient access shall be provided from commercial and mixed-use projects to adjoining neighborhood residential and commercial streets. These connections shall remain accessible at all times, and not be gated.
 - (4) **Pedestrian Walkway Design**
 - a. Walkways shall be a minimum of five (5) feet wide and shall be paved with concrete, stone, tile, brick, or comparable material.
 - b. Fifteen (15) gallon shade trees shall be planted along walkways at least thirty (30) feet on center.
 - c. Walkways shall be illuminated with an intensity of at least 0.25 foot-candles at the ground level during the hours of darkness.
 - d. Primary pedestrian routes and access points shall be clearly differentiated from driveways, parking aisles, and parking and loading

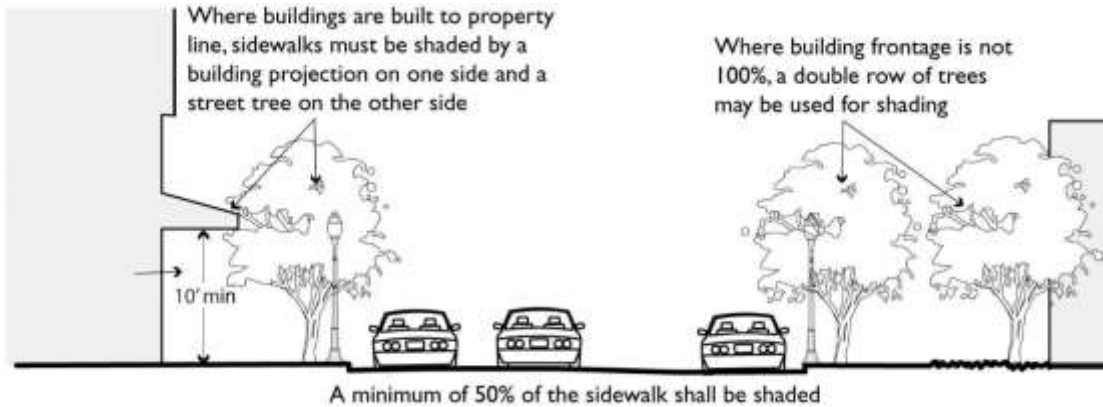
spaces through the use of elevation changes, a different paving material, or similar method.

- e. Where a required walkway is parallel and adjacent to an auto travel lane, it shall be raised or separated from the auto travel lane by a raised curb at least four (4) inches high, bollards, or other physical barrier.

(g) **Public Improvements.** Any new commercial or multi-family buildings or structural alterations and additions to commercial or multi-family buildings with a combined building permit valuation of \$21,569, adjusted annually based on Engineering News Records analysis, over a two (2) year period, shall provide public improvements between the building and the curb in accordance with the following:

- (1) **Sidewalks.** Sidewalks shall be provided if none already exist or if the existing sidewalks are in poor condition.
- (2) **Street Furniture.** Trash receptacles, benches, bike racks, and other street furniture from a list maintained by the City Planning Division shall be provided.
- (3) **Street Lights.** Pedestrian scaled street lights (twelve (12) to eighteen (18) feet tall), including attachments from which banners may be hung, from a list maintained by the City Planning Division shall be provided.
- (4) **Street Trees.** Shade trees shall be planted at least thirty (30) feet on center. Tree guards shall be provided. Trees shall be a minimum of fifteen (15) gallons in size. A minimum of ten (10) percent of the required trees shall be twenty-four (24) inch box size or larger.
- (5) **Sidewalk Shade.** A minimum of fifty (50) percent of the sidewalk shall be shaded by a double row of trees, or a building projection (awning, overhang, or pedestrian shade structure) on one side and a street tree on the other side. In areas where one hundred (100) percent of the building is to be at the property line, this requirement can only be met by a building projection on one side and a street tree on the other side. If trees are used, the required amount of shading must be achieved within fifteen (15) years.

FIGURE 202.04(G)(5): SIDEWALK SHADE



(h) **Fences and Freestanding Walls**

(1) **Maximum Height**

- a. *Within or Along Required Yards.* No solid fence or freestanding wall within or along the exterior boundary of a required yard shall exceed a height of three and one-half (3.5) feet. Open or lattice type fences, or hedges, shall not exceed a height of four (4) feet.
- b. *Outside Required Yards.* Solid fences or freestanding wall located outside of required yards shall be no higher than six (6) feet in height.

(2) **Design and Materials.** Fencing visible from a street shall be treated as an integral part of the architecture, with materials, colors, and detailing drawn from the building they surround or adjoin. Colors shall match City color specifications.

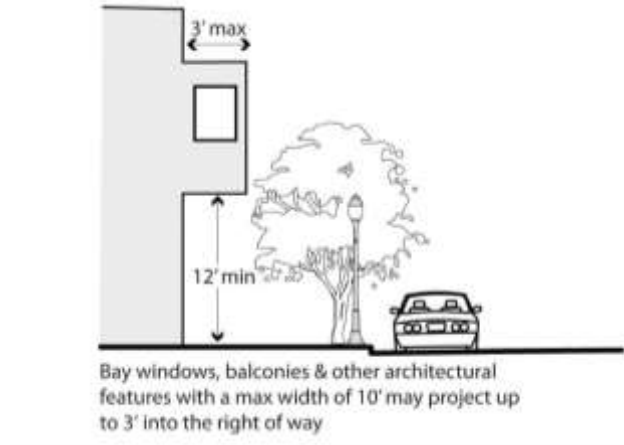
- a. *Prohibition on Hazardous Fencing Materials.* The use of barbed wire, razor wire, ultra barrier, electrified, and other hazardous fencing is not permitted.
- b. *Prohibition on Chain Link Fencing.* Use of chain-link fencing or like material is not permitted in front or street-facing yards, and is permitted only in rear and interior side yards that do not abut public and semi-public land uses.
- c. *Limitation on Concrete Block.* Plain, concrete block or slump stone is not permitted as a fencing material. Smooth-faced or “precision” concrete block shall be finished with stucco and capped with a decorative cap. Decorative block is an acceptable fencing material.

(3) **Visibility at Intersections.** Notwithstanding any other provisions of this section, fences and walls shall comply with the visibility standards contained in Section 300.16, Visibility at Driveways and Intersections (Sight Distance).

(i) **Building Projections**

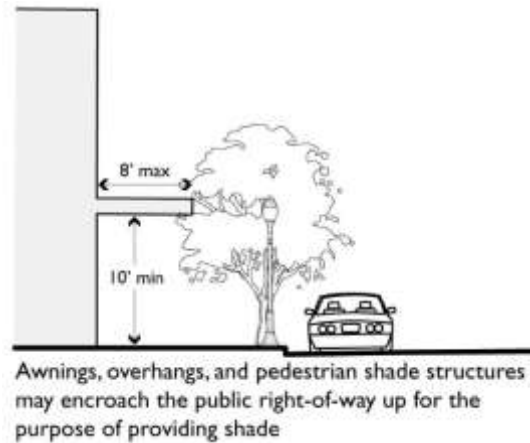
- (1) **Front Porches and Building Entrances.** Front porches and building entrance structures may encroach up to ten (10) feet into front and side yards facing the street for up to forty (40) percent of the lot frontage.
- (2) **Architectural Projections.** Bay windows, balconies, and other architectural features such as chimneys may project into required yards up to three (3) feet.
- (3) **Building Projections into the Public Right-of-Way.** Building projections may encroach into the public right-of-way up to three (3) feet for the purpose of providing shade over the sidewalk, provided they are no closer than twelve (12) feet from sidewalk grade. The maximum width of any projection is ten (10) feet.

FIGURE 202.04(I)(3): PROJECTIONS INTO RIGHT-OF-WAY



- (4) **Awnings and Overhangs.** Awnings, overhangs, and pedestrian shade structures, may encroach into the public right-of-way up to eight (8) feet for the purpose of providing shade over the sidewalk, provided they are at least ten (10) feet above sidewalk grade. Awnings and canopies shall comply with the Downtown Design Guidelines adopted by Resolution 48-2010.

FIGURE 202.04(I)(4): AWNINGS AND OVERHANGS

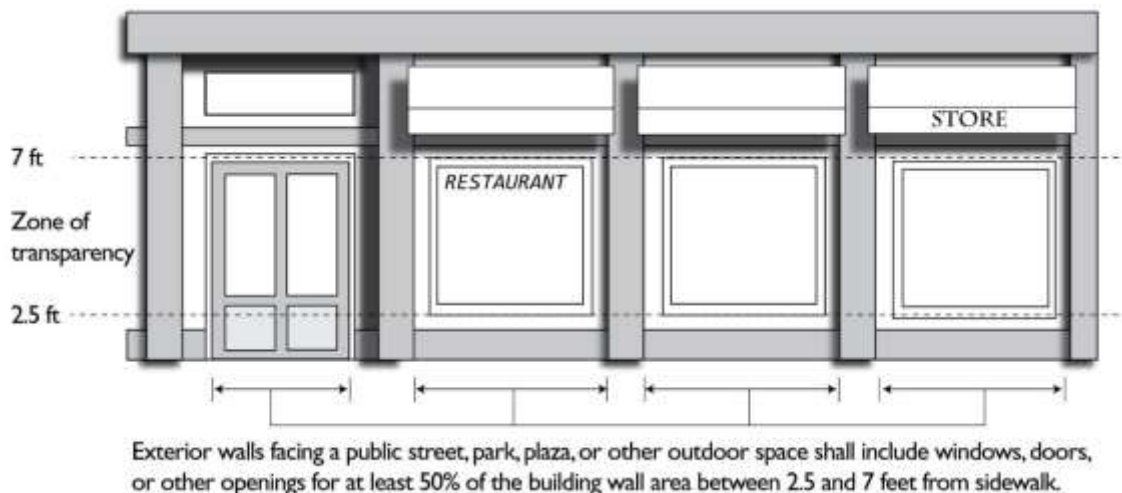


(j) **Building Design.**

(1) **Commercial Building Design.**

- a. **Ground Floor Windows.** Facades facing streets, plazas, and courtyards shall be lined with windows. Where blank walls are necessary, they shall be on side or interior facades not facing streets. Exterior walls facing an adjacent public street, or facing onto a park, plaza, or other public outdoor space shall include windows, doors, or other openings for at least fifty (50) percent of the building wall area located between two and one-half (2.5) and seven (7) feet above the elevation of the sidewalk.

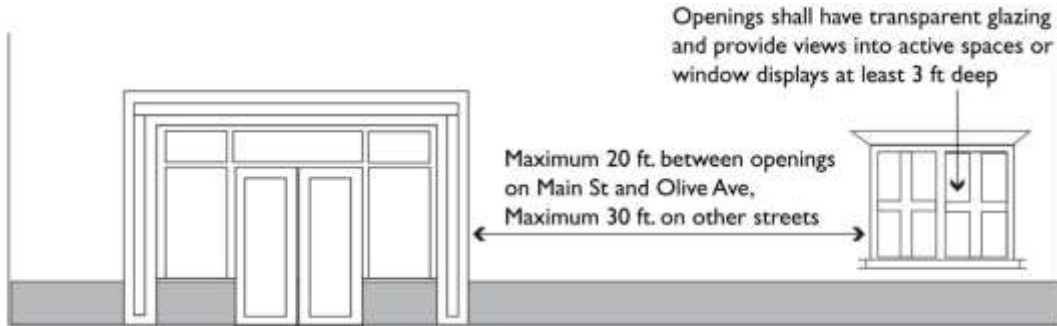
FIGURE 202.04(J)(1)A: GROUND FLOOR WINDOWS



- b. **Limits on Blank Walls.** No wall shall run in a continuous plane for more than twenty (20) feet without an opening on Main Street and Olive Avenue, and for more than thirty (30) feet on other streets.

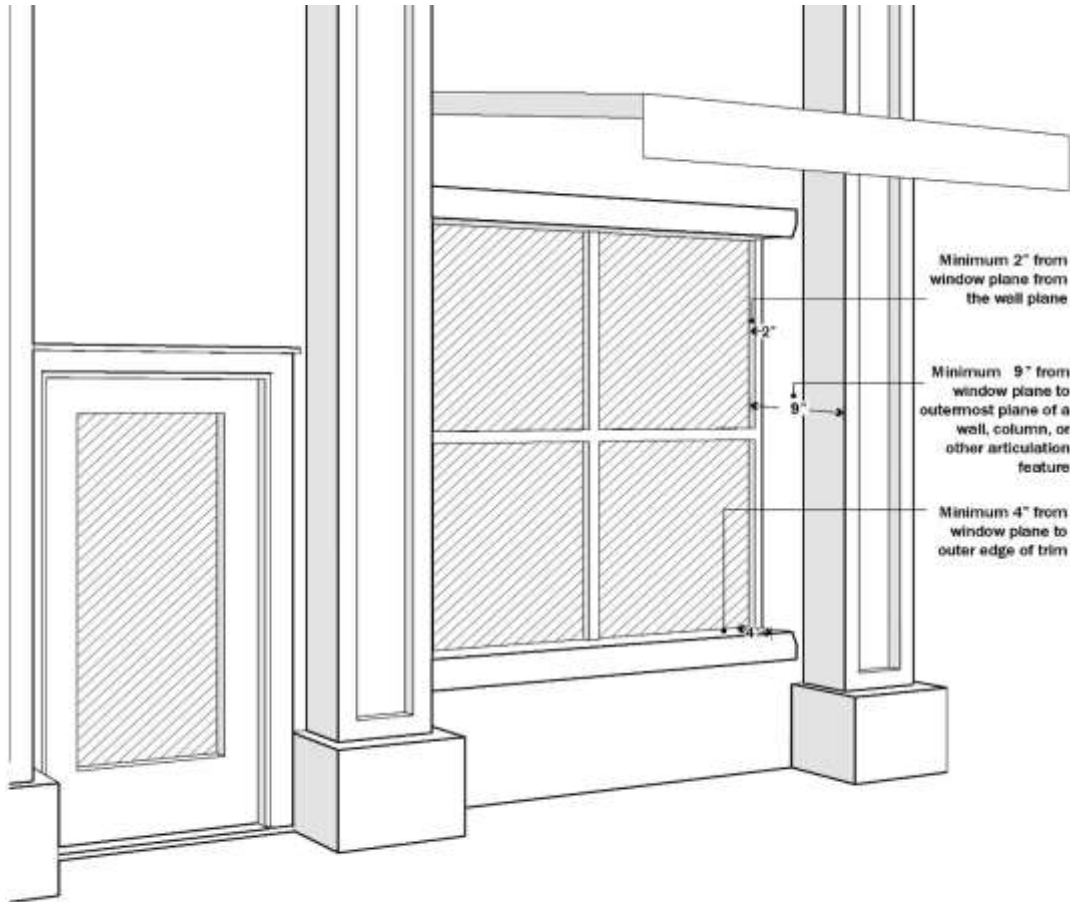
Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three (3) feet deep.

FIGURE 202.04(J)(1)B: LIMITS ON BLANK WALLS



- c. *Wall Plane Articulation.* Windows, doors, columns, and other features shall be recessed or project forward from the wall plane, such that there is a minimum two (2)-inch recess of the window plane from the wall plane, a minimum four (4)-inch projection from the window plane and outer edge of trim, and a total of at least nine (9) inches from the window plane to the outermost plane of a wall, column, or other articulation feature.

FIGURE 202.04(J)(1)C: WALL PLANE ARTICULATION



- d. *Building Articulation.* Commercial building facades shall include building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest.
- e. *Exterior Building Materials and Colors*
 - 1. A unified palette of materials and colors shall be used on all sides of buildings regardless of orientation.
 - 2. Exterior building materials shall be brick, stucco, concrete block, painted wood clapboard, painted metal clapboard or other quality, durable materials approved by the Zoning Administrator.
 - 3. The building base (bulkhead) shall be tile, stone, brick, concrete, or other comparable durable material; stucco is prohibited.

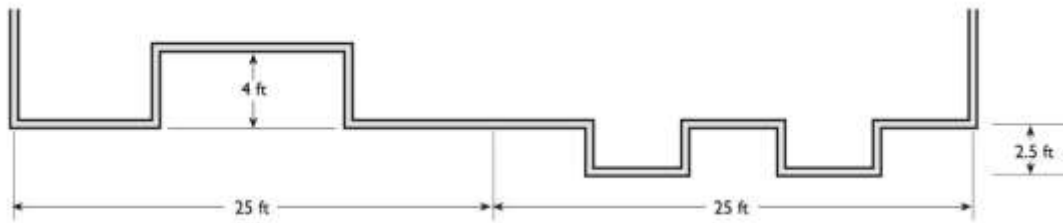
4. The exterior use of slump block, board and batten, dark reflective glass, galvanized metal, and wood or composition shingles is prohibited. Colors shall reflect the historic character of Downtown. Fluorescent paints, blues, purple, bright red or orange, pink, and bright green are prohibited on Main Street.

f. *Building Entrances*

1. Buildings shall be oriented to face public streets.
2. Building frontages shall be generally parallel to streets, and the primary building entrances shall be located on a public street.
3. Building entrances shall be emphasized with special architectural and landscape treatments.
4. Rear entry doors, door frames, door hardware, signs and lighting fixtures shall match types utilized on the front facade and/or that are appropriate to the parent building's historic period.
5. In mixed-use developments, entrances to residential units shall be physically separated from the entrance to the permitted commercial use and clearly marked with a physical feature such as a recess or projection incorporated into the building or appropriately scaled element applied to the facade.

(2) ***Residential Building Design***

- a. *Residential Architectural Articulation.* All multiple-family residential buildings and mixed-use buildings that include residential uses shall include adequate design features to create visual variety and avoid a large-scale and bulky appearance. Long facades shall be broken up into smaller modules. This requirement can be met by using two (2) or more of the following methods.
 1. Facade Articulation. All street-facing facades have at least one (1) horizontal or vertical projection or recess at least four (4) feet in depth, or two (2) projections or recesses at least two and one-half (2.5) feet in depth, for every twenty-five (25) horizontal feet of wall. If located on a building with two (2) or more stories, the articulated elements shall be greater than one (1) story in height, and may be grouped rather than evenly spaced in twenty-five (25) foot modules. Building entrances and front porches and projections into required yards such as stoops, bays, overhangs, fireplaces, and trellises may count towards meeting this requirement.

FIGURE 202.04(J)(2)(A)I: FACADE ARTICULATION

Street-facing facades shall have at least one projection or recess at least 4 feet in depth, or two projections or recesses at least 2.5 feet in depth, for every 25 linear feet of wall.

2. Variable Roof Form. Variable roof forms incorporated into the building design, and no more than two (2) side-by-side units are covered by one (1) unarticulated roof. Articulations may be accomplished by changing roof height, offsets, and direction of slope, and by introducing elements such as dormers, towers, or parapets.
 3. Facade Detailing and Materials. All visible building facades incorporate details, such as window trim, window recesses, cornices, changes in materials or other design elements, in an integrated composition. Each side of a building that is visible from a public right-of-way shall be designed with a complementary level of detailing and quality of materials.
 4. Use of Balconies, Bay Windows, and Other Such Projections or Recesses. The building incorporates balconies, bay windows, entry porches or other projections and recesses in a pattern that creates architectural interest across the length of the facade.
- b. *Residential Building Facade and Entrances*. The following standards apply to residential buildings and mixed-use projects that include residential uses.
1. Orientation. All units located along public rights-of-way shall have the primary entrance facing this right-of-way. Exceptions to this requirement shall only be approved for projects where multiple-family housing is located on four (4) lane streets carrying high traffic volumes and/or streets that do not allow on-street parking. In such cases, the project shall be oriented around courtyards.
 2. Street-facing Facades. Street-facing facades of residential buildings shall be designed as front facades and shall include stoops, porches, recessed windows, and bay windows or balconies.
 3. Projection or Recess. Building entrances shall have a roofed projection (such as a porch) or recess with a minimum depth of at least five (5) feet and minimum area of fifty (50) square feet.

Alternative designs that create a welcoming entry feature facing the street, such as a trellis or landscaped courtyard entry, may be approved.

4. Entrances. Provide at least one (1) building entrance for every one hundred (100) feet of street frontage.
- (k) **Mechanical Equipment**. Mechanical equipment, including rooftop mechanical equipment, shall be screened from view from eye level at public streets, and the screening shall be designed as an integral component of the architectural design.
- (l) **Utilities Screening**. Utility meters and related equipment shall be located only on the side or rear facade of buildings and shall be integrated into the building architecture through painting or other means.
- (m) **Building Security**. Components of building security shall be integrated into the building's design and be effective but not obtrusive in accordance with the following standards:
- (1) Security doors shall not encroach into the public right-of-way, in either an opened or closed position.
 - (2) Lighting shall be provided at all entryways to the building and in any alcoves or other features of the building which impede the ability for visual surveillance of the building and its public areas.
 - (3) Where security grills are required or otherwise provided, they shall be painted to match the trim colors of the building. Unobtrusive roll-down grilles with thin vertical and horizontal elements are preferred; heavy steel and accordion fold grates are discouraged.
 - (4) Grilles, security doors, and other security devices designed for nighttime security shall not be readily visible to the public during business hours or when they are in an open position.



CITY COUNCIL AGENDA – SEPTEMBER 21, 2021

SUBJECT: Appointment of Representative and Alternate to the Board of Directors for the Tulare County Economic Development Corporation

SOURCE: City Manager's Office

COMMENT: At its meeting on September 7, 2021, the City Council acted to rejoin as a public member of the Tulare County Economic Development Corporation (TCEDC). As a public member, either a Member of Council or City staff can serve as the City's Representative and Alternate to the TCEDC's Board of Directors. The City has previously appointed a Member of Council to serve as the Representative and the City Manager as the Alternate, however, a Member of Council may also serve as the Alternate, if interested. City staff plan to continue attending TCEDC Board meetings, regardless of appointment status.

TCEDC Board meetings are held regularly on the fourth Wednesday of each month at the TCEDC office in Visalia, beginning at 7:30 AM.

RECOMMENDATION: That the City Council appoint the City's Representative and Alternate to the Tulare County Economic Development Corporation.

ATTACHMENTS: 1. City Council Committee Appointments

Appropriated/Funded:

Review By:

Department Director:

John Lollis, City Manager

Final Approver: John Lollis, City Manager

APPOINTMENT OF COUNCIL MEMBERS TO VARIOUS COMMITTEES & BOARDS

Committee/Board	Member/Alternate	Appointment Date	Meeting Information
Tulare County Association of Governments/ Transportation Planning Agency ("TCAG")	Martha Flores - Member Milt Stowe - Alternate	12/13/2016 1/20/2015	Meets monthly; Third Monday; 1:00 PM; meeting location varies www.tularecog.org
Tulare County Taskforce on Homelessness	Martha Flores - Member Claudia Calderon - Alternate	12/10/2018 7/16/2019	Meets monthly; Third Wednesday; 1:30 PM Tulare County Professional Development Center 4031 W. Noble Avenue, Visalia; www.tchhsa.org
Council of Cities	Martha Flores - Member Milt Stowe - Member	12/10/2018 7/1/2014	Meets bi-monthly; Third Wednesday; 3:00 PM Visalia Administration Boardroom, 220 N. Santa Fe Street, Visalia
Porterville Area Airport Development Corporation ("PAADA")	Monte Reyes - Member Martha Flores - Member	12/8/2020 12/8/2020	Meets quarterly or as needed. Notification of meetings provided. (Only two members will attend meetings at any given time.)
Joint City/School District Committee	Milt Stowe - Member Kellie Carrillo - Member	7/6/2010 12/8/2020	Meets quarterly or as needed. Notification of meetings provided.
Ad Hoc Committee - Proposition 64 Regulation of Marijuana	Monte Reyes - Member Lawana Tate - Member	3/7/2017 7/20/2021	Ad Hoc Committee concerning the consideration of regulating marijuana business activities per Prop 64.
Ad Hoc Committee - Provision of Local Water Services	Kellie Carrillo - Member Lawana Tate - Member	12/8/2020 7/20/2021	Ad Hoc Committee to address local water issues. Meets as needed.
Tule River Improvement JPA	Monte Reyes - Member Michael Knight - Alternate	12/8/2020 12/13/2016	Meets quarterly; Lower Tule Irrigation District Conference Room, 357 E. Olive Avenue, Tipton
Tulare County City Selection Committee	Mayor - City Member Designee - Alternate		Meets as needed. Notification of meetings provided. Designee may attend in absence of the Mayor
Tulare County Local Agency Formation Commission ("LAFCO")	N/A	7/17/2019	Board of Supervisors Board Room 2800 W. Burrell Avenue, Visalia, First Wed. @ 2 p.m. www.lafco.co.tulare.ca.us/lafco/

APPOINTMENT OF COUNCIL MEMBERS TO VARIOUS COMMITTEES & BOARDS

Committee/Board	Member/Alternate	Appointment Date	Meeting Information
Tulare County Regional Transit Agency ("TCRTA")	Monte Reyes - Member Milt Stowe - Alternate	7/7/2020	Meets monthly; Third Monday; 3:00 PM Meets across the county at member agencies www.tularecog.org
PDC Advisory Board	John Lollis - Member Mayor - Alternate	1/14/2009	Meets annually at Porterville Developmental Center 26501 Road 140, Room 59
Internal City Audit Committee	Martha Flores - Member Kellie Carrillo - Member	12/13/2016 5/18/2021	Meets as needed in La Barca Conference Room, Porterville City Hall. Notification of meetings provided.
San Joaquin Valley Air Pollution Control District ("SJVAPCD") Board	Monte Reyes - Member		Meets on the third Thursday of each month at 9:00 a.m. at 1990 East Gettysburg Avenue, Fresno, CA.
San Joaquin Valley Special City Selection Committee	Milt Stowe - Member Monte Reyes - Alternate	12/13/2016 12/13/2016	Notification of Meetings provided; Members can attend via video-teleconference in Bakersfield or Fresno District Office.
Eastern Tule Groundwater Sustainability Agency JPA	Monte Reyes - Member Michael Knight - Alternate	12/10/2018 7/16/2019	Meets monthly; First Thursday; 2:00 PM City Hall, 291 N. Main Street, Porterville
2020 Census Local Count Committee	Martha Flores - Member		Meets monthly or as needed. Notification of meetings is provided.
Ad Hoc Committee - COVID-19	Monte Reyes - Member Kellie Carrillo - Member	12/8/2020	Meets as needed.
Local Initiatives Navigation Center Committee "LINC Committee"	Lawana Tate - Member	7/20/2021	Meets monthly.
Ad Hoc Military Banner Committee	Kellie Carrillo		Meets as needed. Notification of meetings is provided.
Ad Hoc Library Facility Planning Committee	Kellie Carrillo		Meets monthly or as needed. Notification of meetings is provided.



CITY COUNCIL AGENDA – SEPTEMBER 21, 2021

SUBJECT: Designation of a City Representative to the Board of Directors for the Porterville Area Development Authority

SOURCE: City Manager's Office

COMMENT: At its meeting on August 3, 2021, the City Council authorized the execution of a Joint Powers Agreement (JPA) and other related agreements (and subject to minor non-substantive changes as agreed upon by the entities' respective legal counsels) between the City and the Tule River Tribe with regard to the Development of Wastewater and Recycled Water System Facilities, and to allow for joint pursuit of transportation related funding opportunities. The actions authorize the establishment of the Porterville Area Development Authority (PADA), which will provide oversight and serve as the funding conduit for the development of the Tertiary Wastewater Facility, the development of a new storm drain recharge retention basin, and wastewater collection system improvements related to the Casino relocation project. At its meeting on August 31, 2021, the Tule River Tribal Council also approved the Agreements. The Final Agreements are included for the City Council's reference and are being circulated for the parties' signatures. Additionally, the Tribe has solicited and received bids for the Tertiary Wastewater Facility and has made an award to the lowest responsive responsible bidder, subject to the acceptance by the PADA Board of Directors.

Pursuant to the JPA, the parties must appoint their respective JPA Board of Director members. The Tribe has appointed Tribal Council Member Gary Santos and Casino Project Manager Ralene Clower as the Tribe's Board member representatives. Additionally, the Tribal Chairperson serves as an additional ex officio (nonvoting) member of the Board. Pursuant to the JPA terms, the City is entitled to appoint three voting representatives on the Board, with the City Manager serving as an additional ex officio member of the Board. At its meeting on September 7, 2021, the City Council appointed Mayor Reyes and Council Member Stowe as City Representatives, with the third appointment of either a City staff person or member of the public to be considered at this meeting.

Once the Board members are properly designated by the parties, the Authority can meet and commence its project oversight and funding functions over the projects.

RECOMMENDATION: That the City Council appoint either a City staff person or a

member of the public to serve as a City representative to the Board of Directors of the Porterville Area Development Authority (PADA).

ATTACHMENTS: 1. Joint Powers Agreement

Appropriated/Funded:

Review By:

Department Director:

John Lollis, City Manager

Final Approver: John Lollis, City Manager

JOINT POWERS AGREEMENT
BETWEEN
CITY OF PORTERVILLE AND
THE TULE RIVER TRIBE
FOR DEVELOPMENT OF WASTEWATER AND RECYCLED WATER SYSTEM
FACILITIES ESTABLISHING THE
PORTERVILLE AREA DEVELOPMENT AUTHORITY

This Joint Powers Agreement (“Agreement”) is entered into and executed as of August 31, 2021, by and between the City of Porterville, a California charter city (“City”), and the Tule River Tribe, a federally-recognized Indian tribe (“Tribe”), pursuant to the Joint Exercise of Powers Act (Gov. Code, § 6500 *et seq.*), who may be referred to herein as the “Parties.”

RECITALS

A. WHEREAS, the City is authorized to enter into a joint powers agreement for the purpose of owning, operating and financing wastewater facilities, including without limitation wastewater system facilities and facilities for the production, delivery and sale of recycled water; and

B. WHEREAS, the Tribe is a public agency for the purposes of California Government Code Section 6500 with full authority to enter into a joint powers agreement with the City; and

C. WHEREAS, the City operates wastewater facilities which provide secondary treatment of sewage and wishes to manage potable water supplies available within the City by making recycled water available for a variety of uses currently supplied with potable water, including irrigation of the City Sports Complex, and irrigation and other uses within the Casino Project being developed by the Tribe; and

D. WHEREAS, the Tribe is developing a tertiary wastewater treatment facility, to treat secondary effluent produced from the City’s wastewater system in coordination with the City, and the facility will provide recycled water to the Project and to the City Sports Complex and is anticipated to offset the potable water use of the Project as well as City uses; and

E. WHEREAS, the Tribe and the City also desire to establish an entity for the purpose of facilitating the development of comprehensive transportation improvements for west Porterville, including the Porterville business park, including the pursuit of funding; and the development of a Tribe Active Transportation Plan (ATP) so that the Authority can pursue grant funding.

AGREEMENT

NOW THEREFORE, in consideration of their mutual promises and undertakings set forth herein, the Parties agree as follows:

ARTICLE 1. PURPOSE AND POWERS.

1.1 Purpose and Powers. This Agreement is made pursuant to the provisions of Article 1, Chapter 5, Division 7, Title 1 of the Government Code, commencing with section 6500, relating to the joint powers common to public agencies. The purpose of this Agreement is to exercise the Parties' joint powers, specifically including, but not limited to:

- a) Public funding, and oversight related to the construction, maintenance, repair, improvement, and expansion and operation of wastewater collection, treatment, and disposal, including without limitation water recycling and distribution facilities and the production, distribution and sale of recycled water;
- b) Facilitating, pursuing and/or funding the development of comprehensive transportation improvements for the west Porterville area surrounding the Casino Project including the Porterville business park; and
- c) Exercising all other powers as may be authorized by law, in addition to the specific powers enumerated herein.

1.2 Designation Per Government Code § 6509. To the extent required by law, the powers exercised by the Parties pursuant to this Agreement shall be subject to the restrictions upon the manner of exercising such powers of the City.

ARTICLE 2. CREATION OF AUTHORITY; CITY TO ADMINISTER

2.1 Creation of Authority. The Porterville Area Development Authority ("Authority") is hereby created which shall be a public entity separate from the Parties to this Agreement. The Authority shall be responsible for its own debts, liabilities and obligations.

2.2 Delegation of Authority to the City. The Parties delegate authority to the City to administer this Agreement, including acting on Authority's behalf in connection with future agreements entered into between the Parties.

ARTICLE 3. GOVERNANCE

3.1 Party Representatives. The City shall be entitled to three voting representatives on the Board of the Authority, as appointed by the City Council. Unless otherwise determined by the City, the City Manager shall additionally be, *ex officio*, a member of the Board. The Tribe shall be entitled to two voting representatives, appointed by the Tribal Council. Unless otherwise determined by the Tribe, the Tribal Chairperson shall additionally be, *ex officio*, a member of the Board. Each Party may designate one alternate Board member by notifying the Authority and the other Party in writing of the person so designated to act when a Board member is unavailable.

3.2 Quorum. A quorum for the transaction of any business shall require the presence of four representatives, who may be alternates.

3.3 Meetings; Frequency. The Board shall meet not less frequently than annually. Meetings shall be called and conducted in accordance with the Brown Act.

ARTICLE 4. FINANCIAL PROVISIONS

4.1 Treasurer. Pursuant to Government Code Sections 6505 and 6505.5 governing the accountability of all funds and report of all receipt and disbursement for the Authority, the treasurer of the City shall be treasurer ("Treasurer") of the Authority. The Treasurer shall possess the powers of, and shall perform those functions required by, Government Code Sections 6505, 6505.5 and all other applicable laws and regulations. The Board shall also designate an Auditor/Controller for the Authority pursuant to Government Code Sections 6505 and 6505.5 or shall cause an independent audit to be made by a certified public accountant or public accountant in compliance with Government Code Section 6505, as applicable.

4.2 Authority to Handle Property. The City Manager of the City or his or her designee shall have charge of, handle, or have access to any property of the Authority and shall be required to file an official bond, which may be a master bond.

4.3 Surplus Funds. The Authority shall have the power to invest any money in the treasury pursuant to Section 6505.5 that is not required for the immediate necessities of the Authority, as the Authority determines is advisable, in the same manner and upon the same conditions as local agencies pursuant to Section 53601 of the Government Code.

4.4 Contributions Required. The Parties agree that each will contribute to the capital and operating costs of the Authority in accordance with the annual budget approved by the Board and the initial budget for commencement of operations.

4.5 Quarterly Financial Reports. The City shall provide quarterly financial reports to the Board, provided that the Board may prescribe the form and timing of such reports.

4.6 Annual Statement of Financial Condition. Prior to the end of each operating year, a certified public accounting firm, will be selected by the Board, and, not more than ninety (90) days after the end of the year, a report certifying the year-end financial condition of the Authority, including statements of income and expenses for the year, assets and liabilities, and auditor's notes, if appropriate, shall be provided to the Parties by the accounting firm selected for that purpose. The cost of the report shall be considered an operating expense of the Authority. The annual audit shall be filed with each of the Parties and as required by law.

4.7 Purpose of Contributions. The Parties agree that (a) contributions from their respective treasuries may be made for the purpose(s) set forth in this Agreement, (b) payments of public funds may be made to defray the cost of such purposes, (c) advances of public funds may be made for the purpose(s) set forth in this Agreement, such advances to be repaid as provided in this Agreement, and (d) personnel, equipment or property of one or more of the Parties may be used in lieu of other contributions or advances if agreed to in writing by the Parties. The funds may be paid to and disbursed by the Authority.

4.8 Fiscal Year. Unless otherwise determined by resolution of the Board, the fiscal year of the Authority shall commence on July 1 each year.

ARTICLE 5. LIABILITY; INDEMNIFICATION

5.1 Allocation of Liabilities. As to any debts or liabilities based upon California Government Code Section 895.2, pursuant to the provisions of California Government Code Section 895.4, this Article allocates such liabilities (e.g., the vicarious liability imposed by law as a result of the existence of this Joint Powers Agreement). The City and the Tribe shall be liable for any such liability imposed by law in proportion to their responsibility for such debts and liabilities incurred in the performance of this Agreement. The rules therefore as set forth in California Civil Code § 2778 are hereby made a part of this Agreement.

5.2 Defense and Indemnity Obligations. The Tribe shall defend, indemnify and hold the City, its City Council members, officials, officers, employees and agents harmless from and against all claims, demands, liability, costs, expenses, damages, injury or loss (including reasonable attorneys' fees) to which the City, its City Council members, officials, officers, employees and agents may be subject by reason of any claims challenging the validity of this Agreement or any action taken in furtherance of this Agreement, including but not limited to, any challenge to the approval of the TWSF or any contract to implement the TWSF, alleged wrongdoing, misconduct, negligence, or fault by the Tribe, its council members, officials, officers, employees or agents in the performance of this Agreement, and including any debts or liabilities incurred in the performance of this Agreement. The City shall defend, indemnify and hold the Tribe, its members, officials, employees and agents harmless from and against all claims, demands, liability, costs, expenses, damages, injury or loss (including reasonable attorneys' fees) to which the Tribe or its members, officials, officers, employees and agents may be subject by reason of any claims arising from the alleged wrongdoing, misconduct, negligence or fault by the City, its City Council members, officials, officers, employees or agents brought by a third party seeking damages based solely on the conduct of the City, its City Council members, officials, officers, employees or agents in implementation of this Agreement. No indemnification is required to be paid by the Tribe for any claim, loss or expense arising from (a) the willful misconduct or negligence of the City or the Authority, or their respective officers, employees or agents, or (b) a default hereunder by the City or the Authority.

5.3 Notice of Third-Party Claim. Upon receipt of any third-party claim, demand or other notice that may result in an indemnity obligation of the other party under this Article, the receiving party shall provide a copy of such claim, demand or other notice to the other party as soon as reasonably practicable, but in any event within ten (10) calendar days of receipt.

ARTICLE 6. TERM AND TERMINATION

6.1 Effective Date; Term. This Agreement shall be effective as of the date of this Agreement first written above. It shall continue in full force and effect for a term of fifty (50) years from the effective date, unless terminated as hereinafter provided, except that notwithstanding any other provision of this Agreement, this Agreement shall continue in full force and effect during the term of any outstanding bonds issued by the Authority, or until all indebtedness of the Authority is retired.

6.2 Termination Option. Either party may elect to terminate this Agreement by giving not less than twelve months prior written notice to the other party, whereupon this

Agreement will terminate at the end (June 30) of the following fiscal year, provided that, (1) no such notice shall be effective during the term of any outstanding bonds or indebtedness of the Authority; or (2) if there are any outstanding bonds or indebtedness of the Authority or any party in connection with any projects to be developed or funded by the Authority, City may, prior to city acceptance of the facilities, acquire such facilities and terminate this Agreement by making provision for retiring, defeasing, or otherwise satisfying all outstanding obligations incurred to finance such facilities.

6.3 Parties' Rights and Duties on Expiration or Termination. Should this Agreement expire at the end of its term, or if it is terminated for any reason, the Parties shall continue to work together until all obligations incurred prior to expiration or notice of termination, have been fully performed. No further obligations will be incurred.

ARTICLE 7. MISCELLANEOUS

7.1 Governing Law. The validity of this Agreement and any of its terms or provisions as well as the rights and duties of the Parties shall be governed by the laws of the State of California.

7.2 Entire Agreement. This Agreement contains the entire Agreement of the Parties and shall be binding upon and inure benefit of the Parties, their successors and assigns.

7.3 Additional Parties. Nothing herein shall preclude the addition of other governmental entities as parties to this Agreement, so long as the Parties agree to such addition. If an entity is added as a party, it shall be bound by the terms and conditions of this Agreement.

7.4 Notices. Notices required by law or by this Agreement, shall be deemed sufficient if given, (a) by email to the following, or (b) in writing and deposited in the United States Mail, postage prepaid, to the following:

City of Porterville:	McCormick, Kabot, Jenner & Lew Attn: Julia Lew, City Attorney 4010 South Demaree Street Visalia, CA 93277 T: (559) 734-6729 E: jmlew@mkjw.com
Tule River Tribe:	Tule River Indian Tribe Attn: William Garfield, Chairman 340 N. Reservation Road Porterville, CA 93257 T: (559) 781-4271 E: William.Garfield@tulerivertribe-nsn.gov
With copy to:	Procopio, Cory, Hargreaves & Savitch LLP Attn: Kerry Patterson 525 B Street, Suite 2200

San Diego, CA 92101
T: (619) 515-3295
E: kerry.patterson@procopio.com

Notices shall be deemed given (a) in the case of email, upon receipt of such email, or (b) in the case of United States Mail, five (5) calendar days after deposit in the mail.

7.5 Severability. If any one or more of the terms, provisions, promises, covenants or conditions of this Agreement shall be to the extent judged invalid, unenforceable, void or voidable for any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, provisions, promises, or conditions of this Agreement shall not be affected thereby, and shall be valid and enforceable to the fullest extent allowed by law.

7.6 Agreement Not Partnership or Joint Venture; No Third-Party Beneficiaries. Nothing in this Agreement shall be deemed to establish relationships between the Parties other than those expressly described and set forth. The agreements contained herein are made solely for the benefit of the Parties, and shall not be construed as benefiting any person who is not a party to this Agreement.

7.7 Assignment. No party may assign any right, claim or interest it may have under this Agreement.

7.8 Binding Effect. This Agreement shall be binding upon the successors of the Parties.

7.9 Survival. Notwithstanding the termination of this Agreement, the defense, indemnification and hold harmless provisions shall survive and be fully enforceable.

7.10 Waiver of Terms; Effect. By action of each party's governing boards, the time specified in this Agreement for performance of any act by the Parties, may be extended or waived, for good cause. Any such extension or waiver shall affect only the time period to which it is directed, and it shall not be deemed applicable to subsequent deadlines relating to the subject matter of the extension or waiver, nor shall it be deemed to apply to any other time constraints or requirements contained in this Agreement.

7.11 Agreement as Integrated Document; Titles and Headings Not Part. This Agreement fully and completely integrates all agreements and understandings of the Parties regarding its subject matter. Titles and headings contained herein are not a part of the agreement of the Parties. They are included only for descriptive purposes, and shall not be deemed as incorporated into this Agreement for any other purposes.

7.12 Amendment; Method Prescribed. This Agreement may be amended at any time, by written agreement of the Parties, acting by and through their governing boards.

7.13 Authority to Enter into Agreement. Each party represents that it has the full power and authority to enter into this Agreement and to carry out the powers contemplated by it. Each party further represents that it has taken all action necessary to authorize the execution,

delivery and performance of the Agreement. Each person signing below warrants that he/she has full power and authority to bind the party under which her/his signature appears.

ARTICLE 8: DISPUTE RESOLUTION; LIMITED WAIVER OF SOVEREIGN IMMUNITY.

8.1 Limited Waiver of Sovereign Immunity. In the event of a dispute between the Tribe and the City (and only the City) over the interpretation, application, or enforcement of this Agreement, the Parties each hereby expressly grant to the other Parties a limited waiver of sovereign/governmental immunity, solely for actions brought by the other Parties, in accordance with the dispute resolution provisions provided herein; provided, however, that any award shall be limited to actual damages and shall specifically exclude punitive, consequential, incidental, expectancy and all other special damages. This limited waiver of sovereign immunity does not extend to any action brought against any Tribal Council Member, Tribal employee, Tribal agent, Tribal member, or any other individual acting on behalf of the Tribe and does not extend to any third parties bringing an action against the Tribe. This limited waiver of sovereign immunity shall not diminish or otherwise affect any defense or immunity to which such persons are entitled under the laws of the applicable jurisdiction. Except as expressly set forth herein, the Tribe does not waive, limit or modify their respective sovereign immunity as it applies to this or any other matter.

8.2 Dispute Resolution. This Section shall govern the resolution of all controversies or claims between the Tribe and the City that arise from this Agreement and any modifications hereto (collectively, "Arbitrable Disputes"). Wherever this Agreement makes reference to any means of resolving Arbitrable Disputes between the Parties, the Parties agree to follow the meet and confer and mediation procedure described below prior to initiating the arbitration procedures.

- a) Voluntary Resolution, Meet and Confer Obligation. Whenever possible, the Tribe and the City shall make their best efforts to informally resolve disputes that occur under this Agreement. In order to foster a spirit of cooperation and efficiency in the administration of the terms and conditions of this Agreement, disputes between the Tribe and the City shall first be subjected to a good faith meet and confer process as follows:
 - i. The aggrieved Party shall give the other, as soon as possible after the event giving rise to the concern, written notice setting forth, with specificity, the issues to be resolved. Notice shall be provided consistent with Section 8.4. Said notice shall suggest a date, time and place for the meeting. The Tribe and the City may jointly decide to meet at another time and place; provided, however, the Parties agree that such meeting shall commence within fifteen (15) calendar days after the date that the original notice was given to the applicable Party, unless the Parties agree that there is good cause to extend this time limit.
 - ii. The Parties agree that the meet and confer, including proceedings or discussions concerning the proposed meet and confer, is to be

considered a confidential settlement negotiation for the purpose of all state and federal rules protecting disclosures made during such conferences from later discovery or use in evidence. All conduct, statements, promises, offers, views and opinions, oral or written, made during a meet and confer by any Party or a Party's agent, employee, or attorney shall be deemed to be confidential and shall not be subject to discovery or admissible for any purpose, including impeachment, in any litigation or other proceeding, including mediation and non-binding arbitration, involving the Parties; provided, however, that evidence otherwise subject to discovery or otherwise admissible is not excluded from discovery or admission into evidence simply as a result of it having been used in connection with the meet and confer.

- iii. Absent mutual consent of the Parties, if a noticed meeting fails to commence within the fifteen (15) calendar day period, or if a reasonable attempt to schedule or reschedule the meeting has not been made within those fifteen (15) calendar days, then the meet and confer obligation imposed under this Section shall be deemed to have been satisfied and the Parties shall be free to pursue their rights and remedies under Subsection (b) herein, unless the reason for such failure to meet and confer is the refusal of the Party asserting a claim to participate in the meet and confer, in which event said claim will be deemed to have been waived.
 - iv. If the dispute is not resolved to the satisfaction of the Parties within thirty (30) calendar days after the first meeting, then upon the written request of either Party, the dispute may be submitted to non-binding mediation in accordance with Section 9.2(b) ("Mediation Request"). The disputes submitted to non-binding mediation shall be limited to claims that this Agreement has been breached by either the Tribe or the City.
- b) Mediation. In the event a dispute arising under this Agreement is not resolved through the above-described meet and confer process, within thirty (30) days after notice is provided through a Mediation Request, the Tribe and the City agree to participate in non-binding mediation administered by a mediator mutually agreed to by the Parties, to help mediate and settle the dispute as soon as practicable. The mediation shall proceed as follows:
- i. The mediation shall be held at a mutually agreeable location within Tulare County, California.
 - ii. The Parties shall work together to select a single mediator, but if the Parties cannot agree on a mediator within forty-five (45) days of the Mediation Request, each Party will provide three (3) names of mediators based on substantive and procedural knowledge, availability, and location. Each side will have an opportunity to strike

1 name and, to the extent two mediators remain, rank the remaining names (1-2, with 1 being the most favorable). The numbers will be added together and the mediator whose rank is the lowest, which is most favorable, will be chosen mediator.

- iii. The mediator shall meet with and hear presentations by the Parties as soon as practicable after appointment.
- iv. Mediation will be conducted consistent with California Evidence Code Sections 1115-1128. The mediator shall owe a professional duty to both the Tribe and the City, and shall be barred from testifying in any litigation or arbitration concerning any information obtained or disclosed in the course of the mediation.
- v. Each side shall bear its own costs and attorneys' fees, and one-half of all fees and expenses of the mediator.
- vi. Unless otherwise agreed upon by the Parties in writing, the mediation shall be completed within ninety (90) days of the selection of the mediator.
- vii. The mediator's decision shall not be binding on or admissible against either Party. The Arbitrable Dispute shall be resolved in accordance with the arbitration provisions set forth in Section 9.2(c) below if: (1) a Party elects to reject the mediator's decision; (2) either Party refuses to participate in the mediation process after mediation filing; or (3) the mediator does not meet with the Parties.
- viii. The Parties agree that the mediation, including proceedings or discussions concerning the mediation, is to be considered a confidential settlement negotiation for the purpose of all state and federal rules protecting disclosures made during such conferences from later discovery or use in evidence. All conduct, statements, promises, offers, views and opinions, oral or written, made during the mediation by any Party or a Party's agent, employee, or attorney shall be deemed to be confidential and shall not be subject to discovery or admissible for any purpose, including impeachment, in any litigation or other proceeding, including and non-binding arbitration, involving the Parties; provided, however, that evidence otherwise subject to discovery or admissible is not excluded from discovery or admission into evidence simply as a result of it having been used in connection with the mediation.

c) Arbitration. Following the satisfaction of the meet and confer and mediation requirement, any controversy(ies) or claim(s) arising out of or relating to this Agreement that was not resolved during the meet and confer or mediation (as

applicable) must be resolved through binding arbitration. The arbitration shall be held only in accordance with the following procedures:

- i. Either Party may initiate the applicable arbitration by delivering a written notice to the other Party that states the specific issue(s) in dispute, the relevant provision(s) of the Agreement, and the relief requested.
- ii. Within twenty-one (21) calendar days after delivery of such notice, each Party shall notify the other of the name of a practicing lawyer or retired judge with whom the notifying Party desires to have serve as an arbitrator. The lawyer or retired judge shall have experience in California law and Federal Indian law, and whose law firm, if applicable, has at no time represented or acted on behalf of either of the Parties or any person with control over either of the Parties. If either Party fails to act within the twenty-one (21) calendar day period, the arbitrator who should have been appointed by that Party will be appointed pursuant to the same procedures followed when agreement cannot be reached as to the third arbitrator.
- iii. Within ten (10) calendar days after arbitrators are appointed by each Party, the two appointed arbitrators shall meet (in person or by phone) to appoint a third arbitrator with the same qualifications and background. Together, the three arbitrators shall comprise the Arbitration Panel. In the event agreement cannot be reached on the appointment of a third arbitrator at the meeting held within the ten (10) calendar day period, the third arbitrator shall be selected by the Judicial Arbitration and Mediation Service, or such other reputable provider of Alternative Dispute Resolution services as may be agreed by the Parties or, in the absence of such agreement, by the Party requesting arbitration. In the event of any subsequent vacancy or inability to perform, the arbitrator who resigns or becomes unable to perform shall be replaced in accordance with the provision of this Section as if such replacement were an initial appointment to be made hereunder. Notwithstanding the foregoing, the Parties may agree to use a single arbitrator as the Arbitration Panel, provided that the Parties agree on the arbitrator to be appointed.
- iv. Each Party shall have the right to conduct discovery in connection with the arbitration proceedings, but such discovery shall be limited to the pre-hearing production of relevant documents and to such depositions, limited both in number of depositions and duration, as the Arbitration Panel may approve by majority vote.
- v. The Arbitration Panel shall hear any and all issues of law and of fact properly raised pursuant to the procedures herein and shall make its decision by majority vote within thirty (30) calendar days after the

close of evidence and briefing in the arbitration. The decision shall be issued in writing and include findings of fact, conclusions of law, and the reasons on which the decision is based.

- vi. The Arbitration Panel shall have no power to vary or modify any terms of this Agreement, or to decline or fail to follow applicable tribal, state or federal statutory or common law.
 - vii. Each Party to the arbitration shall pay its own attorneys' and expert witness fees and any other costs associated with the arbitration. The Arbitration Panel shall determine by majority vote who shall bear the fees and expenses of the Arbitration Panel or whether the fees and expenses of the Arbitration Panel shall be shared by the Parties, and if so, in what proportions. The Arbitration Panel's determination as to the allocation of the fees and expenses of the arbitration shall be binding on the Parties.
 - viii. The arbitration shall be held at a mutually agreeable location within Tulare County, California.
- d) Jurisdiction of Courts. A Party that has participated in arbitration as set forth in Subsection (c) of this Section (or who has made a good faith effort to do so despite the other's failure to participate) may initiate judicial proceedings to confirm, enforce or vacate the applicable arbitration award in the United States District Court for the Eastern District of California. If, and only if, the United States District Court for the Eastern District of California determines that it is without jurisdiction, the Tribe consents to be sued in the Superior Court of the State of California for the County of Tulare, but solely to compel, enforce, modify or vacate any arbitration award.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed and attested by their proper officers as of the date first above written.

City of Porterville:

By: _____

Printed Name: Adrian Monte Reyes

Title: Mayor

Tule River Tribe:

By: _____

Printed Name:

Title: Chairman



CITY COUNCIL AGENDA – SEPTEMBER 21, 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 September 7, 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 sixty-two (62) Executive Orders in support of the State addressing and mitigating COVID-19 impacts, several of which are pertinent to the City. On June 11, 2021, Governor Newsom issued two Executive Orders to terminate the Stay-at-Home Order (Executive Order N-07-21), as well as to begin the wind down of other previous Executive Orders related to the pandemic (Executive Order N-08-21).

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. On April 12, 2021, the State issued new guidance for activities and business tiers consistent with the Blueprint for a Safer Economy, which continued to strongly discourage indoor gatherings, but did allow for outdoor social gatherings not to exceed fifty (50) individuals in the Orange (Moderate) Tier - Tulare County's tier status at that time. On May 21, 2021, the State issued new guidance for activities and business referred to as "Beyond the Blueprint" that became effective June 15, 2021, eliminating limitations on capacity and allowing large gatherings both outdoors (recommended vaccine verification or negative testing) and indoors (required vaccine verification or negative testing). The "Beyond the Blueprint" requirements and regulations were effective through October 1, 2021, which the State assessed conditions by September 1, 2021 and determined an update was necessary. On August 18, 2021, the State issued updated guidance to the "Beyond the Blueprint" in regard to indoor "Mega Events," requiring vaccine verification or negative testing requirements for events involving 1,000 or more participants, removing self-attestation as a mode of verification after September 20, 2021, and extending requirements and regulations until November 1, 2021.

The County and most cities across the county initially 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 potentially to 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 August 31, 2021, there was \$1,111,582 in unpaid City utility accounts (water: \$543,626; sewer: \$300,470; and refuse: \$267,485), with the corresponding total loss in late fees of \$297,561 - 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 was working with two local hotels in the leasing of approximately thirty (30) rooms. At the time of this report, the County is no longer reporting the number of hotel rooms available to homeless individuals participating in the Project Roomkey program across the county, nor the number of 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, as well as another Street Medicine event that occurred in the Porterville area on May 7, 2021. 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 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. For those served by the navigation center, a vaccine event occurred on May 7, 2021.

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. 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 132 documented individual or group incidents. On June 9, 2021, the State released new face coverings guidance to take effect June 15, 2021, providing that face coverings are not required for fully vaccinated individuals except for: 1) on public transit; 2) indoors in K-12 education, childcare and youth settings; 3) healthcare settings; 4) state and local correctional and detention facilities; and 5) homeless, emergency and cooling centers. Unvaccinated individuals continue to be required to wear face coverings when indoors in public settings and businesses. On July 27, 2021, the CDC issued guidance that recommended vaccinated individuals wear face coverings while indoors in areas considered to be experiencing increased spread ("substantial" or "high" risk) of the delta variant coronavirus, which Tulare County at the time of this report is considered "high" risk for spread.

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. When the Blueprint for a Safer Economy was retired on June 15, 2021, Tulare County was in the Orange (Moderate) tier given its daily positive case rate per 100,000

population exceeded two (1.5 at the time of the report), however, the positivity rate met the Yellow (Minimal) tier requirement of less than two percent (1.5% at the time of the report). As of June 15, 2021, there were three counties in the Red (Substantial) tier, thirty-one (31) counties in the Orange (Moderate) tier and twenty-four (24) 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, electrolysis, 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. As of June 15, 2021, the San Joaquin Valley region had 27.4% 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. The State issued guidance on August 2, 2021, that all adults and students must wear face coverings when indoors, and on August 11, 2021, announced guidance that all education employees be vaccinated or be tested at least once weekly.

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.

On June 3, 2021, Governor Newsom released a letter announcing the Eighth Notice of Regulatory Relief that allows restaurants and bars to maintain their expanded outdoor operations by providing regulatory relief through the end of 2021. The regulatory relief includes; on-sale retailers exercising off-sale privileges, sales of alcoholic beverages to-go, deliveries to consumers, free delivery, expansion of licensed footprint, on-sale licenses without kitchen facilities, virtual meet the winemaker or brewer dinners, renewal of relief for charitable promotions and sales, and relief from type-75 requirement to produce 100 barrels of beer annually. The letter also encourages local jurisdictions to continue to allow expanded outdoor dining opportunities. At the time of this report nineteen (19) entities have been approved to provide outdoor dining. One restaurant requested that their permit closed and several other restaurants are no longer utilizing the temporary outdoor dining areas approved under the program. The Council's initial approval of the outdoor dining permit process through January 31, 2021, was extended on February 2, 2021 to June 30, 2021. At its meeting on June 15, 2021, the Council extended the outdoor dining permit through January 2, 2022.

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. On June 28, 2021, Governor Newsom signed legislation to extend the protections through September 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 under-

served areas of the state, the State established a contracted large-scale testing facility at the Veterans Memorial Building, beginning operations on Tuesday, May 5, 2020. Up to 130 tests are expected to be performed each day (Monday - Friday) for the next several months, which testing will be available to everyone by appointment. Given initial low utilization, City staff initiated a local messaging campaign for local residents to be tested, which precipitated improved community response beyond minimum State testing thresholds. City staff 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, with the testing site being terminated effective July 31, 2021. 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, which the County made the determination to discontinue the testing site effective May 18, 2021.

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 331,725 vaccines and administered 223,452 vaccines to residents, and is available to all individuals age 12 or older. The County had identified large-scale community vaccination sites, with locations in Porterville (Porterville College), Tulare (Ag Center) and Visalia (College of the Sequoias), though the County transitioned the Porterville vaccination site to the Porterville Fairgrounds in May 2021 due to a parking lot project at Porterville College. At its Special Meeting on April 13, 2021, the City Council approved a mass vaccination and resource fair event sponsored by the County at the Porterville Fairgrounds on Sunday, April 18th through Tuesday, April 20th, 2021, which a successor vaccination event at the Fairgrounds for Sunday, May 10th through Tuesday, May 12th, 2021. Effective July 31, 2021, the local community vaccine clinic operated by Sierra View Medical Center and Imperial Ambulance at the Veterans Memorial Building transitioned to Sierra View's facility on the southwest corner of Morton Avenue/Pearson Drive.

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 July 14, 2021, Governor Newsom announced the State's new \$100 billion California Comeback Plan, which includes \$5.2 billion allocated for both back-rent and prospective rent for eligible low income residents (California COVID-19 Rent Relief Program), as well as \$2 billion to pay back unpaid water and utility bills.

On March 11, 2021, President Biden signed the \$1.9 trillion American Rescue Plan Act (ARPA), which includes \$65 billion in local government funding assistance, with recent estimates by adopted population formulas would provide \$19,984,717 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, who released the Interim Final Rule on May 10, 2021. The City's first allocation of \$9,992,358 was received on May 20, 2021, which the second allocation would be received twelve (12) months later in May 2022, with all funds required to be obligated by December 31, 2024, and expended by December 31, 2026. Pursuant to the Interim Final Rule, the funds may be used for: 1) support public health expenditures in response and mitigation of COVID-19, including public safety personnel; 2) address negative economic impacts caused by the public health emergency, including assistance to individuals, households, businesses and impacted industries (tourism, travel and hospitality); 3) replace lost public sector revenue; 4) provide premium pay for essential workers in critical infrastructure sectors; and 5) invest in water, sewer and broadband infrastructure. At its meeting on May 18, 2021, the Council provided direction that the priorities for funding be water infrastructure, homeless services, broadband and technology infrastructure, business assistance (restaurants in particular) and vaccine support.

Consistent with federal guidelines in the use of ARPA funds and the Council's priorities for the use of funds, at its meeting on August 17, 2021, the Council acted to support a vaccine incentive program in collaboration with Sierra View Medical Center, offering \$100 gift cards from local businesses (with particular focus on restaurants and personal services) to individuals being vaccinated in special publicized events. The City and Sierra View partnered in a vaccine event at the KJUG Free Summer Concert at Centennial Park on August 19, 2021, which seventy-four (74) individuals were vaccinated, and a Community Roundup Event on August 27, 2021 at Sierra View's vaccine clinic, which had 366 individuals vaccinated, for a total of 440 local gift cards to be purchased and \$44,000 in City's ARPA funds expended. Local businesses supported through the vaccine incentive program thus far have included Deli Delicious (\$1,000), Don Vino's Italian Bar and Grill (\$3,500), El Jacalito (\$2,000), El Nuevo Mexicali (\$500), El Nuevo Mexicali II (\$2,000), El Tapatio Restaurant (\$500), Mom's U-Bake Pizza (\$2,500), Nanlangka Teppanyaki & Sushi Bar (\$3,000), Stafford's Chocolates (\$1,000), Subway (\$6,000), Thai Kitchen (\$2,000), The Anvil BBQ (\$2,500), The Vault Bar & Grill (\$1,500), and Town & Country Market (\$5,000). Due to the greater than anticipated response to the Community Roundup Event, an additional \$11,600 of local gift cards were secured for participating individuals. Sierra View expressed its interest to continue to partner with the City in future vaccine incentive events, perhaps including an incentive for individuals to receive their second vaccines on September 17, 2021, which the Council at its meeting on September 7, 2021, authorized another Community Roundup Event for September 16-18, 2021. Family Healthcare Network has also expressed an interest to partner with the City on vaccine incentive events through its Downtown clinic. The City's COVID Ad Hoc Committee recommended the prospective upcoming Music on Main events, as well as the Family Literacy Day event planned for September 25, 2021, for future vaccine incentive promotion events.

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. At its meeting on August 3, 2021, the Council acted to continue to defer the biannual collection until January 2022.

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) opened on April 28, 2021 and closed on May 4, 2021. An eighth round for nonprofit cultural institutions only opened on August 27, 2021 and closed on September 8, 2021. A ninth round for new and waitlisted applicants opened on September 9, 2021 and will close on September 30, 2021. Additional rounds of funding are expected to be announced, as the State has recognized an estimated \$75 billion budget surplus.

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 as 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 received approximately \$740,000.

On Friday, January 8, 2021, Governor Newsom announced the State's proposed \$227 billion budget for the 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-42-20 - Utilities
7. City of Porterville Urgency Ordinance - Face Coverings: July 21, 2020
8. Tulare County Emergency Rental and Utility Assistance Program
9. United States Treasury Department State and Local Fiscal Recovery Funds - Fact Sheet
10. State of California Face Coverings Guidance - June 9, 2021
11. State of California Beyond the Blueprint Framework for Industry and Business Sectors Update - August 18, 2021
12. 2021-09-21 - Unpaid City Utilities - August 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

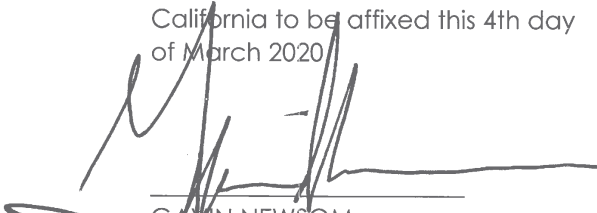
notification requirement of Civil Code section 1798.24, subdivision (i), is suspended.

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:

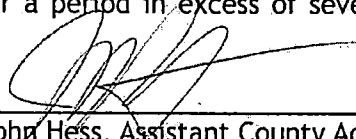
1. Proclaims that a local emergency, as defined in Government Code Section 8558 and Tulare County Ordinance Code Section 1-15-1005, now exists within the County due to the presence of COVID-19; and
2. Requests that the Governor of the State of California request a federal declaration to provide assistance,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

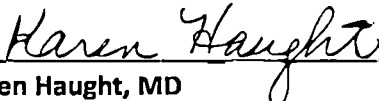
WHEREAS, the Board of Supervisors is not in session, and cannot immediately be called into session; and

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-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.

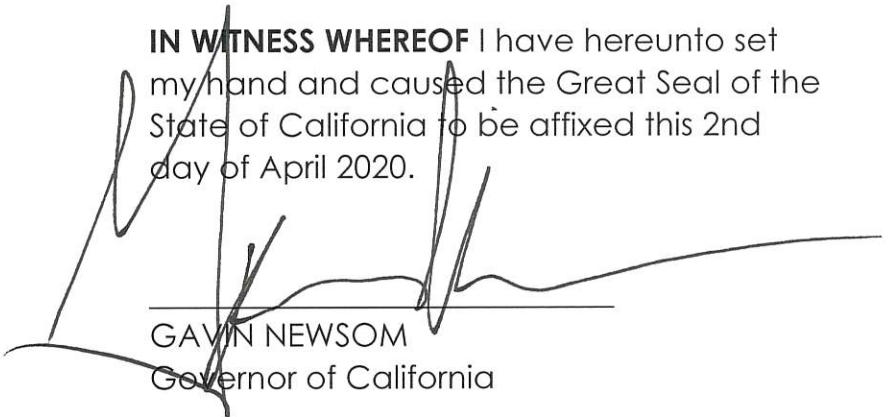
Nothing in this Order eliminates the obligation of water customers to pay for water service, prevents a water system from charging a customer for such service, or reduces the amount a customer already may owe to a water system.

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

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.

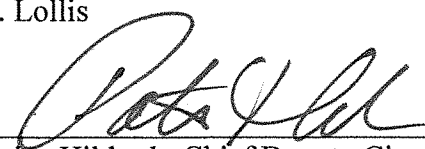
Section 6. This Ordinance is exempt from the requirements of CEQA pursuant to California Public Resources Code Section 21080(b) (4).

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)

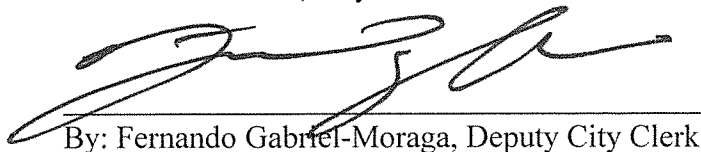
I, JOHN D. LOLLIS, the duly qualified City Clerk of the City of Porterville do hereby certify:

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

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.

FACT SHEET: The Coronavirus State and Local Fiscal Recovery Funds Will Deliver \$350 Billion for State, Local, Territorial, and Tribal Governments to Respond to the COVID-19 Emergency and Bring Back Jobs

May 10, 2021

Aid to state, local, territorial, and Tribal governments will help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery

Today, the U.S. Department of the Treasury announced the launch of the Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021, to provide \$350 billion in emergency funding for eligible state, local, territorial, and Tribal governments. Treasury also released details on how these funds can be used to respond to acute pandemic response needs, fill revenue shortfalls among these governments, and support the communities and populations hardest-hit by the COVID-19 crisis. With the launch of the Coronavirus State and Local Fiscal Recovery Funds, eligible jurisdictions will be able to access this funding in the coming days to address these needs.

State, local, territorial, and Tribal governments have been on the frontlines of responding to the immense public health and economic needs created by this crisis – from standing up vaccination sites to supporting small businesses – even as these governments confronted revenue shortfalls during the downturn. As a result, these governments have endured unprecedented strains, forcing many to make untenable choices between laying off educators, firefighters, and other frontline workers or failing to provide other services that communities rely on. Faced with these challenges, state and local governments have cut over 1 million jobs since the beginning of the crisis. The experience of prior economic downturns has shown that budget pressures like these often result in prolonged fiscal austerity that can slow an economic recovery.

To support the immediate pandemic response, bring back jobs, and lay the groundwork for a strong and equitable recovery, the American Rescue Plan Act of 2021 established the Coronavirus State and Local Fiscal Recovery Funds, designed to deliver \$350 billion to state, local, territorial, and Tribal governments to bolster their response to the COVID-19 emergency and its economic impacts. Today, Treasury is launching this much-needed relief to:

- Support urgent COVID-19 response efforts to continue to decrease spread of the virus and bring the pandemic under control;
- Replace lost public sector revenue to strengthen support for vital public services and help retain jobs;
- Support immediate economic stabilization for households and businesses; and,
- Address systemic public health and economic challenges that have contributed to the unequal impact of the pandemic on certain populations.

The Coronavirus State and Local Fiscal Recovery Funds provide substantial flexibility for each jurisdiction to meet local needs—including support for households, small businesses, impacted industries, essential workers, and the communities hardest-hit by the crisis. These funds also deliver resources that recipients can invest in building, maintaining, or upgrading their water, sewer, and broadband infrastructure.

Starting today, eligible state, territorial, metropolitan city, county, and Tribal governments may request Coronavirus State and Local Fiscal Recovery Funds through the Treasury Submission Portal. Concurrent with this program launch, Treasury has published an Interim Final Rule that implements the provisions of this program.

FUNDING AMOUNTS

The American Rescue Plan provides a total of \$350 billion in Coronavirus State and Local Fiscal Recovery Funds to help eligible state, local, territorial, and Tribal governments meet their present needs and build the foundation for a strong recovery. Congress has allocated this funding to tens of thousands of jurisdictions. These allocations include:

Type	Amount (\$ billions)
States & District of Columbia	\$195.3
Counties	\$65.1
Metropolitan Cites	\$45.6
Tribal Governments	\$20.0
Territories	\$4.5
Non-Entitlement Units of Local Government	\$19.5

Treasury expects to distribute these funds directly to each state, territorial, metropolitan city, county, and Tribal government. Local governments that are classified as non-entitlement units will receive this funding through their applicable state government. Treasury expects to provide further guidance on distributions to non-entitlement units next week.

Local governments should expect to receive funds in two tranches, with 50% provided beginning in May 2021 and the balance delivered 12 months later. States that have experienced a net increase in the unemployment rate of more than 2 percentage points from February 2020 to the latest available data as of the date of certification will receive their full allocation of funds in a single payment; other states will receive funds in two equal tranches. Governments of U.S. territories will receive a single payment. Tribal governments will receive two payments, with the first payment available in May and the second payment, based on employment data, to be delivered in June 2021.

USES OF FUNDING

Coronavirus State and Local Fiscal Recovery Funds provide eligible state, local, territorial, and Tribal governments with a substantial infusion of resources to meet pandemic response needs and rebuild a stronger, more equitable economy as the country recovers. Within the categories of eligible uses, recipients have broad flexibility to decide how best to use this funding to meet the needs of their communities. Recipients may use Coronavirus State and Local Fiscal Recovery Funds to:

- **Support public health expenditures**, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
- **Address negative economic impacts caused by the public health emergency**, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
- **Replace lost public sector revenue**, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
- **Provide premium pay for essential workers**, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
- **Invest in water, sewer, and broadband infrastructure**, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Within these overall categories, Treasury’s Interim Final Rule provides guidelines and principles for determining the types of programs and services that this funding can support, together with examples of allowable uses that recipients may consider. As described below, Treasury has also designed these provisions to take into consideration the disproportionate impacts of the COVID-19 public health emergency on those hardest-hit by the pandemic.

1. Supporting the public health response

Mitigating the impact of COVID-19 continues to require an unprecedented public health response from state, local, territorial, and Tribal governments. Coronavirus State and Local Fiscal Recovery Funds provide resources to meet these needs through the provision of care for those impacted by the virus and through services that address disparities in public health that have been exacerbated by the pandemic. Recipients may use this funding to address a broad range of public health needs across COVID-19 mitigation, medical expenses, behavioral healthcare, and public health resources. Among other services, these funds can help support:

- **Services and programs to contain and mitigate the spread of COVID-19, including:**
 - ✓ Vaccination programs
 - ✓ Medical expenses
 - ✓ Testing
 - ✓ Contact tracing
 - ✓ Isolation or quarantine
 - ✓ PPE purchases
 - ✓ Support for vulnerable populations to access medical or public health services
 - ✓ Public health surveillance (e.g., monitoring for variants)
 - ✓ Enforcement of public health orders
 - ✓ Public communication efforts
 - ✓ Enhancement of healthcare capacity, including alternative care facilities
 - ✓ Support for prevention, mitigation, or other services in congregate living facilities and schools
 - ✓ Enhancement of public health data systems
 - ✓ Capital investments in public facilities to meet pandemic operational needs
 - ✓ Ventilation improvements in key settings like healthcare facilities

- **Services to address behavioral healthcare needs exacerbated by the pandemic, including:**
 - ✓ Mental health treatment
 - ✓ Substance misuse treatment
 - ✓ Other behavioral health services
 - ✓ Hotlines or warmlines
 - ✓ Crisis intervention
 - ✓ Services or outreach to promote access to health and social services
- **Payroll and covered benefits expenses** for public health, healthcare, human services, public safety and similar employees, to the extent that they work on the COVID-19 response. For public health and safety workers, recipients can use these funds to cover the full payroll and covered benefits costs for employees or operating units or divisions primarily dedicated to the COVID-19 response.

2. **Addressing the negative economic impacts caused by the public health emergency**

The COVID-19 public health emergency resulted in significant economic hardship for many Americans. As businesses closed, consumers stayed home, schools shifted to remote education, and travel declined precipitously, over 20 million jobs were lost between February and April 2020. Although many have since returned to work, as of April 2021, the economy remains more than 8 million jobs below its pre-pandemic peak, and more than 3 million workers have dropped out of the labor market altogether since February 2020.

To help alleviate the economic hardships caused by the pandemic, Coronavirus State and Local Fiscal Recovery Funds enable eligible state, local, territorial, and Tribal governments to provide a wide range of assistance to individuals and households, small businesses, and impacted industries, in addition to enabling governments to rehire public sector staff and rebuild capacity. Among these uses include:

- **Delivering assistance to workers and families**, including aid to unemployed workers and job training, as well as aid to households facing food, housing, or other financial insecurity. In addition, these funds can support survivor's benefits for family members of COVID-19 victims.
- **Supporting small businesses**, helping them to address financial challenges caused by the pandemic and to make investments in COVID-19 prevention and mitigation tactics, as well as to provide technical assistance. To achieve these goals, recipients may employ this funding to execute a broad array of loan, grant, in-kind assistance, and counseling programs to enable small businesses to rebound from the downturn.
- **Speeding the recovery of the tourism, travel, and hospitality sectors**, supporting industries that were particularly hard-hit by the COVID-19 emergency and are just now beginning to mend. Similarly impacted sectors within a local area are also eligible for support.
- **Rebuilding public sector capacity**, by rehiring public sector staff and replenishing unemployment insurance (UI) trust funds, in each case up to pre-pandemic levels. Recipients may also use this funding to build their internal capacity to successfully implement economic relief programs, with investments in data analysis, targeted outreach, technology infrastructure, and impact evaluations.

3. Serving the hardest-hit communities and families

While the pandemic has affected communities across the country, it has disproportionately impacted low-income families and communities of color and has exacerbated systemic health and economic inequities. Low-income and socially vulnerable communities have experienced the most severe health impacts. For example, counties with high poverty rates also have the highest rates of infections and deaths, with 223 deaths per 100,000 compared to the U.S. average of 175 deaths per 100,000.

Coronavirus State and Local Fiscal Recovery Funds allow for a broad range of uses to address the disproportionate public health and economic impacts of the crisis on the hardest-hit communities, populations, and households. Eligible services include:

- **Addressing health disparities and the social determinants of health**, through funding for community health workers, public benefits navigators, remediation of lead hazards, and community violence intervention programs;
- **Investments in housing and neighborhoods**, such as services to address individuals experiencing homelessness, affordable housing development, housing vouchers, and residential counseling and housing navigation assistance to facilitate moves to neighborhoods with high economic opportunity;
- **Addressing educational disparities** through new or expanded early learning services, providing additional resources to high-poverty school districts, and offering educational services like tutoring or afterschool programs as well as services to address social, emotional, and mental health needs; and,
- **Promoting healthy childhood environments**, including new or expanded high quality childcare, home visiting programs for families with young children, and enhanced services for child welfare-involved families and foster youth.

Governments may use Coronavirus State and Local Fiscal Recovery Funds to support these additional services if they are provided:

- within a Qualified Census Tract (a low-income area as designated by the Department of Housing and Urban Development);
- to families living in Qualified Census Tracts;
- by a Tribal government; or,
- to other populations, households, or geographic areas disproportionately impacted by the pandemic.

4. Replacing lost public sector revenue

State, local, territorial, and Tribal governments that are facing budget shortfalls may use Coronavirus State and Local Fiscal Recovery Funds to avoid cuts to government services. With these additional resources, recipients can continue to provide valuable public services and ensure that fiscal austerity measures do not hamper the broader economic recovery.

Many state, local, territorial, and Tribal governments have experienced significant budget shortfalls, which can yield a devastating impact on their respective communities. Faced with budget shortfalls and pandemic-related uncertainty, state and local governments cut staff in all 50 states. These budget shortfalls and staff cuts are particularly problematic at present, as these entities are on the front lines of battling the COVID-19 pandemic and helping citizens weather the economic downturn.

Recipients may use these funds to replace lost revenue. Treasury's Interim Final Rule establishes a methodology that each recipient can use to calculate its reduction in revenue. Specifically, recipients will compute the extent of their reduction in revenue by comparing their actual revenue to an alternative representing what could have been expected to occur in the absence of the pandemic. Analysis of this expected trend begins with the last full fiscal year prior to the public health emergency and projects forward at either (a) the recipient's average annual revenue growth over the three full fiscal years prior to the public health emergency or (b) 4.1%, the national average state and local revenue growth rate from 2015-18 (the latest available data).

For administrative convenience, Treasury's Interim Final Rule allows recipients to presume that any diminution in actual revenue relative to the expected trend is due to the COVID-19 public health emergency. Upon receiving Coronavirus State and Local Fiscal Recovery Funds, recipients may immediately calculate the reduction in revenue that occurred in 2020 and deploy funds to address any shortfall. Recipients will have the opportunity to re-calculate revenue loss at several points through the program, supporting those entities that experience a lagged impact of the crisis on revenues.

Importantly, once a shortfall in revenue is identified, recipients will have broad latitude to use this funding to support government services, up to this amount of lost revenue.

5. Providing premium pay for essential workers

Coronavirus State and Local Fiscal Recovery Funds provide resources for eligible state, local, territorial, and Tribal governments to recognize the heroic contributions of essential workers. Since the start of the public health emergency, essential workers have put their physical well-being at risk to meet the daily needs of their communities and to provide care for others.

Many of these essential workers have not received compensation for the heightened risks they have faced and continue to face. Recipients may use this funding to provide premium pay directly, or through grants to private employers, to a broad range of essential workers who must be physically present at their jobs including, among others:

- | | |
|---|---|
| ✓ Staff at nursing homes, hospitals, and home-care settings | ✓ Truck drivers, transit staff, and warehouse workers |
| ✓ Workers at farms, food production facilities, grocery stores, and restaurants | ✓ Childcare workers, educators, and school staff |
| ✓ Janitors and sanitation workers | ✓ Social service and human services staff |
| ✓ Public health and safety staff | |

Treasury's Interim Final Rule emphasizes the need for recipients to prioritize premium pay for lower income workers. Premium pay that would increase a worker's total pay above 150% of the greater of the state or county average annual wage requires specific justification for how it responds to the needs of these workers.

In addition, employers are both permitted and encouraged to use Coronavirus State and Local Fiscal Recovery Funds to offer retrospective premium pay, recognizing that many essential workers have not yet received additional compensation for work performed. Staff working for third-party contractors in eligible sectors are also eligible for premium pay.

6. Investing in water and sewer infrastructure

Recipients may use Coronavirus State and Local Fiscal Recovery Funds to invest in necessary improvements to their water and sewer infrastructures, including projects that address the impacts of climate change.

Recipients may use this funding to invest in an array of drinking water infrastructure projects, such as building or upgrading facilities and transmission, distribution, and storage systems, including the replacement of lead service lines.

Recipients may also use this funding to invest in wastewater infrastructure projects, including constructing publicly-owned treatment infrastructure, managing and treating stormwater or subsurface drainage water, facilitating water reuse, and securing publicly-owned treatment works.

To help jurisdictions expedite their execution of these essential investments, Treasury's Interim Final Rule aligns types of eligible projects with the wide range of projects that can be supported by the Environmental Protection Agency's Clean Water State Revolving Fund and Drinking Water State Revolving Fund. Recipients retain substantial flexibility to identify those water and sewer infrastructure investments that are of the highest priority for their own communities.

Treasury's Interim Final Rule also encourages recipients to ensure that water, sewer, and broadband projects use strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions.

7. Investing in broadband infrastructure

The pandemic has underscored the importance of access to universal, high-speed, reliable, and affordable broadband coverage. Over the past year, millions of Americans relied on the internet to participate in remote school, healthcare, and work.

Yet, by at least one measure, 30 million Americans live in areas where there is no broadband service or where existing services do not deliver minimally acceptable speeds. For millions of other Americans, the high cost of broadband access may place it out of reach. The American Rescue Plan aims to help remedy these shortfalls, providing recipients with flexibility to use Coronavirus State and Local Fiscal Recovery Funds to invest in broadband infrastructure.

Recognizing the acute need in certain communities, Treasury's Interim Final Rule provides that investments in broadband be made in areas that are currently unserved or underserved—in other words, lacking a wireline connection that reliably delivers minimum speeds of 25 Mbps download and 3 Mbps upload. Recipients are also encouraged to prioritize projects that achieve last-mile connections to households and businesses.

Using these funds, recipients generally should build broadband infrastructure with modern technologies in mind, specifically those projects that deliver services offering reliable 100 Mbps download and 100

Mbps upload speeds, unless impracticable due to topography, geography, or financial cost. In addition, recipients are encouraged to pursue fiber optic investments.

In view of the wide disparities in broadband access, assistance to households to support internet access or digital literacy is an eligible use to respond to the public health and negative economic impacts of the pandemic, as detailed above.

8. Ineligible Uses

Coronavirus State and Local Fiscal Recovery Funds provide substantial resources to help eligible state, local, territorial, and Tribal governments manage the public health and economic consequences of COVID-19. Recipients have considerable flexibility to use these funds to address the diverse needs of their communities.

To ensure that these funds are used for their intended purposes, the American Rescue Plan Act also specifies two ineligible uses of funds:

- **States and territories may not use this funding to directly or indirectly offset a reduction in net tax revenue due to a change in law from March 3, 2021 through the last day of the fiscal year in which the funds provided have been spent.** The American Rescue Plan ensures that funds needed to provide vital services and support public employees, small businesses, and families struggling to make it through the pandemic are not used to fund reductions in net tax revenue. Treasury's Interim Final Rule implements this requirement. If a state or territory cuts taxes, they must demonstrate how they paid for the tax cuts from sources other than Coronavirus State Fiscal Recovery Funds—by enacting policies to raise other sources of revenue, by cutting spending, or through higher revenue due to economic growth. If the funds provided have been used to offset tax cuts, the amount used for this purpose must be paid back to the Treasury.
- **No recipient may use this funding to make a deposit to a pension fund.** Treasury's Interim Final Rule defines a "deposit" as an extraordinary contribution to a pension fund for the purpose of reducing an accrued, unfunded liability. While pension deposits are prohibited, recipients may use funds for routine payroll contributions for employees whose wages and salaries are an eligible use of funds.

Treasury's Interim Final Rule identifies several other ineligible uses, including funding debt service, legal settlements or judgments, and deposits to rainy day funds or financial reserves. Further, general infrastructure spending is not covered as an eligible use outside of water, sewer, and broadband investments or above the amount allocated under the revenue loss provision. While the program offers broad flexibility to recipients to address local conditions, these restrictions will help ensure that funds are used to augment existing activities and address pressing needs.



TOMÁS J. ARAGÓN, MD, DrPH
Director and State Public Health Officer

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



GAVIN NEWSOM
Governor

June 9, 2021

Note: This guidance is effective June 15, 2021 and supersedes all prior face coverings guidance.

GUIDANCE FOR THE USE OF MASKS

Background

The COVID-19 vaccines are effective in preventing infection, disease, and spread. Unvaccinated persons are more likely to get infected and spread the virus which is transmitted through the air and concentrates indoors. About 15% of our population remains without the option for vaccination (children under 12 years old are not yet eligible) and risk for COVID-19 exposure and infection will remain until we reach full community immunity.

The purpose of this guidance is to align with CDC recommendations and provide information about higher risk settings where masks are required or recommended to prevent transmission to persons with higher risk of infection (e.g., unvaccinated or immunocompromised persons), to persons with prolonged, cumulative exposures (e.g., workers), or to persons whose vaccination status is unknown. When people who are not fully vaccinated wear a mask correctly, they protect others as well as themselves. Consistent and correct mask use by people who are not fully vaccinated is especially important indoors.

In workplaces, employers are subject to the Cal/OSHA COVID-19 [Emergency Temporary Standards \(ETS\)](#) or in some workplaces the [CalOSHA Aerosol Transmissible Diseases Standard](#), and should consult those regulations for additional applicable requirements.

Guidance for Individuals

Masks are **not required for fully vaccinated individuals, except** in the following settings where masks are required for everyone, regardless of vaccination status:

- On [public transit](#)¹ (examples: airplanes, ships, ferries, trains, subways, buses, taxis, and ride-shares) and in transportation hubs (examples: airport, bus terminal, marina, train station, seaport or other port, subway station, or any other area that provides transportation)
- **Indoors** in [K-12 schools](#)², [childcare](#)³ and other youth settings.
 - Note: This may change as updated K-12 schools guidance is forthcoming, pending updates for K-12 operational guidance from the CDC.

¹ CDC Requirement for Face Masks on Public Transportation Conveyances and at Transportation Hubs

² CDC Operational Strategy for K-12 Schools through Phased Prevention

³ CDC Guidance for Operating Child Care Programs during COVID-19

- [Healthcare settings⁴](#) (including [long term care facilities⁵](#))
- State and local [correctional facilities and detention centers⁶](#)
- [Homeless shelters⁷](#), [emergency shelters⁸](#) and [cooling centers⁹](#)

Additionally, masks are **required* for unvaccinated individuals** in indoor public settings and businesses (examples: retail, restaurants, theaters, family entertainment centers, meetings, state and local government offices serving the public)

For additional information, individuals should refer to [CDC Recommendations for Safer Activities](#) (see CDPH Masking Guidance Frequently Asked Questions for more information).

***Guidance for Businesses, Venue Operators or Hosts**

In settings where masks are required only for unvaccinated individuals, businesses, venue operators or hosts may choose to:

- Provide information to all patrons, guests and attendees regarding vaccination requirements and allow vaccinated individuals to self-attest that they are in compliance prior to entry.
- Implement vaccine verification to determine whether individuals are required to wear a mask.
- Require all patrons to wear masks.

No person can be prevented from wearing a mask as a condition of participation in an activity or entry into a business.

Exemptions to masks requirements

The following **individuals** are exempt from wearing masks at all times:

- Persons younger than two years old. Very young children must not wear a mask because of the risk of suffocation.
- Persons with a medical condition, mental health condition, or disability that prevents wearing a mask. This includes persons with a medical condition for whom wearing a mask could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a mask 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 mask would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.

⁴ CDC Updated Healthcare Infection Prevention and Control Recommendations in Response to COVID-19 Vaccination

⁵ CDC Interim Infection Prevention and Control Recommendations to Prevent SARS-CoV-2 Spread in Nursing Homes

⁶ CDC Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities

⁷ CDC Interim Guidance for Homeless Service Providers to Plan and Respond to Coronavirus Disease 2019 (COVID-19)

⁸ CDC Interim Guidance for General Population Disaster Shelters During the COVID-19 Pandemic

⁹ CDC Interim guidance to reduce the risk of introducing and transmitting SARS COV-2 in cooling centers.



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



August 18, 2021

TO: All Californians

SUBJECT: Beyond the Blueprint for Industry and Business Sectors

Related Materials: Beyond the Blueprint Q&A

Updates as of August 18, 2021:

- Applied vaccine verification or negative testing requirement to Indoor Mega Events involving 1,000 or more participants.
- Removed self-attestation as a mode for both vaccine verification and for verification of negative COVID-19 test for indoor events scheduled after September 20, 2021.
- Extended date for requirements and recommendations to remain in place to November 1, 2021.

Background:

On June 15, California fully reopened the economy and moved beyond the Blueprint for a Safer Economy. All sectors listed in the Blueprint Activities and Business Tiers Chart returned to usual operations (with the limited exceptions noted below for Mega Events).

California has made great strides in vaccinating its residents, with more than 75 percent of those eligible at least partially vaccinated. Although vaccinations provide a powerful protection against COVID-19 hospitalization and death, the Delta variant, which is currently the most common strain of COVID-19 in California, is highly transmissible and may cause more severe illness.[1] In fact, recent data suggests that viral load is roughly 1,000 times higher in people infected with the Delta variant than those infected with the original coronavirus strain. California is currently experiencing the fastest increase in COVID-19 cases during the entire pandemic with 25.7 new cases per 100,000 people per day, with case rates increasing eleven-fold within two months. Given the rapid spread of the highly transmissible Delta variant, additional precautionary measures must be taken in large, indoor events, which have the potential to cause large, substantial, and severe outbreaks.

Large events involve several factors that increase the risk of transmission including (a) persons attending often travel from outside the immediate area, from areas with higher levels of transmission, and some types of travel may increase the risk of exposure; (b) events have prolonged duration; (c) crowding is common in large events; (d) even in counties or venues with universal masking requirements, masks are removed for eating and drinking; and

(e) the larger the number of people gathered in crowded settings, the greater the likelihood that contagious persons are present and the more individuals who are exposed with the potential of becoming infected and spreading infections within their families, communities, schools, and workplaces.

Indoor settings are especially high risk for transmission. While universal masking reduces the spread of infectious droplets and aerosols, masks are often removed for eating and drinking. Activities like singing, yelling, or cheering increase transmission risk, even when masks are being worn.

The immediate and primary call to action continues to be for eligible Californians to get vaccinated. A secondary call to action is for all unvaccinated Californians to comply with indoor masking requirements and for all Californians to consider their personal choices around harm reduction and risk tolerance in the face of the Delta variant and the likelihood of additional variants emerging in the future.

Additionally, a key method to reduce transmission in large gatherings is to expand the number of events that require attendees to be verified fully-vaccinated against COVID-19 or verified tested negative, both indoors and outdoors.

CDPH is therefore updating the general public health requirements and recommendations as follows, effective September 20, 2021. These updated measures will remain in place until **November 1, 2021**:

	Restrictions Applying to Indoor & Outdoor Settings
UPDATE: Definitions of Mega Events	Crowds greater than 1,000 (indoors) attendees Crowds greater than 10,000 (outdoors) attendees
UPDATE: Vaccine Verification / Negative Testing	Required for Indoor Mega Events Recommended for Outdoor Mega Events Self-attestation may not be used to verify status as fully vaccinated or as proof of negative test result for indoor settings. For outdoor settings, it is recommended not to use self-attestation to verify status as fully vaccinated or as proof of negative test result.
Capacity Limitations	No restrictions
Physical Distancing	No restrictions for attendees, customers, and guests
Masking	Follow current CDPH Guidance for Face Coverings
Travelers	Recommend following CDC recommendations.

In workplaces, employers are subject to the Cal/OSHA COVID-19 Emergency Temporary Standards (ETS) or in some workplaces the CalOSHA Aerosol Transmissible Diseases Standard, and should consult those regulations for additional applicable requirements.

Limited Requirements for Mega Events:

Mega Events are characterized by large crowds greater than 1,000 indoor OR 10,000 outdoor attendees. Mega Events may have either assigned or unassigned seating, and may be either general admission or gated, ticketed, and permitted events. Mega Events do not include venues such as shopping malls or museums that are open to

public circulation as part of their regular operations, except to the extent that such venues host qualifying events.

Mega Events are considered higher risk for COVID transmission because:

- Participants and attendees are spending extensive periods of time physically close to large numbers of people they don't usually interact with.
- The frequency and total duration of close contact between attendees is increased, thereby increasing the risk that respiratory particles will be transmitted between attendees and participants.
- They draw from beyond the nearby community and will often draw attendees and participants from other states and countries who may be infected with more infectious COVID variants.
- Effective contact tracing may be difficult given the number of potential uncontrolled mixing between groups and attendees among individuals who are unlikely to be together again and the nature of the events.

For Indoor Mega Events (example: conventions/conferences/expos/sporting events and concerts[2]):

In addition to the general public health recommendations:

- Verification of fully vaccinated status* or pre-entry negative test** result is required of all attendees.
 - Indoor venue and event operators may not use self-attestation as a mode of verification.
- Information will be prominently placed on all communications, including the reservation and ticketing systems, to ensure guests are aware of testing and vaccination requirements (including acceptable modes of verification).
- Attendees must follow CDPH Guidance for Face Coverings.
- Venues should make masks available to attendees upon request.

For Outdoor Mega Events (example: music or food festivals/car shows/large endurance events and marathons/parades/sporting events and concerts):

In addition to the general public health recommendations:

- Verification of fully vaccinated status or pre-entry negative test result is strongly recommended for all attendees.
 - If implemented, venue and event operators are recommended to not use self-attestation as a mode of verification but rather use verification options for providing proof of vaccination in the CDPH Vaccine Record Guidelines & Standards.
- Attendees must follow CDPH Guidance for Face Coverings.
- Information will be prominently placed on all communications, including the reservation and ticketing systems, to ensure guests are aware that the State strongly recommends that they be fully vaccinated or obtain a negative COVID-19 test prior to attending the event.
- Venues should make masks available to attendees upon request.

Additional recommendations for sponsors of Mega Events:

- Encourage everyone to get vaccinated when eligible.

- Facilitate increased ventilation of indoor spaces (i.e., open all windows and doors to increase natural air flow), following current CDPH and CalOSHA guidance.
- Encourage everyone to sign up for CA Notify as an added layer of protection for themselves and the community to receive alerts when they have been in close contact with someone who tests positive for COVID-19.
- Convey the risk of attending large, crowded events where the vaccine status of others in attendance may be unknown to the individuals.
- Convey the risk of attending large, crowded events for populations that may not currently be eligible for vaccination or may be immunocompromised and whose vaccine protection may be incomplete.
- Encourage all venues along any parade or event route to provide outdoor spaces for eating/drinking/congregating to reduce the risk of transmission in indoor settings.

The requirements and recommendations for negative testing / vaccine verification will be in place effective September 20, 2021 through November 1, 2021. The state will assess conditions by October 15, 2021, to determine whether updated requirements or recommendations are needed beyond November 1, 2021.

[1] CDC - Delta Variant: What We Know About the Science

[2] These requirements continue to be recommended but not mandatory for places of worship meeting the definition of a mega event.

* Fully vaccinated

1. Definition: See current CDPH Guidance for Fully Vaccinated Persons for definitions, acceptable vaccines, and updates on additional vaccines as they are approved.
2. Verification: See current Options for Providing Proof of Vaccination in the CDPH Vaccine Record Guidelines & Standards for acceptable methods of vaccine verification.

** Pre-entry negative testing

1. Definition: Testing must be conducted within 72 hours before event start time (both PCR and antigen are acceptable). Results of the test must be available prior to entry into the event or venue.
2. Verification: See current CDPH Updated Testing Guidance for acceptable methods of proof of negative COVID-19 test result.

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UTILITIES
PAST DUE BALANCES

	AS OF 3/31/2020	AS OF 11/30/2020	AS OF 12/31/2020	AS OF 1/31/2021	AS OF 2/28/2021	AS OF 3/31/2021	AS OF 4/30/2021	AS OF 5/31/2021	AS OF 6/30/2021	AS OF 7/31/2021	AS OF 8/31/2021	Mar20-Aug21 Difference
WATER	155,942.34	483,838.94	544,933.85	519,525.76	571,535.75	527,676.30	463,169.58	470,676.98	503,738.18	481,954.87	543,626.07	387,683.73
SEWER	171,184.62	300,989.38	335,512.66	337,317.38	349,334.01	294,514.93	283,872.70	305,373.82	292,298.48	282,187.96	300,470.88	129,286.26
REFUSE	155,171.83	266,446.29	300,282.67	303,605.18	316,766.74	268,797.72	253,118.65	273,950.75	262,132.97	248,198.98	267,485.71	112,313.88
	<u>482,298.79</u>	<u>1,051,274.61</u>	<u>1,180,729.18</u>	<u>1,160,448.32</u>	<u>1,237,636.50</u>	<u>1,090,988.95</u>	<u>1,000,160.93</u>	<u>1,050,001.55</u>	<u>1,058,169.63</u>	<u>1,012,341.81</u>	<u>1,111,582.66</u>	<u>629,283.87</u>
<u>ESTIMATED PENALTIES</u>	AS OF 11/30/2020	AS OF 12/31/2020	AS OF 1/31/2021	AS OF 2/28/2021	AS OF 3/31/2021	AS OF 4/30/2021	AS OF 5/31/2021	AS OF 6/30/2021	AS OF 7/31/2021	AS OF 8/31/2021		
WATER	108,867.87	130,154.64	133,344.47	150,734.22	143,479.31	136,401.32	138,598.12	145,220.36	132,986.38	147,937.36		
SEWER	72,859.41	86,319.62	89,123.66	91,956.88	75,986.90	75,826.94	84,055.49	79,685.93	73,591.88	78,817.62		
REFUSE	67,003.48	79,775.81	82,218.54	84,749.70	69,308.69	68,560.70	75,935.02	71,125.34	65,677.42	70,806.11		
	<u>248,730.76</u>	<u>296,250.07</u>	<u>304,686.67</u>	<u>327,440.80</u>	<u>288,774.89</u>	<u>280,788.96</u>	<u>298,588.62</u>	<u>296,031.63</u>	<u>272,255.68</u>	<u>297,561.09</u>		
TOTALS	<u>1,300,005.37</u>	<u>1,476,979.25</u>	<u>1,465,134.99</u>	<u>1,565,077.30</u>	<u>1,379,763.84</u>	<u>1,280,949.89</u>	<u>1,348,590.17</u>	<u>1,354,201.26</u>	<u>1,284,597.49</u>	<u>1,409,143.75</u>		