



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
NOVEMBER 16, 2021, 5:30 PM**

Pursuant to the provisions of Assembly Bill 361, signed into law by Governor Newsom on September 16, 2021, 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 live streamed on YouTube at <https://www.youtube.com/channel/UC5KuhSrNMNL9nwHJVtnJwA>

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

Topic: City Council Meeting of November 16, 2021

Please use the following link below to join the webinar:

<https://us06web.zoom.us/j/88950874204?pwd=RklOVW5HSE5yT3VGRURZdnJ4L1ZPQT09>

Or via Telephone: **1-669-900-6833** Webinar ID: **889 5087 4204** Passcode: **470067**

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: APNs: 302-130-015, 302-130-007, 302-130-019, and 302-130-021. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Friant Water Authority. Under Negotiation: Terms and Price.

2 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Patrice Hildreth. Employee Organizations: Porterville City Firefighters Association, Fire Officer Series, Porterville Peace Officers Association, Public Safety Support Unit, Management & Confidential Series, Porterville City Employees Association, and all unrepresented management employees.

3 - 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.

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

5 - Government Code Section 54956.95 – Liability (Amended) Claim: Claimant: Alma Ibarra Pineda. Agency claimed against: City of Porterville.

6 - Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Six (6) cases in which facts are not yet known to potential plaintiffs.

7 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One (1) case.

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

Pledge of Allegiance Led by Council Member Carrillo

Invocation

PRESENTATIONS

Sierra View Medical Center / Imperial Ambulance Vaccination Clinics

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 - November 3, 2021
2. Internal City Audit Committee - November 3, 2021
3. Cannabis Ad Hoc Committee - November 4, 2021
4. Eastern Tule Groundwater Sustainability Agency Board - November 4, 2021

5. Tulare County Water Commission - November 8, 2021
6. COVID Ad Hoc Committee - November 9, 2021
7. Eagle Mountain Casino Relocation Committee - November 10, 2021
8. Veterans Day Parade - November 11, 2021
9. Tulare County Assoc. of Governments (TCAG) / Tulare County Transportation Authority (TCTA) Board - November 15, 2021
10. Tulare County Regional Transit Agency Board - November 15, 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 - November 4, 2021
 2. Library & Literacy Commission - November 9, 2021
 3. Arts Commission - October 26, 2021
 4. Animal Control Commission - November 8, 2021
 5. Youth Commission
 6. Transactions and Use Tax Oversight Committee (TUTOC)
- 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 Advertise for Bids for City Hall Roof Project**
Re: Consideration to authorize staff to advertise for bids on the City Hall roofing project located 291 N. Main Street.

2. **Authorization to Purchase Personal Protective Equipment for Two Firefighters**
Re: Consideration to approve the purchase of PPE for two firefighters from L.N. Curtis & Sons at a total price of \$11,844.89.
3. **Authorization to Purchase Personal Protective Equipment and Gear for Six New Firefighter Positions**
Re: Consideration to authorize the Fire Department to purchase turnouts and boots through LN Curtis at a cost of \$35,534.66; and authorize staff to purchase additional required equipment from various vendors at a cost not to exceed \$39,465.34.
4. **Authorization to Change Vendor and Approve Purchase of Police Task Force Vehicle**
Re: Consideration to authorize a vendor change and approval of the purchase of one Police Vehicle from Merle Stone Chevrolet in the amount of \$43,553.74.
5. **Authorization to Repair Sewer Collections Service Truck**
Re: Consideration to authorize Sewer Collections service truck repair by Porterville Ford at a cost not to exceed \$9,534.
6. **Fleet Management Software Renewal**
Re: Considering approval to renew a one-year service contract with Ron Turley Associates in the amount of \$5,175 for Fleet Management Software.
7. **Consideration of Approval to Apply for CalHome Grant**
Re: Consideration to adopt the draft Resolution approving the submittal of a CalHome Program funding application to the California Department of Housing and Community Development.
8. **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

9. **Consideration of Villa Street Reconstruction Project Mitigated Negative Declaration**
Re: Consideration of a draft Resolution approving a Mitigated Negative Declaration of Environmental Impact for the Villa Street Reconstruction Project located on Villa Street between Olive and Henderson Avenues.

SCHEDULED MATTERS

10. **Approval for Community Civic Event - Rotary Club of Porterville - Chamber of Commerce - Children's Christmas Parade - December 4, 2021**
Re: Considering approval of an event to take place along Main Street on Saturday, December 4, 2021, at 10:00 a.m.; and various closures of streets, sidewalks and parking spaces along Main Street from 5:00 a.m. to 12:00 p.m.
11. **Request for Street Closure - Myers' 26th Annual Christmas Tree Memorial Service - December 14, 2021**
Re: Considering approval of the closure of "E" Street, between Putnam and Cleveland Avenues, on December 14, 2021, from 5:00 p.m. to 9:00 p.m.
12. **Approval for Community Civic Event - Porterville Chamber of Commerce - Paper Shredding Event - November 22, 2021**
Re: Considering approval of a paper shredding event to take place in the City's Oak Street parking lot on Monday, November 22, 2021, from 10:00 a.m. to 1:00 p.m.
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 December 7, 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 – NOVEMBER 16, 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 IV to Phase III of the City's Water Conservation Plan as of 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 October 2021 show that a total of twenty-one (21) Notices of Violations were issued for water wasting, and five Administrative Citations were issued.

Water production for October 2021 shows a ten percent (10%) decrease from the 5-year average. The monthly production for October 2021 was 284 million gallons which is a 29.41% decrease in comparison to the monthly production for October 2013 of 402 million gallons. Residential consumption for October 2021 was 103.18 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 October 2021. Porterville's cumulative total production conservation through October 2021 is 20.01%. The cumulative total of GPCD

for the City of Porterville's conservation efforts will reflect June 2015 through October 2021. Porterville's cumulative total GPCD conservation through October 2021 is 24.7%.

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

The State Water Board continues to require monthly reporting to track what agencies are doing and how they perform throughout the year. Proposed permanent regulations will require agency reporting to continue monitoring the performance of urban water conservation with a preparedness to 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 a nineteen percent (19%) decrease from October 2020 to October 2021.

RECOMMENDATION: Information Only

ATTACHMENTS:

1. Monthly Production Status October 2021
2. Monthly Production Status GPCD October 2021
3. Drought Response Phase III Flyer

Appropriated/Funded:

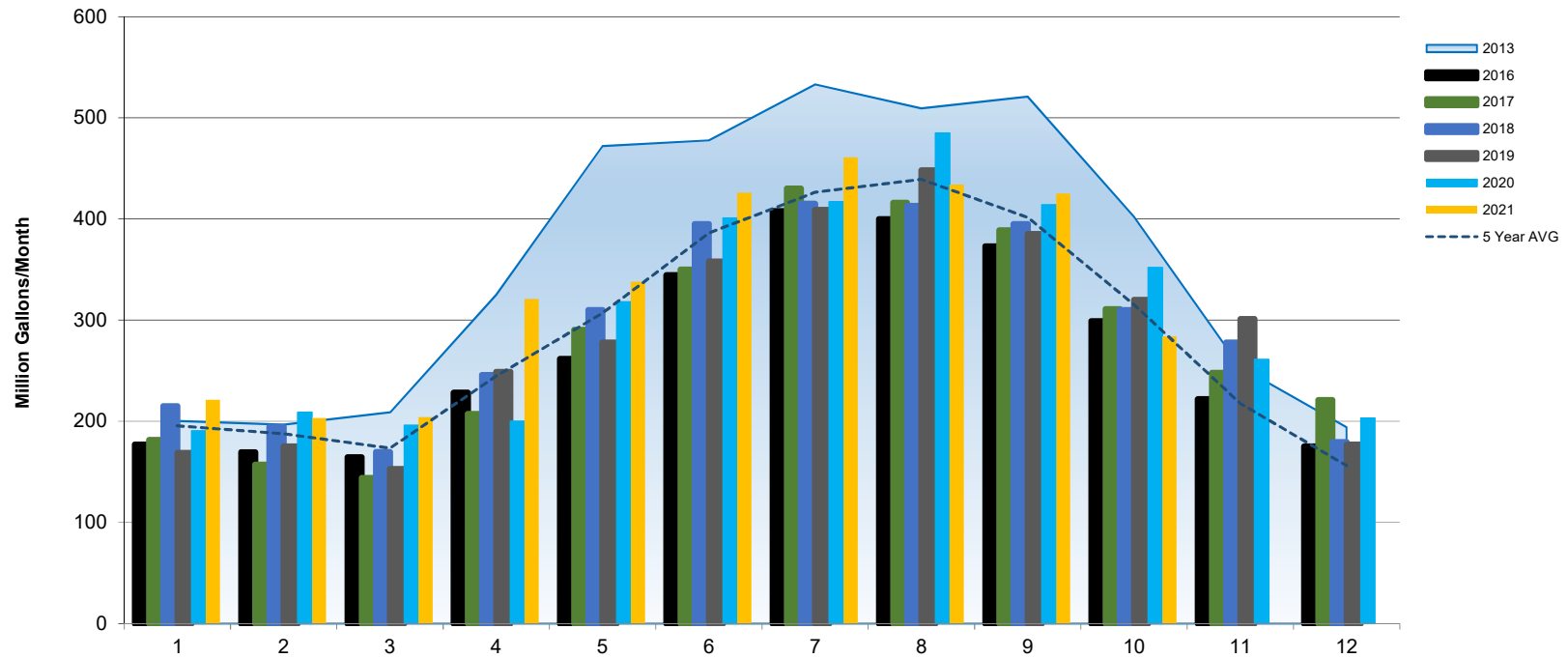
Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager

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

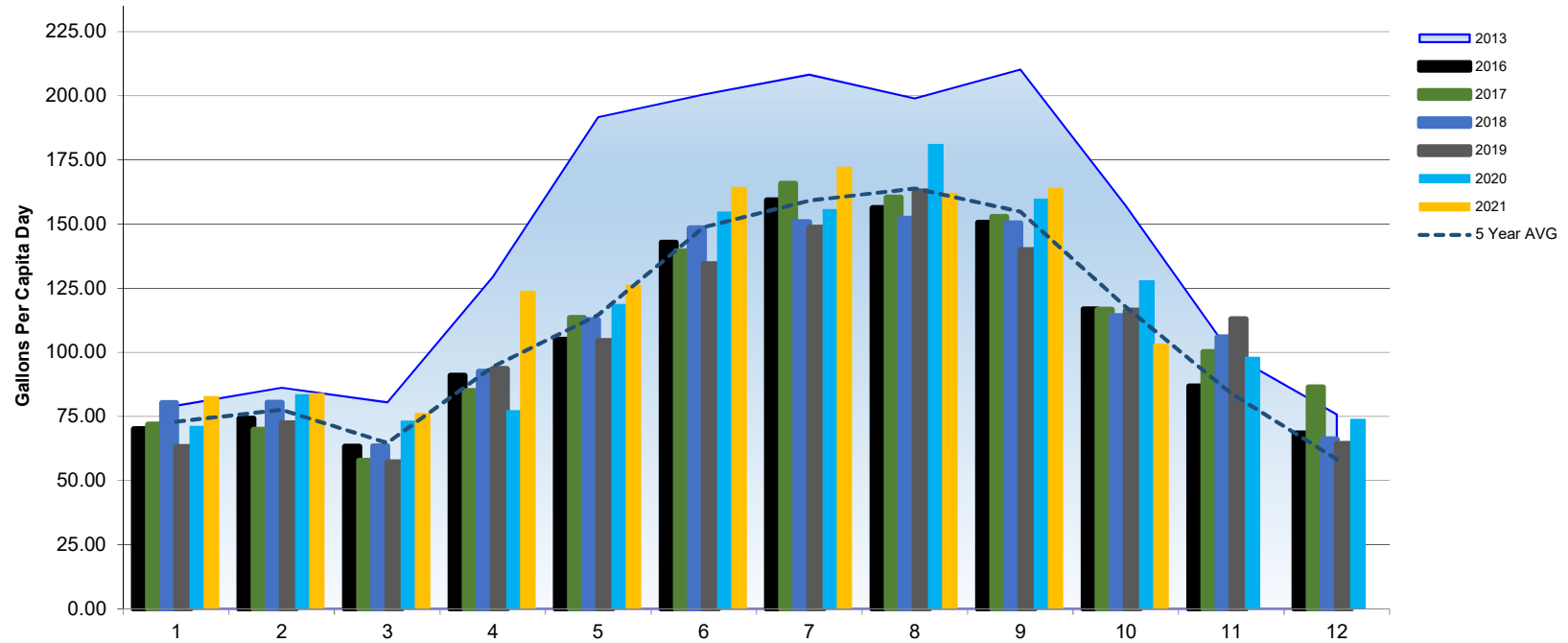


Production Cumulative Total 20.1%

	1	2	3	4	5	6	7	8	9	10	11	12
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%	-18%	-29%		

Percent Comparison to 2013 Production

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



GPCD

Cumulative Total 24.7%

	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%	-22%	-34%		

Percent Comparison to 2013 Production



DROUGHT RESPONSE Phase III

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

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

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

Excessive water runoff is prohibited.

The washing of sidewalks and driveways is prohibited.

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

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

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

DROUGHT RESPONSE PHASE III

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

Mandatory Odd/Even Watering Schedule

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

Odd Address
 Even Address

ODD NUMBER ADDRESSES

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

OR

EVEN NUMBER ADDRESSES

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

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

**Mandatory
Odd/Even Watering
Schedule**

**Excessive water
runoff prohibited**

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

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

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

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

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



CITY COUNCIL AGENDA – NOVEMBER 16, 2021

SUBJECT: Authorization to Advertise for Bids for City Hall Roof Project

SOURCE: Parks and Leisure Services

COMMENT: City Hall, located at 291 N. Main Street, has an aging roof which has become extremely susceptible to leaking in multiple areas during rain events. City staff have performed patch work on the roof over the years, but even those are not proving to be sufficient in negating the leaks. City staff is preparing a project manual including plans and specifications for the project.

The proposed project includes replacing dry rot and skylights, applying a primer, applying a silicone coating and a sealant. The estimate for the probable cost for the project is \$145,000 based upon a similar project completed at Centennial Plaza in December 2020. Staff's recommendation is that funding for the City Hall roof repair be paid for out of the General Fund's Facility Deferred Maintenance/Equipment Replacement Designated Fund.

RECOMMENDATION: That the City Council authorize staff to advertise for bids on the City Hall roofing project.

ATTACHMENTS:

1. Draft Resolution
2. Locator Map

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. ____-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE FACILITY DEFERRED
MAINTENANCE / EQUIPMENT REPLACEMENT DESIGNATED FUND
FOR THE CITY HALL ROOF PROJECT

WHEREAS: The City Hall building located at 291 N. Main Street has an aging roof and has suffered from multiple leaks during rain events; and

WHEREAS: City staffs' attempts to repair the leaks over the years have not been successful; and

WHEREAS: The immediate repairs of the building's roof will prevent permanent damage and increased cost of major repairs to the building; and

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

NOW, THEREFORE, BE IT RESOLVED:

1. That the City Council of the City of Porterville make a finding that the roof coating and repairs to the City Hall building will prevent permanent damage to the building and is within the intent and purpose of the Facility Deferred Maintenance / Equipment Replacement Designated Fund; and
2. That the City Council of the City of Porterville does hereby approve and authorize the appropriation of funds up to \$145,000 from the Facility Deferred Maintenance / Equipment Replacement Designated Fund for the immediate repair of the roof of the City Hall building.

PASSED, APPROVED AND ADOPTED this 16th day of November, 2021.

Adrian Monte Reyes, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk





CITY COUNCIL AGENDA – NOVEMBER 16, 2021

SUBJECT: Authorization to Purchase Personal Protective Equipment for Two Firefighters

SOURCE: Fire

COMMENT: Due to recent personnel changes in the Fire Department, two existing firefighter positions have recently been filled with new hires, resulting in the need to purchase new Personal Protective Equipment (PPE) used for structural firefighting (commonly known as "turnout gear"). The Department's uniform standard is Globe G-Xtreme. L.N. Curtis & Sons is the only retailer in this area licensed to sell the City's standard uniform, which makes this a sole source purchase. Documentation of sole source and price quote that lists two full sets of turnout gear for a total price of \$11,844.89 is attached. Funding for this purchase is available in the Fire Department's Equipment Replacement Fund.

RECOMMENDATION: That the City Council approve the purchase of PPE for two firefighters L.N. Curtis & Sons at a total price of \$11,844.89.

ATTACHMENTS:

1. Curtis Quote
2. Globe Manufacturing Company Sole Source Documentation

Appropriated/Funded:

Review By:

Department Director:

Dave LaPere, Fire Chief

Final Approver: John Lollis, City Manager

Ph: 510-839-5111
 TF: 800-443-3556
 Fax: 510-839-5325
oaksales@lncurtis.com
 DUNS#: 00-922-4163



Pacific North Division
 6723 Sierra Court, Suite C
 Dublin, CA 94568
www.LNCurtis.com
 Quotation No. 205485

Quotation

CUSTOMER:

Porterville City Fire
 Department
 291 North Main Street
 Porterville CA 93257

SHIP TO:

Attn: Chief Hildreth
 Porterville City Fire Department
 40 West Cleveland Avenue
 Porterville CA 93257

QUOTATION NO.

205485

ISSUED DATE

10/27/2021

EXPIRATION DATE

11/26/2021

SALESPERSON

Chris Parano
cparano@lncurtis.com
 559-301-5156

CUSTOMER SERVICE REP

Steve Price
sprice@lncurtis.com
 510-268-3333

REQUISITION NO.

REQUESTING PARTY

Chief Hildreth

CUSTOMER NO.

C36150

TERMS

Net 30

OFFER CLASS

FR

F.O.B.

SP

SHIP VIA

Standard Shipping

DELIVERY REQ. BY

NOTES & DISCLAIMERS

Thank you for this opportunity to quote. We are pleased to offer requested items below. If you have any questions, need additional information, or would like to place an order, please contact your Customer Service Rep as noted above.

LN	QTY	UNIT	PART NUMBER	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1	4	EA	G-XTREME 3.0 JACKET - GLOBE CUSTOM	As follows: #1C757G, G-Xtreme Jacket *Per Porterville City Fire Department specifications. -With hanging letter patch	\$1,431.00	\$5,724.00
2	4	PR	GPS GLOBE CUSTOM	As below: #FC757G GPS PANTS *Per Porterville City Fire Department specifications	\$1,047.00	\$4,188.00
3	2	PR	1501420-10.5-M GLO	Sz 10.5M 14" Shadow XF Pull-On Boots, Regular Calf * This PPE Product Contains PFAS Chemicals for Water and Oil Repellency	\$465.00	\$930.00

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Pacific North Division
6723 Sierra Court, Suite C
Dublin, CA 94568
www.LNCurtis.com
Quotation No. 205485

LN	QTY	UNIT	PART NUMBER	DESCRIPTION	UNIT PRICE	TOTAL PRICE
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Small Business
CAGE Code: 5E720
DUNS Number: 009224163
SIC Code: 5099
Federal Tax ID: 94-1214350

This pricing remains firm until 11/26/2021. Contact us for updated pricing after this date.

Due to market volatility and supply shortages, we recommend contacting your local L.N. Curtis and sons office prior to placing your order to confirm pricing and availability. This excludes our GSA Contract and other Fixed Price Contracts which are governed by contract-specific prices, terms, and conditions.

Subtotal \$10,842.00

Tax Total \$1,002.89

Transportation* \$0.00

*(to be added when order ships)

Total \$11,844.89

[View Terms of Sale and Return Policy](#)



November 6, 2021

To Whom It May Concern:

This letter is to confirm that LN Curtis & Sons, headquartered in Oakland, California, is our exclusive authorized distributor for **all Globe products** in the states of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming for Globe Manufacturing Company, LLC.

GLOBE MANUFACTURING COMPANY is a 132-year old business engaged in the manufacture of turnout clothing for the fire and rescue industry. We take great pride in the design and construction of our garments and strive to continue to make the best products available in today's marketplace. We do business as Globe Firefighter Suits and Globe Footwear, servicing a variety of needs. In addition, we offer care & cleaning services and training.

LN Curtis & Sons and Globe Manufacturing Company, LLC have been strong partners since 1929. By working together, we provide the high quality service that all of our customers expect and deserve.

We appreciate your interest in Globe Manufacturing Company products.

Sincerely,
GLOBE MANUFACTURING COMPANY, LLC

Mark Dolim

Mark Dolim
Customer Support Services Manager



CITY COUNCIL AGENDA – NOVEMBER 16, 2021

SUBJECT: Authorization to Purchase Personal Protective Equipment and Gear for Six New Firefighter Positions

SOURCE: Fire

COMMENT: On September 10, 2021, the Federal Emergency Management Agency (FEMA) awarded \$1,527,287 to the Porterville Fire Department through the Staffing for Adequate Fire and Emergency Response (SAFER) grant program. These funds will be used to pay for the first three years of employment for six additional firefighters, assisting the City more quickly achieve one of the recommendations of the Investigation Report completed by the Serious Accident Review Team (SART) regarding the Library Incident. The recruitment process for these new positions is underway, and interviews are expected in late November or early December 2021.

In addition to the staffing expenses, additional funding is needed to purchase Personal Protective Equipment (PPE) for the six new firefighters. The PPE needed for each of these new positions includes two sets of structure turnouts (jacket and pants), one set of fire boots, a helmet, gloves, a radio, and other related equipment, and staff estimates that the total cost for all such equipment will be not more than \$75,000. Of this equipment, the Fire Department's standard issue structure turnouts and boots manufactured by Globe are distributed through the sole-source vendor, LN Curtis & Sons. All other equipment can be sought from various vendors to find the best value.

The Department anticipates on-boarding the six new firefighters in January 2022, and due to current supply shortages and shipping delays, staff is requesting that the acquisition process begin as soon as possible to avoid unnecessary delays. Staff has requested a quote from LN Curtis for the sole source elements of this purchase; the total price for turnouts and boots for six firefighters is \$35,534.66, which includes tax. The remaining \$39,465.34 will be adequate to purchase the remaining necessary items. Measure I is the funding source proposed for this purchase.

RECOMMENDATION: That the City Council:

1. Authorize the Fire Department to purchase turnouts and boots through LN Curtis at a cost of \$35,534.66, and
2. Authorize staff to purchase additional required equipment from various vendors at a cost not to exceed \$39,465.34, in accordance with the City's procurement policies.

ATTACHMENTS:

1. Curtis Quote
2. Globe Manufacturing Company Sole Source Documentation

Appropriated/Funded:

Review By:

Department Director:

Dave LaPere, Fire Chief

Final Approver: John Lollis, City Manager

Ph: 510-839-5111
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oaksales@lncurtis.com
 DUNS#: 00-922-4163



Pacific North Division
 6723 Sierra Court, Suite C
 Dublin, CA 94568
www.LNCurtis.com
 Quotation No. 205451

Quotation

CUSTOMER:

Porterville City Fire
 Department
 291 North Main Street
 Porterville CA 93257

SHIP TO:

Attn: Chief Hildreth
 Porterville City Fire Department
 40 West Cleveland Avenue
 Porterville CA 93257

QUOTATION NO.

205451

ISSUED DATE

10/27/2021

EXPIRATION DATE

11/26/2021

SALESPERSON

Chris Parano
cparano@lncurtis.com
 559-301-5156

CUSTOMER SERVICE REP

Steve Price
sprice@lncurtis.com
 510-268-3333

REQUISITION NO.

REQUESTING PARTY

Chief Hildreth

CUSTOMER NO.

C36150

TERMS

Net 30

OFFER CLASS

FR

F.O.B.

SP

SHIP VIA

Standard Shipping

DELIVERY REQ. BY

NOTES & DISCLAIMERS

Thank you for this opportunity to quote. We are pleased to offer requested items below. If you have any questions, need additional information, or would like to place an order, please contact your Customer Service Rep as noted above.

LN	QTY	UNIT	PART NUMBER	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1	12	EA	G-XTREME 3.0 JACKET - GLOBE CUSTOM	As follows: #1C757G, G-Xtreme Jacket *Per Porterville City Fire Department specifications. -With hanging letter patch	\$1,431.00	\$17,172.00
2	12	PR	GPS GLOBE CUSTOM	As below: #FC757G GPS PANTS *Per Porterville City Fire Department specifications	\$1,047.00	\$12,564.00
3	6	PR	1501420-10.5-M GLO	Sz 10.5M 14" Shadow XF Pull-On Boots, Regular Calf * This PPE Product Contains PFAS Chemicals for Water and Oil Repellency	\$465.00	\$2,790.00

Ph: 510-839-5111
TF: 800-443-3556
Fax: 510-839-5325
oaksales@lncurtis.com
DUNS#: 00-922-4163



Pacific North Division
6723 Sierra Court, Suite C
Dublin, CA 94568
www.LNCurtis.com
Quotation No. 205451

LN	QTY	UNIT	PART NUMBER	DESCRIPTION	UNIT PRICE	TOTAL PRICE
----	-----	------	-------------	-------------	------------	-------------

Small Business
CAGE Code: 5E720
DUNS Number: 009224163
SIC Code: 5099
Federal Tax ID: 94-1214350

This pricing remains firm until 11/26/2021. Contact us for updated pricing after this date.

Due to market volatility and supply shortages, we recommend contacting your local L.N. Curtis and sons office prior to placing your order to confirm pricing and availability. This excludes our GSA Contract and other Fixed Price Contracts which are governed by contract-specific prices, terms, and conditions.

Subtotal \$32,526.00

Tax Total \$3,008.66

Transportation* \$0.00

*(to be added when order ships)

Total \$35,534.66

[View Terms of Sale and Return Policy](#)



November 6, 2021

To Whom It May Concern:

This letter is to confirm that LN Curtis & Sons, headquartered in Oakland, California, is our exclusive authorized distributor for **all Globe products** in the states of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming for Globe Manufacturing Company, LLC.

GLOBE MANUFACTURING COMPANY is a 132-year old business engaged in the manufacture of turnout clothing for the fire and rescue industry. We take great pride in the design and construction of our garments and strive to continue to make the best products available in today's marketplace. We do business as Globe Firefighter Suits and Globe Footwear, servicing a variety of needs. In addition, we offer care & cleaning services and training.

LN Curtis & Sons and Globe Manufacturing Company, LLC have been strong partners since 1929. By working together, we provide the high quality service that all of our customers expect and deserve.

We appreciate your interest in Globe Manufacturing Company products.

Sincerely,
GLOBE MANUFACTURING COMPANY, LLC

Mark Dolim

Mark Dolim
Customer Support Services Manager



CITY COUNCIL AGENDA – NOVEMBER 16, 2021

SUBJECT: Authorization to Change Vendor and Approve Purchase of Police Task Force Vehicle

SOURCE: Police

COMMENT: At its meeting on September 7, 2021, the City Council approved staff to negotiate the purchase of twelve (12) police vehicles from National Auto Fleet. However, since that date, the Police Department has been in contact with the approved vendor and due to the nationwide computer chip shortage and the high demand for the Chevrolet Silverado, all General Motors Fleet orders were cut off and no new orders were being accepted. In speaking with the vendor, it was undetermined when or if the order for the Chevrolet Silverado would be able to be fulfilled.

Staff began a search for any additional approved vendors who may be able to fulfill the order. Three-Way Chevrolet was contacted and they only had a 4-cylinder truck, which is not conducive for the Detective assigned to the Department of Justice Firearms enforcement unit. Winner Chevrolet was contacted and only had a topline model in excess of \$50,000. Merle Stone Chevrolet Fleet was contacted, who is a City-approved vendor, and they advised they had one Chevrolet Silverado that was in transit being shipped to the dealership. They advised they would retain this vehicle for the Police Department upon arrival.

The following two quotes are viable options:

Merle Stone Chevrolet: \$43,553.74

Winner Chevrolet: \$54,170.00

Funding for this vehicle purchase was approved by City Council on September 7, 2021, but in staff's search have found there has been a significant increase in vehicle pricing over the past several months. If approved to contract with the lowest quote, Merle Stone Porterville, this would be a price increase of \$8,046.32 from the original approval price.

The funds are available for the total purchase price of \$43,553.74 in the Police Department's Vehicle Equipment Replacement Fund.

RECOMMENDATION: That the City Council;

1. Authorize Department staff to negotiate the purchase of one Police Vehicle from Merle Stone Chevrolet; and
2. Authorize payment to Merle Stone Chevrolet upon receipt of listed equipment.

ATTACHMENTS:

1. Merle Stone Chevrolet Quote
2. Winner Chevrolet Quote
3. City Council Agenda Report: September 7, 2021

Appropriated/Funded:

Review By:

Department Director:

Jake Castellow, Chief of Police

Final Approver: John Lollis, City Manager



Vehicle Locator

Dealer Information

STONE CHEVROLET BUICK GMC

2100 E TULARE AVE

TULARE, CA 93274

Phone: 559-686-8356

Fax: 559-688-8597

1GCPWCED7NZ101730

Model Year: 2022

Make: Chevrolet

Model: 1500 Silverado LTD

CC18543-Short Box, 2WD, Crew Cab

PEG: 1LT-LT Preferred Equipment Group

Primary Color: GAZ-Summit White

Trim: H0U-1WT/1LT/1SP/2LT/1FL/1LS-Cloth, Jet Black,
Interior Trim

Engine: L84-Engine: 5.3L, EcoTec3 V-8, DI, Dynamic Fuel
Mgt, V V T

Transmission: MQE-8-Speed Automatic

Event Code: 4150-Original Invoice

Order #: ZWSJ08

MSRP: \$47,045.00

Order Type: TRE-Retail Stock

Stock #: N/A

Inventory Status: Available

Total Cash Allowance:* \$500.00
(Expires on 11/01/2021)

Total Cash Allowance:* \$500.00
(Expires on 11/01/2021)

Additional Vehicle Information

GM Marketing Information

Vehicle Options

OnStar Basic Service

OnStar Basic Service

OnStar Basic Service

OnStar Basic Service

OnStar Basic Service

OnStar Basic Service

OnStar Basic Service

OnStar Basic Service

* Indicates vehicle belongs to Trading Partner *

All Options

1LT-LT Preferred Equipment Group	A2X-Power Seat Adjuster (Driver's Side)
AKO-Glass, Deep Tinted	AU3-Power Door Locks
AVJ-Keyless Open & Keyless Start	AZ3-Seats: Front 40/20/40 Split-Bench, Full Feature
B30-Floor Covering: Carpet, Color Keyed	BTV-Remote Engine Starting Pkg
C49-Defogger, Rear Window, Electric	C5H-GVW Rating 6900 Lbs
CJ2-Climate Control, Electronic - Multi-zone	DLF-Mirrors, O/S: Power, Heated
E63-Durabed	G80-Auto Locking Differential, Rear
GAZ-Summit White	GU5-Rear Axle: 3.23 Ratio
H0U-1WT/1LT/1SP/2LT/1FL/1LS-Cloth, Jet Black, Interior Trim	IOR-Chevrolet Infotainment, 8" Color Screen
JL1-Integrated Trailer Brake Controller	K34-Cruise Control
KA1-Heated Seats, Front	KC4-Cooler, Engine Oil
KI3-Heated Steering Wheel	KNP-Transmission Cooling System
KW7-Alternator, 170 AMP	L84-Engine: 5.3L, EcoTec3 V-8, DI, Dynamic Fuel Mgt, V V T
MQE-8-Speed Automatic	N37-Steering Column, Manual Tilt & Telescoping
NP5-Steering Wheel: Leather Wrapped	PCL-1LT/1SP/2LT Convenience 1 Package
PDU-1LT/1SP All-Star Edition	Q5U-Wheels: 17" Bright Silver Painted Aluminum
QBN-Tires: 255/70 R17 All Season, Blackwall	QBR-Tire, Spare: 255/70 R17 All Season, Blackwall
QK1-Standard Tailgate	QT5-Tailgate Function--EZ Lift, Power Lock & Release
RFQ-Focused Ordering Configuration	SAF-Spare Tire Lock
U2K-SiriusXM Satellite Radio (subscription)	UDD-Driver Info Display
UE1-OnStar Communication System	UF2-Lighting, Cargo Box, LED
UK3-Radio Controls -Steering Wheel	UTJ-Theft Protection System, Unauthorized Entry
UVC-Rear Vision Camera	V46-Bumper, Front, Chrome
VJH-Bumper, Rear, Chrome Step	VK3-Front License Plate Mounting Provisions
YF5-California Emissions	Z82-Trailer Package

"~" indicates vehicle belongs to Trading Partner's inventory

Disclaimer:

GM has tried to make the pricing information provided in this summary accurate. Please refer to actual vehicle invoice, however, for complete pricing information. GM will not make any sales or policy adjustments in the case of inaccurate pricing information in this summary.

Cash Allowance is calculated based on your dealer's Zip Code. Customer must take delivery by 11/01/2021.

Finance Disclosure

10-21-2021

Deal Number: 24565	Buyer: CITY OF PORTERVILLE	Control Number: 257063
Stock Number:	Vehicle: 0	VIN:
Sale Information	Other Charges	Finance Information
Sell Price: \$39,745.65	Accessories: \$0.00	Amount Financed: \$43,553.74
+ Sales Tax: \$3,684.34	+ Service Contracts: \$0.00	Finance Charge: \$0.00
- Total Cash: \$0.00	+ GAP Premium: \$0.00	Total of Payments: \$43,553.74
- Trade Allowance: \$0.00	+ Life Premium: \$0.00	
+ Trade Payoff: \$0.00	+ A&H Premium: \$0.00	
- Rebate: \$0.00	+ Other Insurance(VSI): \$0.00	
- Deferred Payments: \$0.00	+ Total Fees: \$123.75	
Total Unpaid Balance: \$43,429.99	Total Other Charges: \$123.75	
Total Due:	\$43,553.74	

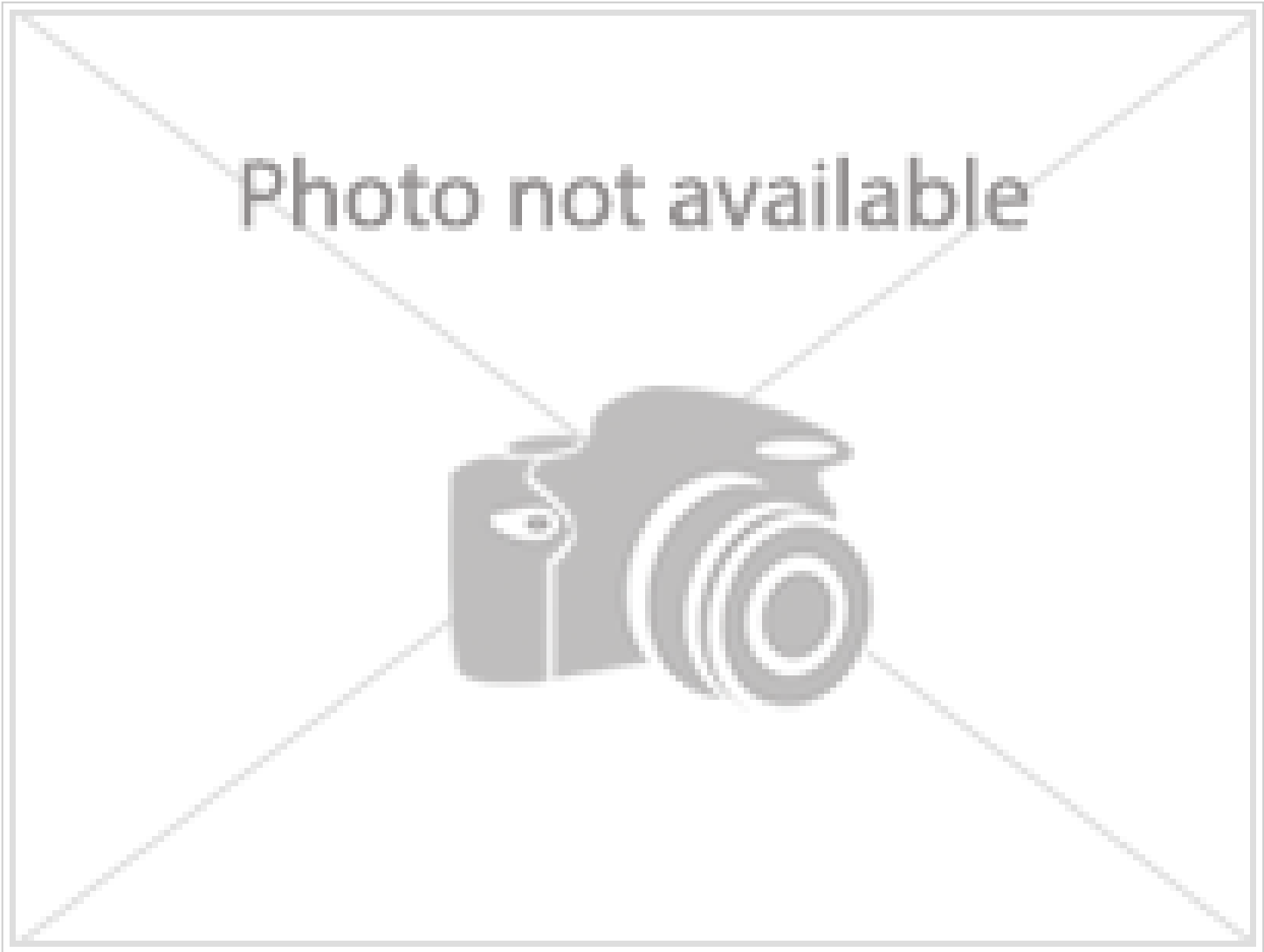
Term of Loan: 1

APR: 0.0

0 Payments: \$43,553.74

Final Payment: \$43,553.74

2021 Chevrolet Silverado 1500 RST



MSRP:

\$54,170

Internet Price:

\$54,170

City

16

22

Hwy

Condition:

NEW

VIN:

3GCUYEED2MG248724

Stock #:

15154

Transmission:

8-Speed A/T

Exterior:

BLACK

Interior:

JET BLACK

[View More](#)



NEXT ACTIONS

Schedule Test Drive

Payment Estimator	>
Request Information	>
Go to our Website (http://www.winnerchevy.com/)	>



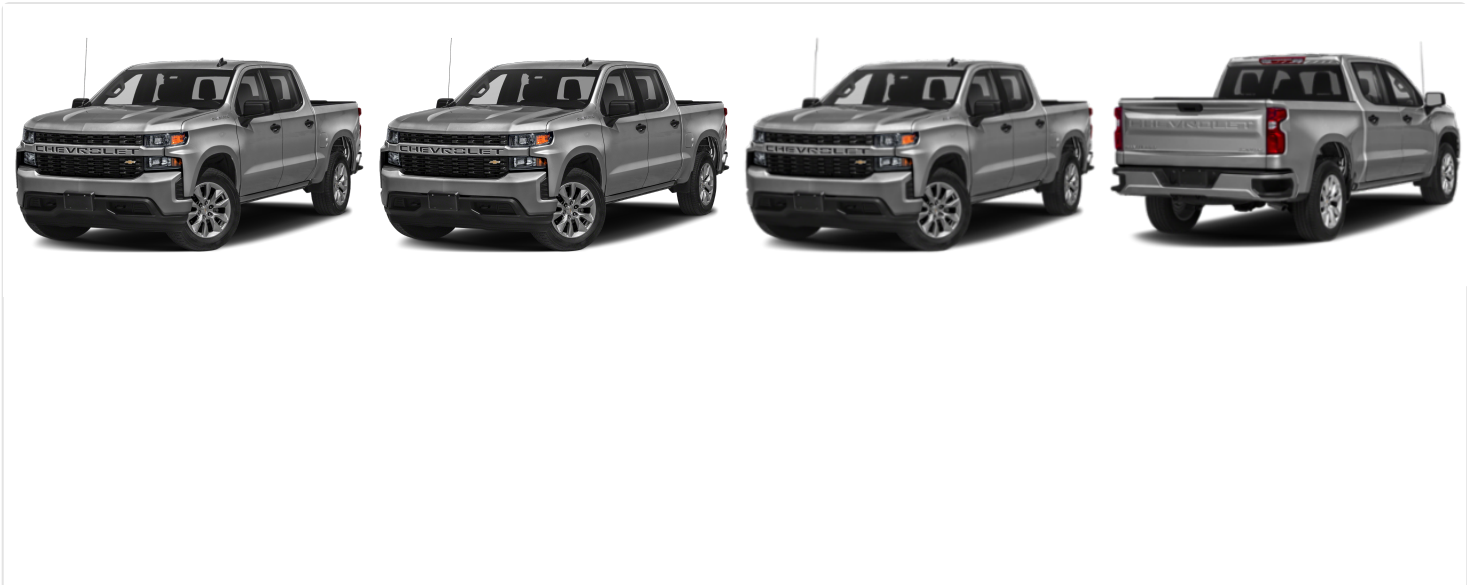
Vehicle Information

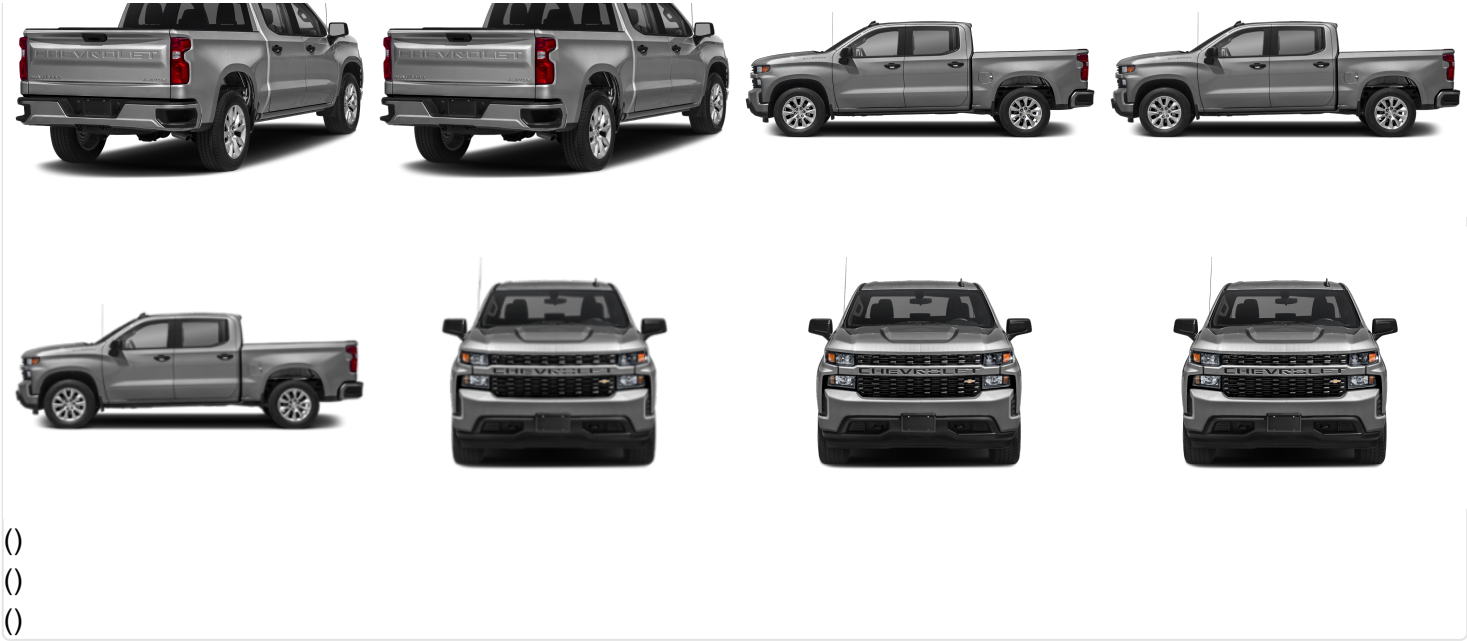
Condition	NEW
Year	2021
Make	Chevrolet
Model	Silverado 1500
VIN	3GCUYEED2MG248724
Stock	15154
Style	4WD Standard Pickup Trucks
Engine	5.3L
Transmission	8-Speed A/T
Exterior	BLACK
Interior	JET BLACK



Gallery

Manufacturer





Features

Mechanical
Exterior
Interior
Safety
Entertainment
Warranty



Specifications

Drivetrain
Chassis/Body
Capacity
Emissions
Emissions

Winner Chevrolet (<http://www.winnerchevy.com/>)

Suspensions/Brakes
Interior Dimensions
Exterior Dimensions
Cargo Dimensions



Equipment

Safety
Convenience
Exterior
Mechanical
Mechanical Equipments Differential - Locking/Limited Slip Differential EngineSteering - Power Steering SuspensionTransmission - A/T
Seats and Trim



Hours

Sales		
Day	Open	Closed
Monday	9:00 AM	6:00 PM
Tuesday	9:00 AM	6:00 PM
Wednesday	9:00 AM	6:00 PM

Winner Chevrolet (<http://www.winnerchevy.com/>)

Friday	9:00 AM	6:00 PM
Saturday	9:00 AM	6:00 PM
Sunday	10:00 AM	5:00 PM

Service

Day	Open	Closed
Monday	8:00 AM	5:00 PM
Tuesday	8:00 AM	5:00 PM
Wednesday	8:00 AM	5:00 PM
Thursday	8:00 AM	5:00 PM
Friday	8:00 AM	5:00 PM



How can we help you?

First Name

Required

Last Name

Required

Email Address

Required

Phone Number

Message

Form submissions not available in preview.

Submit





CITY COUNCIL AGENDA – SEPTEMBER 7, 2021

SUBJECT: Authorization for Purchase of Police Department Vehicles and Equipment

SOURCE: Police

COMMENT: On an annual basis, the Police Department finds it necessary to purchase vehicles to replace aging vehicles in its fleet. As always, a careful evaluation is made of each particular vehicle to determine actual need for replacement. In light of the City's commitment to strong budget control and fiscal management, this component of the Police Department's vehicle replacement process is even more critical to ensure that a vehicle is not replaced only because it is scheduled to be replaced.

Many factors are considered in this process, such as the age of the vehicle, mileage, maintenance costs, etc. A primary consideration is given to the safety of each vehicle, due to the high-risk driving required at times of these vehicles. In addition, the evaluation includes examining the assignment of vehicles to determine if reassignment of vehicles can reduce fleet numbers.

The Department has recently completed this evaluation and determined that twelve (12) vehicles are in need of replacement. Through strategic contributions to the Department's vehicle depreciation plan, the monies for the replacement vehicles have already been accumulated in the Equipment Replacement Fund and this expenditure was approved in the 2021-2022 fiscal year budget.

Nine of these vehicles will be for sworn patrol personnel positions. Of these nine vehicles, four are planned to be Ford Explorers, which are intended to be assigned to the UAV (drone) operators. In addition, a portion of the fleet already includes Ford Explorers and will maintain uniformity. Staff research conducted revealed that the Ford Explorer is better suited to accommodate the UAV specific equipment to include charging stations and other specialized necessities as part of this assignment. The remaining five patrol vehicles will be Dodge Chargers to maintain uniformity of the remaining patrol fleet. One of these vehicles is specifically funded by Measure H.

One of the twelve (12) vehicles purchased will be a Chevrolet Silverado to be assigned to a task force Detective who is participating in a Department of Justice Firearms enforcement unit.

In an effort to continue with uniformity in the administrative command staff vehicles, one of the current Dodge chargers currently in service will require

minimal up fitting to be utilized by the Patrol Division. Once the up fit is completed, this vehicle will be reassigned to the Patrol Division. With that reassignment, the Department will purchase one Chevrolet Tahoe for the vacated vehicle assignment. In addition, the Department is increasing its fleet by one vehicle due to a Command Staff member no longer participating in a vehicle allowance stipend, which will also be a Chevrolet Tahoe.

The Department is requesting authorization to purchase these vehicles per Resolution 35-93, which authorizes no-bid purchases through a cooperative purchase program. The Department has identified National Auto Fleet Group as a provider of such a program for the desired vehicles, available under the Sourcewell Master Vehicle Contract #120716-NAF. While National Auto Fleet Group is contracting with Cook's Communications for vehicle up fitting, and has up fitted the Department's past vehicles, it should be noted that Cook's Communications also holds negotiated contracts with both Tulare County (#PA7232) and Fresno County (#A-16-426) and Cook's Communication's is providing the up fit under these contracts. Included within and attached to the National Auto Fleet Group quote is the Cook's Communication quote to up fit each vehicle with the necessary emergency equipment.

Total costs for these vehicles are:

Four (4) Marked Police Vehicles - 2022 Ford Explorer – Patrol - \$233,533.12

Five (5) Marked Police Vehicles - 2022 Dodge Charger – Patrol - \$237,548.14

One (1) Unmarked Police Vehicle – 2022 Chevrolet Silverado - Detective - \$35,507.42

One (1) Conversion of an unmarked administrative police vehicle – 2019 Dodge Charger – Patrol - \$5,593.36

Two (2) Unmarked Administration Vehicles – 2022 Chevrolet Tahoe – Administration - \$119,222.50

The Department is also requesting to purchase twelve (12) police vehicle radios for each of these new vehicles. The vehicle radios are to be purchased through its sole provider, J's Communications. The Department radios are all Motorola, and Motorola Solutions requires agencies to go through the area provider for purchase. J's Communications is the area provider and provides all of the Department's vehicle and handheld radios, and additionally has a current County of Los Angeles contract. Quotes for each vehicle and for twelve (12) police vehicle radios are attached. Total costs for these police vehicle radios are:

Twelve (12) Police Vehicle Radios - \$51,176.23.

With these vehicle purchases, a total of ten (10) Dell laptops equipped with Microsoft Deployment Toolkit's (MDT's) and associated equipment and software will need to be purchased. The MDT's allow personnel to conduct

necessary inquiries in the field, as well as keep themselves and others updated on current incidents in progress and allow the transmission of required information between field units and the Communications Center. These MDT's are to be purchased from the City vendor for Dell computers. Total costs for these computers is as follows:

Ten (10) Dell Latitude 7220 Rugged and related hardware/software \$30,029.80.

Total cost for purchase of twelve (12) Police vehicles and outfitting of thirteen (13) Police Vehicles (which includes the up fit of one administrative vehicle already in use by the department to a patrol vehicle) is \$712,610.57. The replacement vehicles and related equipment will be funded through the Equipment Replacement Fund, which is funded by General Fund and Measure I, with one marked police patrol vehicle being funded by Measure H.

RECOMMENDATION: That the City Council;

1. Authorize staff to negotiate the purchase of twelve (12) Police Vehicles from National Auto Fleet; and
2. Authorize staff to negotiate the retro up fit of an Administration Dodge Charger to a Patrol suited vehicle; and
2. Authorize staff to negotiate the purchase of twelve (12) APX 6500 unit radios from J's Communications; and
3. Authorize staff to negotiate the purchase of ten (10) Dell Latitude 7220 laptop MDT's from Dell; and
4. Authorize payment to respective vendors upon receipt of listed equipment.

ATTACHMENTS:

1. National Auto Fleet Group Quote: 4 Patrol Unit Ford Explorers
2. National Auto Fleet Group Quote: 5 Marked Patrol Chargers
3. National Auto Fleet Group: 1 Unmarked Chevrolet Silverado
4. National Auto Fleet Group: 2 Unmarked Admin Chevrolet Tahoes
5. Cook's Communications Quote: Conversion From Admin to Patrol
6. Motorola Solutions Quote: 12 Vehicle Radios
7. Dell Technologies Quote: 10 MDTs

Appropriated/Funded:

Review By:

Department Director:

Jake Castellow, Chief of Police

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – NOVEMBER 16, 2021

SUBJECT: Authorization to Repair Sewer Collections Service Truck

SOURCE: Public Works

COMMENT: Vehicle #6874, a 2015 Ford service truck for the Sewer Department, has experienced failure of the engine. The engine must be replaced and the repair should be completed by a Ford certified repair facility. This truck has at least four years of expected service life remaining.

Staff is requesting authorization to utilize Porterville Ford to replace the engine, as they are the nearest Ford certified repair facility, at an estimated cost of \$9,534 (inclusive of all parts, taxes, labor, including a 10% contingency). Funding is available in the Sewer Department Operating Budget.

RECOMMENDATION: That the City Council:

1. Authorize the service truck repair by Porterville Ford at a cost not to exceed \$9,534 (inclusive of all parts, taxes, labor, including a 10% contingency); and
2. Authorize payment of said repair upon satisfactory completion.

ATTACHMENTS: 1. Porterville Ford Repair Quote

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager

6874

Porterville Ford**CITY OF PORTERVILLE**

Oct 27, 2021 09:09 AM

Home: 5597827597

YMMS: 2015 Ford F-450 Super Duty XLT

Mobile:

Engine: 6.8L Eng

Work:

License:

Email:

VIN:

Odometer:

TYPE	DESCRIPTION	PART #	QTY	PRICE	HOURS	LINE TOTAL
Parts	LONG BLOCK	6006	1.0	\$5,198.80	-	\$5,198.80
Parts	RH ENGINE MOUNT BOLT	6038	1.0	\$100.38	-	\$100.38
Parts	LH ENGINE SUPPOT	6038BA	1.0	\$86.10	-	\$86.10
Parts	TORQUE CONVERTER BOLTS	S441	6.0	\$1.56	-	\$9.36
Parts	TRANS. SUPPORT NUTS	S440	2.0	\$3.75	-	\$7.50
Parts	Y PIPE NUTE	3.79	4.0	\$3.79	-	\$15.16
Parts	DRIVE BELT	8620	1.0	\$41.63	-	\$41.63
Parts	INTAKE GASKET	9439	1.0	\$4.54	-	\$4.54
Parts	EXHAUST STUDS	S403	20.0	\$2.29	-	\$45.80
Parts	EXHAUST NUTS	S2	20.0	\$0.79	-	\$15.80
Parts	EXHAUST MANIFOLD GASKET	9448	2.0	\$21.00	-	\$42.00
Parts	COOLANT	VC12G	2.0	\$17.44	-	\$34.88
Parts	5W30	SW20	10.0	\$4.58	-	\$45.80
Labor	LONG BLOCK - Remove & Replace - [Consists of a Cylinder Block fitted with Pistons, Rings, Connecting Rods, Crankshaft and all Bearings, Cylinder Head(s), Camshaft(s), Timing Chain or Belt and Sprockets or Gears. Includes (where applicable): Clean and transfer Fuel and Electrical Assemblies, Engine Mounts, Manifolds, Valve Cover(s), Oil Pan, Oil Pump, Timing Cover(s), Water Pump, Clutch and Flywheel. Adjust Valves.] Gas w/Air Cond	-	-	-	22.7	\$2,497.00

Labor: \$2,497.00

Parts: \$5,647.75

Shop Supplies: \$0.00

Hazardous Materials: \$0.00

Labor Taxes: \$0.00

Parts Taxes: \$522.42

TOTAL: \$8,667.17

Customer Signature: _____



CITY COUNCIL AGENDA – NOVEMBER 16, 2021

SUBJECT: Fleet Management Software Renewal

SOURCE: Public Works

COMMENT: The City's Equipment Maintenance Shop currently operates Fleet Management Software provided by a proprietary vendor, Ron Turley Associates, Inc. The existing 1-year Contract expires November 30, 2021. Staff is in the beginning stage of testing the paperless shop version of the software, and opting to extend for further evaluation. The 1-year Contract renewal cost for Ron Turley Associates, Inc. is \$5,175; the renewal will allow staff sufficient time to analyze the paperless shop operation and compare with alternative vendors. The service contract includes cloud hosting services, unlimited technical support, and provides training for staff performing data entry. Staff recommends renewing the following contract for one year to continue fleet management software support.

The funding for the service contract renewal and extension will be funded from Equipment Maintenance operating budget.

RECOMMENDATION: That the City Council:

1. Approve the software contract with Ron Turley Associates for one year; and
2. Authorize payment for these services from the Equipment Maintenance Shop Operating Budget.

ATTACHMENTS: 1. Ron Turley Associates, Inc. Renewal Invoice

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager

**Ron Turley Associates, Inc.**

17437 N. 71st Drive, #110
Glendale, AZ 85308
800-279-0549

Invoice

DATE	INVOICE NO.
11/1/21	61882

BILL TO
City of Porterville Attn: Accounts Payable 291 North Main Street Porterville, CA 93258 USA

SHIP TO
City of Porterville Attn: Accounts Payable 291 North Main Street Porterville, CA 93258 US

PO #	TERMS	DUE DATE
	Net 30	12/1/21

DESCRIPTION	QTY	U/M	PRICE EACH	AMOUNT												
Your Annual SaaS Renewal fee for the term starting 12/01/2021 and ending 11/30/2022.			9,240.00	9,240.00												
SaaS Renewal Customer Transition Discount			-4,065.60	-4,065.60												
<table><tr><td>ACCT NO.</td><td></td><td></td></tr><tr><td>NET AMT.</td><td></td><td></td></tr><tr><td>AUTH. DEPT</td><td>P.A.</td><td>FIN.</td></tr><tr><td>A/P DATE</td><td></td><td></td></tr></table>					ACCT NO.			NET AMT.			AUTH. DEPT	P.A.	FIN.	A/P DATE		
ACCT NO.																
NET AMT.																
AUTH. DEPT	P.A.	FIN.														
A/P DATE																

			Invoice Total	\$5,174.40
			Payments/Credits	\$0.00
			Balance Due	\$5,174.40



CITY COUNCIL AGENDA – NOVEMBER 16, 2021

SUBJECT: Consideration of Approval to Apply for CalHome Grant

SOURCE: Community Development

COMMENT: The California Department of Housing and Community Development (HCD) issued a Notice of Funding Availability (NOFA) for funds under the CalHome Program on September 21, 2021. The program NOFA is designed to make funds available to cities, counties, and nonprofit corporations to increase homeownership programs aimed at low- and very-low-income households and operated by the local public agency or the nonprofit corporation. This NOFA is for First Time Homebuyer Mortgage Assistance, Owner Occupied Rehabilitation Assistance, Technical Assistance for Self-Help Housing Projects, Technical Assistance for Shared Housing Programs, ADU/JADU Assistance and Homeownership Development Project Loans.

City staff is requesting to submit an application for \$551,250 by the November 22, 2021 deadline for the continuation of the City's First Time Low Income Homebuyer Program (FTHB). The draft Resolution reflects an amount up to \$1,000,000 as recommended by HCD in the CalHome NOFA instructions, as award amounts are frequently recalculated and are subject to change. This approval to receive a higher amount will reduce the possibility that a new Resolution will be required. The NOFA has designated geographical targets of up to forty-five percent (45%) for Southern California, up to thirty percent (30%) for Northern California and up to fifteen percent (15%) for rural jurisdictions, of which the City of Porterville is considered Northern California.

The application to HCD is due November 22, 2021. Award of funds is expected to be made in February 2022, with the execution of a Standard Agreement with HCD several months later. The term of the Standard Agreement shall be for thirty-six (36) months from the date of the award letter.

A governing board Resolution, granting authority to make application to HCD for a funding commitment from the CalHome Program, is a requirement of the application. No match is required and up to ten percent (10%) of the total award can be utilized for activity delivery costs associated with the projects funded.

In applying for these CalHome Program funds, the City is taking measures to implement programs outlined in the City's Housing Element and the 2025 Five-Year Consolidated Plan.

RECOMMENDATION: That the City Council:

1. Adopt the draft Resolution approving the submittal of a CalHome Program funding application to the California Department of Housing and Community Development;
2. Authorize the Mayor or designee to execute all documents pertaining to the CalHome program; and be authorized to make any augmentation, modification, addition or revision as may be necessary to conform to requirements imposed by the California Department of Housing and Community Development; and
3. Authorize the Community Development Director to execute, in the name of the City of Porterville, project drawdown requests, and all other administrative documents required by the California Department of Housing and Community Development.

ATTACHMENTS: 1. Draft Resolution

Appropriated/Funded:

Review By:

Department Director:

Jason Ridenour, Community Development Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. ____-2021

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

WHEREAS: The City of Porterville has an adopted, State certified Housing Element, an adopted Five Year Community Development Block Grant (CDBG) Consolidated Plan (2020), CDBG Action Plan (2021), that identify goals, policies, and programs to help in the provision and maintenance of affordable housing within the City; and

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

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

WHEREAS: The California Department of Housing and Community Development (“HCD”) has issued a Notice of Funding Availability (“NOFA”) on September 21, 2021, for the CalHome Program established by Chapter 84, Statutes 2000 (SB 1646 Alacorn), and codified in Chapter 6 (commencing with Section 50650) of Part 2 of Division 31 of the Health and Safety Code (the “statute”). Pursuant to the statute, HCD is authorized to approve funding allocations utilizing monies made available by the State Legislature to the CalHome Program, subject to the terms and conditions of the statute and the CalHome Program Regulations adopted by HCD in April 2004; and

WHEREAS: The City of Porterville wishes to submit an application to obtain from HCD an allocation of CalHome funds in the amount of up to \$1,000,000.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville, State of California, hereby approve the submittal to HCD of an application to participate in the CalHome Program in response to the NOFA issued on September 21, 2021, to request up to \$1,000,000 for the First-Time Homebuyer Mortgage Assistance with up to 35% of the purchase price per household for gap funding be used to assist low- to moderate-income families purchase homes within the city limits of Porterville.

If the application for funding is approved, the City of Porterville hereby agrees to use the CalHome funds for eligible activities in the manner presented in the application as approved by HCD and in accordance with program regulations cited above. The application in full is incorporated as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application are enforceable through the standard

Agreement. The City of Porterville acknowledges and agrees that it may be required to execute any and all other instruments necessary or required by HCD for participation in the CalHome Program.

BE IT FURTHER RESOLVED: The City of Porterville authorizes the Mayor execute in the name of the City of Porterville the application, the Standard Agreement, and any subsequent amendments or modifications thereto, as well as any other documents required by HCD for participation in the CalHome Program, and any amendments thereto; and that the City of Porterville authorizes the Community Development Director to execute in the name of the City of Porterville project drawdown requests, and all other administrative documents required by the HCD for administration of the CalHome Program, attached as Exhibit A.

PASSED, APPROVED, and ADOPTED this 16th day of November, 2021.

Adrian Monte Reyes, Mayor

ATTEST:
John Lollis, City Clerk

By Patrice Hildreth, Chief Deputy City Clerk



**Community Development
Department**

November 9, 2021

Mauro Lara
Manager
Division of State Financial Assistance
Program, Design & Implementation (PDI)
California Department of Housing & Community Development
2020 W. El Camino Avenue, Ste 670
Sacramento, CA 95833

Re: Identifying Designee Signatures

Dear Mr. Lara,

Pursuant to the attached Resolution, I am the designated Signature Authority of City of Porterville. I am authorized to execute documents related to the 2021 CalHome Program.

As of today's date, I have designated John D. Lollis, City Manager and Jason Ridenour, Community Development Manager, to execute documents on my behalf.

This designation is effective until rescinded by the Mayor of the City of Porterville.

If you have further questions or require additional assistance, please feel free to contact this office at (559) 782-7466.

Adrian Monte Reyes, Mayor

Date: _____



CITY COUNCIL AGENDA – NOVEMBER 16, 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 November 2, 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: May 5, 2015
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

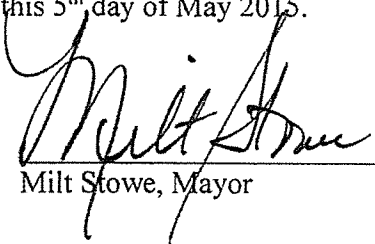
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

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

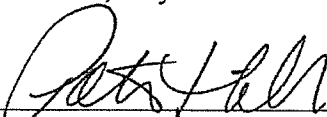
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance, 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 printed 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

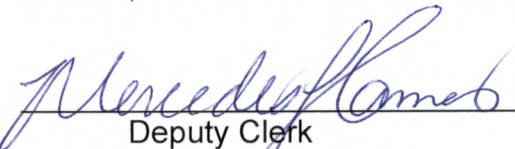
ABSTAIN: NONE

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")



STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS

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

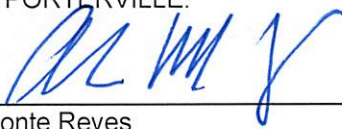
Each party may change its contact upon written notice to the other party. While Party Contacts are contacts for day-to-day communications regarding Project work, the Recipient must provide official communications and notices to the Division's Deputy Director.

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.

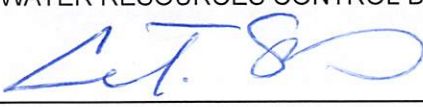
IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

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 – NOVEMBER 16, 2021

SUBJECT: Consideration of Villa Street Reconstruction Project Mitigated Negative Declaration

SOURCE: Community Development

COMMENT: The City of Porterville is proposing to reconstruct a portion of Villa Street between Olive and Henderson Avenues, approximately one mile in length, to provide safe, improved access to retail opportunities, job centers, housing and other facilities in the city. The reconstruction would include the widening of Villa Street to the standard width of sixty (60) feet of right of way; upgrading traffic signal equipment at the intersections at Putnam Avenue and Morton Avenue; replacement of the bridge over the Porter Slough; installation of a box culvert at Porter Slough; and the extension of the existing pipe culvert at Porter Slough Ditch. The reconstruction would also entail the installation of new concrete improvements where necessary along the one-mile stretch. Some of these activities would involve property acquisition as necessary.

The construction activities that would take place in relation to the Porter Slough include:

- Demolition of the existing bridge over the Porter Slough.
- The proposed Porter Slough bridge structure will be a 10 ft x 10 ft, precast concrete box with culvert headwalls and wingwalls.
- Channel excavation and re-grading in the Porter Slough Ditch of approximately 7,000 square feet.
- Bridge removal & grading for box culvert of approximately 3,000 square feet.
- Placing riprap rock slope protection along the banks for erosion protection.
- Installing geotextile fabric Class 8 in compliance with Caltrans Standard Specification Section 72-1.03 for erosion protection.
- The soil beneath the existing floor would be excavated and re-compacted prior to the construction of the new concrete floor.
- Any utilities encountered will be rerouted just outside the culvert.
- Remove portion of storm drain and outfall
- Remove portion of wood hand rail/ramp on existing bridge
- Remove portion of water line

On September 28, 2021, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the Project. Mitigation measures were identified for Biological Resources, Cultural Resources, and Tribal Cultural Resources. The Initial Study has been transmitted to the State Clearinghouse (SCH #2021100011), as well as to interested agencies, groups, and individuals for review and comment. The

review period ran for thirty (30) days from October 1, 2021, through November 1, 2021. At the time of writing the staff report no comments were received.

RECOMMENDATION: That the City Council:

1. Adopt the draft Resolution approving a Mitigated Negative Declaration of environmental impact; and
2. Direct staff to proceed with the Villa Street Reconstruction Project

ATTACHMENTS:

1. Draft Resolution
2. Locator Map
3. Draft Initial Study Mitigated Negative Declaration - Villa Street Reconstruction Project

Appropriated/Funded:

Review By:

Department Director:

Jason Ridenour, Community Development Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. ____-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A
MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR THE
PROPOSED VILLA STREET RECONSTRUCTION PROJECT

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of November 16, 2021, conducted a public meeting to consider approval of a Mitigated Negative Declaration which evaluates the environmental impacts of the reconstruction of Villa Street between Olive and Henderson Avenues approximately one mile in length, to provide safe, improved access to retail opportunities, job centers, housing and other facilities in the city. The reconstruction would include the widening of Villa Street to the standard width of sixty (60) feet of right of way; upgrading traffic signal equipment at the intersections at Putnam Avenue and Morton Avenue; replacement of the bridge over the Porter Slough; installation of a box culvert at Porter Slough; and the extension of the existing pipe culvert at Porter Slough Ditch. The reconstruction would also entail the installation of new concrete improvements where necessary along the one-mile stretch. Some of these activities would involve property acquisition as necessary; and

WHEREAS: On September 28, 2021, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project; and

WHEREAS: The proposed Project is consistent with the goals and policies of the Porterville 2030 General Plan. The project will facilitate the achievement of General Plan Guiding Policy C-G-1, to promote safe and efficient vehicular circulation as well as C-G-3 to make efficient use of existing transportation facilities and, through coordinated land use planning, strive to improve accessibility to shops, schools, parks and employment centers and reduce total vehicle miles traveled per household to minimize vehicle emissions and save energy; and

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

1. That a Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA).
2. The project will not create adverse environmental impacts on biological resources, cultural resources, or tribal cultural resources when mitigation measures are implemented and standards of the Development Ordinance and General Plan are maintained.
3. As the Lead Agency pursuant to CEQA, the City Council is the decision making body for the consolidation project.

4. On September 28, 2021, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project in light of the studies prepared and with implementation of defined mitigation measures related to Biological Resources, Cultural Resources, and Tribal Cultural Resources. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a 30 day review period from October 1, 2021 through November 1, 2021. At the time of writing the staff report, no comments were received.
5. That review of the environmental circumstances regarding this project indicates that no adverse impacts would occur to biological resources, cultural resources, and tribal cultural resources when the mitigation measures are implemented and standards of the Development Ordinance and General Plan are applied. Mitigation measures to reduce impacts to less than significant were defined and have been incorporated in the Mitigation Monitoring Program which is attached as an exhibit to this resolution (Exhibit A).
6. That the environmental assessment and analysis prepared for this project supporting the Mitigation Negative Declaration reflects the independent judgement of the City of Porterville.
7. The development shall comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby approve the Mitigated Negative Declaration prepared for the Villa Street Reconstruction Project, and that the mitigation measures defined in Exhibit A shall be implemented with project execution.

PASSED, APPROVED AND ADOPTED this 16th day of November, 2021.

By: _____
Adrian Monte Reyes, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

Chapter 4 Mitigation Monitoring and Reporting Program

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) for the Villa Street Reconstruction Project in the City of Porterville. The MMRP lists mitigation measures recommended in the IS/MND for the Project and identifies monitoring and reporting requirements.

Table 4-1 presents the mitigation measures identified for the proposed Project. Each mitigation measure is numbered with a symbol indicating the topical section to which it pertains, a hyphen, and the impact number. For example, AIR-2 would be the second mitigation measure identified in the Air Quality analysis of the IS/MND.

The first column of **Table 4-1** identifies the mitigation measure. The second column, entitled “When Monitoring is to Occur,” identifies the time the mitigation measure should be initiated. The third column, “Frequency of Monitoring,” identifies the frequency of the monitoring of the mitigation measure. The fourth column, “Agency Responsible for Monitoring,” names the party ultimately responsible for ensuring that the mitigation measure is implemented. The last columns will be used by the City to ensure that individual mitigation measures have been complied with and monitored.

Exhibit A

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Table 4-1. Mitigation Monitoring and Reporting Program

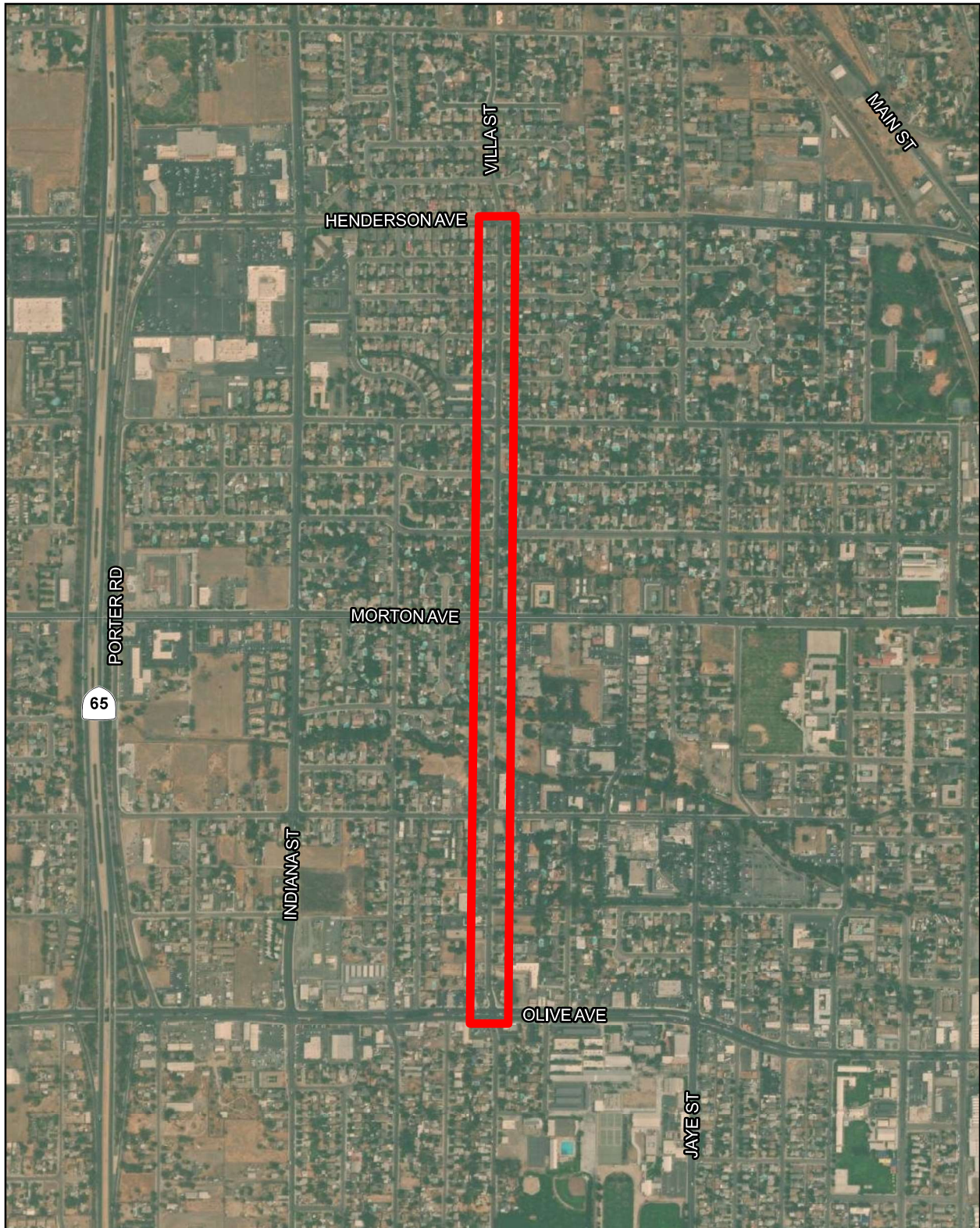
Mitigation Monitoring and Reporting Program				
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Agency Responsible for Implementing Mitigation	Agency Responsible for Monitoring	Verification of Compliance (name/date)
Biological Resources				
BIO-1: WEAP Training				
Prior to initiating construction activities in the Porter Slough Phase of the Project (including staging and mobilization), all personnel associated with Project construction shall attend mandatory Worker Environmental Awareness Program (WEAP) training, conducted by a qualified biologist, to aid workers in identifying special status species that may occur in the Project area. The specifics of this program shall include identification of the sensitive species and suitable habitats, a description of the regulatory status and general ecological characteristics of these species, and review of the mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information, along with photographs or illustrations of sensitive species with potential to occur onsite, shall also be prepared for distribution to all contractors, their employees, and all other personnel involved with construction of the Project. All employees shall sign a form documenting that they have attended WEAP training and understand the information presented to them.	Prior to Construction	City of Porterville	City of Porterville	
BIO-2: Operational Hours				
Construction shall be conducted during daylight hours to reduce disturbance to wildlife that could be foraging nocturnally within work areas.	During Construction	City of Porterville	City of Porterville	
BIO-3: Avoidance				
The Project's construction activities shall occur, if feasible, between September 16 and January 31 (outside of nesting bird season) in an effort to avoid impacts to nesting birds.	September 16 and January 31	City of Porterville	City of Porterville	
BIO-4: Pre-Construction Nesting Bird Survey				
If activities must occur within nesting bird season (February 1 to September 15), a qualified biologist shall conduct pre-construction surveys for Swainson's hawk nests onsite and within a 0.5-mile radius. These surveys will be conducted in accordance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee, 2000) or current guidance. In addition to the focused Swainson's hawk survey, a qualified biologist shall conduct a pre-construction survey for all other nesting birds within 10 days prior to the start of construction. The survey shall include the proposed work area and surrounding lands within 50 feet. All raptor nests will be considered "active" upon the nest-building stage.	February 1 to September 15	City of Porterville	City of Porterville	

Chapter 4 Mitigation Monitoring and Reporting Program
Task Order No. 20 Villa Street Reconstruction Project

Mitigation Monitoring and Reporting Program				
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Agency Responsible for Implementing Mitigation	Agency Responsible for Monitoring	Verification of Compliance (name/date)
BIO-5 (Pre-Construction Bat Survey)				
If the Project proposes to remove or trim any trees, a pre-construction survey for bats will be conducted at dusk no more than 7 days before scheduled vegetation removal by a qualified biologist. A focused study in accordance with CDFW guidelines will be conducted should bats be detected in the trees marked for removal. If no bats are detected, no further actions are required.	No more than 7 days before scheduled vegetation removal	City of Porterville	City of Porterville	
BIO-6 (Pre-construction Survey)				
A qualified biologist shall conduct a pre-construction survey of Project areas within 30 days prior to vegetation clearing or ground disturbing activities. Goals of this survey include a search for potentially active for San Joaquin kit fox. Environmentally sensitive areas will be flagged for avoidance. If potentially active dens or suitable habitat for regionally occurring special status fossorial mammals are detected during the pre-construction surveys, avoidance measures for denning San Joaquin kit fox will be required and/or construction monitoring if avoidance is unattainable. Project-Related Impacts to Special Status Plant Species.	Within 30 days prior to vegetation clearing or ground disturbing activities	City of Porterville	City of Porterville	
Cultural Resources				
CUL-1: Archaeological Remains				
Should archaeological remains or artifacts be unearthed during any stage of Project activities, work in the area of discovery shall cease until the area is evaluated by a qualified archaeologist. If mitigation is warranted, the Project proponent shall abide by recommendations of the archaeologist.	During Construction	City of Porterville	City of Porterville	
CUL-2: Human Remains				
In the event that any human remains are discovered on the Project site, the Tulare County Coroner must be notified of the discovery (California Health and Safety Code, Section 7050.5) and all activities in the immediate area of the find or in any nearby area reasonably suspected to overlie adjacent human remains must cease until appropriate and lawful measures have been implemented. If the Coroner determines that the remains are not recent, but rather of Native American origin, the Coroner shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours to permit the NAHC to determine the Most Likely Descendent of the deceased Native American.	During Construction	City of Porterville	City of Porterville	
Tribal Cultural Resources				
TRC-1: See MM CUL-1 and CUL-2				
	During Construction	City of Porterville	City of Porterville	

Locator Map

Villa St from Henderson Ave to Olive Ave



 Project Location

1 in = 1,000 feet



Date Printed: 11/8/2021 by the Community Development Department



City of Porterville

Task Order No. 20

Villa Street Reconstruction Project

Draft Initial Study / Mitigated Negative Declaration

October 2021

Prepared for:

The City of Porterville
291 N Main Street
Porterville, CA 93257

EST. 1968

Prepared by:
Provost & Pritchard Consulting Group
455 W. Fir Avenue
Clovis, CA 93611

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PRITCHARD**

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City of Porterville

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Acronyms and Abbreviations

AB	Assembly Bill
APE	Area of Potential Effect
AQP	Air Quality Plan
ASTM	American Society of Testing and Materials
BAU	business as usual
BPS	Best Performance Standards
Cal Fire	California Office of the State Fire Marshall
Cal/OSHA	California Occupational Safety and Health Administration
CalEEMod	California Emissions Estimator Modeling (software)
CAP	Climate Action Plan
CARB	California Air Resources Board
CCAA	California Clean Air Act
CCAP	Climate Change Action Plan
CDFW	California Fish and Wildlife
CH ₄	Methane
City	City of Porterville
CNDDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CO ₂	Carbon dioxide
COG	Council of Government
County	Tulare County
CRHR	California Register of Historical Resources
CVFPB	Central Valley Flood Protection Control Board
dBA	A-weighted decibels
DOGGR	Division of Oil, Gas and Geothermal Resources
DWQ	Department of Water Quality
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
FEMA	Federal Emergency Management Agency
FMMP	Farmland Mapping and Monitoring Program
GAMAQI	Guidelines for Assessing and Mitigating Air Quality Impacts

GC	Government Code
GHG	Greenhouse Gas
GIS	Geographic Information System
IPaC	U.S. Fish and Wildlife Service's Information for Planning and Consultation system
IS	Initial Study
IS/MND.....	Initial Study/Mitigated Negative Declaration
km	kilometers
LSA	Lake and Streambed Alteration
MMRP	Mitigation Monitoring and Reporting Program
MND.....	Mitigated Negative Declaration
MRZ.....	Mineral Resource Zones
MTCO ₂ e	Metric tons of carbon dioxide equivalent
NAAQS.....	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
ND	Negative Declaration
NEPA	National Environmental Policy Act
NO _x	Nitrogen oxides
NRCS.....	Natural Resources Conservation Service
NRHP	National Register of Historic Places
O ₃	Ozone
PM ₁₀	particulate matter 10 microns in size
PM _{2.5}	particulate matter 2.5 microns in size
ppb	parts per billion
ppm	parts per million
Project.....	Butterfield Stage Corridor
Reclamation	United States Bureau of Reclamation
ROW	right-of-way
RWQCB	Regional Water Quality Control Board
SJVAB.....	San Joaquin Valley Air Basin
SJVAPCD.....	San Joaquin Valley Air Pollution Control District
SO ₂	Sulfur Dioxide
SR	State Route
SWPPP.....	Storm Water Pollution Prevention Plan
SWRCB.....	State Water Resources Control Board
TAC	Toxic Air Contaminants

Tons/Year.....	Tons per Year
UPRR.....	Union Pacific Railroad
USACE.....	United States Army Corps of Engineers
USDA.....	United States Department of Agriculture
USFWS.....	United States Fish and Wildlife Service
USGS.....	United States Geological Survey
µg/m ³	micrograms per cubic meter
VdB.....	vibration-velocity level

Chapter 1 Introduction

Provost & Pritchard Consulting Group (Provost & Pritchard) has prepared this Initial Study/Mitigated Negative Declaration (IS/MND) on behalf of the City of Porterville (City) to address the potential environmental effects of the proposed Villa Street Reconstruction Project (Project). This document has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 *et seq.* The City is the CEQA lead agency for this proposed Project.

The site and the Project are described in detail in the **Chapter 2 Project Description**.

1.1 Regulatory Information

An Initial Study (IS) is a document prepared by a lead agency to determine whether a project may have a significant effect on the environment. In accordance with California Code of Regulations Title 14 (Chapter 3, Section 15000, *et seq.*)-- also known as the CEQA Guidelines--Section 15064 (a)(1) states that an environmental impact report (EIR) must be prepared if there is substantial evidence in light of the whole record that the proposed project under review may have a significant effect on the environment and should be further analyzed to determine mitigation measures or project alternatives that might avoid or reduce project impacts to less than significant levels. A negative declaration (ND) may be prepared instead if the lead agency finds that there is no substantial evidence in light of the whole record that the project may have a significant effect on the environment. An ND is a written statement describing the reasons why a proposed project, not otherwise exempt from CEQA, would not have a significant effect on the environment and, therefore, why it would not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a ND or *mitigated* ND shall be prepared for a project subject to CEQA when either:

- a. The IS shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or
- b. The IS identified potentially significant effects, but:
 1. Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed MND and IS is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur is prepared, and
 2. There is no substantial evidence, in light of the whole record before the agency, that the proposed project *as revised* may have a significant effect on the environment.

1.2 Document Format

This IS/MND contains five chapters and three appendices, **Chapter 1 Introduction**, provides an overview of the Project and the CEQA process. **Chapter 2 Project Description**, provides a detailed description of Project components and objectives. **Chapter 3 Impact Analysis**, presents the CEQA checklist and environmental analysis for all impact areas, mandatory findings of significance, and feasible mitigation measures. If the Project does not have the potential to significantly impact a given issue area, the relevant section provides a brief discussion of the reasons why no impacts are expected. If the Project could have a potentially significant impact on a resource, the issue area discussion provides a description of potential impacts, and appropriate mitigation measures and/or permit requirements that would reduce those impacts to a less than significant level. **Chapter 3** concludes with the Lead Agency's determination based upon this initial evaluation. **Chapter 4 Mitigation Monitoring and Reporting Program** (MMRP), provides the proposed mitigation measures, implementation

timelines, and the entity/agency responsible for ensuring implementation. **Chapter 5 References** provides a list of details of the resources used for reference material in this document.

The Road Construction Emissions Model, Biological Resources Information, Cultural Resources Information, and are provided as technical **Appendix A**, **Appendix B**, and **Appendix C**, respectively, at the end of this document.

Chapter 2 Project Description

2.1 Project Background and Objectives

2.1.1 Project Title

City of Porterville Task Order No. 20 Villa Street Reconstruction Project (Project)

2.1.2 Lead Agency/Project Proponent Name and Address

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

2.1.3 Contact Person and Phone Number

Lead Agency Contact
City of Porterville Community Development
Jason Ridenour, Director
(559)782-7460

CEQA Consultant
Provost & Pritchard Consulting Group
Briza G. Sholars, Senior Planner
(559) 449-2700

2.1.4 Project Location

The City of Porterville is located in the southeastern portion of the San Joaquin Valley, at the base of the foothills of the Sierra Nevada Mountains. The City is approximately 70 miles south of Fresno and 50 miles north of Bakersfield, in the south central portion of Tulare County. Visalia, the County seat, is approximately 30 miles to the northwest. (see **Figure 2-1**) Neighboring communities include Strathmore, Springville, Terra Bella, Tipton, Pixley, Woodville, Richgrove, and Lindsay. Sequoia National Park is approximately 50 miles to the northeast. Porterville is served by State Routes 65 and 190 and is approximately 17 miles east of State Route (SR) 99, a major San Joaquin Valley transportation arterial. Success Reservoir (Lake) and Dam are located on the Tule River approximately five miles east of Porterville. The Project is for road reconstruction of Villa Street between Olive and Henderson Avenues and is directly adjacent to the following Assessor's Parcel Numbers: 252-072-044, 252-251-021, 252-251-023, 252-260-031, 252-260-032, 252-293-006 and 252-293-007. The total Area of Potential Effect (APE) is approximately 6.62 acres.

2.1.5 Latitude and Longitude

The coordinates for the centroid of the road reconstruction Project are: 36.041427 N. -119.015033 W.

2.1.6 General Plan Designation

The Project site is designated as road right-of-way. The adjacent land designations have been summarized in **Table 2-1** below and illustrated in **Figure 3-3**.

Table 2-1. Onsite and Adjacent General Plan Land Use Designations

Project Area	General Plan Designation
General Plan Land Use(Onsite):	ROW
General Plan Land Use (Adjacent lands):	North: Medium Density Residential
General Plan Land Use (Adjacent lands):	South: General and Service Commercial
General Plan Land Use (Adjacent lands):	East: Medium Density Residential, Low Density Residential, High Density Residential, Retail Centers, Professional Office, General and Service Commercial
General Plan Land Use (Adjacent lands):	West: Medium Density Residential, Low Density Residential, Neighborhood Commercial, High Density Residential, Professional Office, General and Service Commercial

2.1.7 Zoning

The Project area is zoned as road right-of-way. The adjacent land zoning designations have been summarized in **Table 2-2** below and illustrated in **Figure 3-4**.

Table 2-2. Onsite and Adjacent Zoning

Project Area	Zone District
Zoning (Onsite):	ROW
Zoning (Adjacent Lands):	North: RM-2 Medium Density Residential
Zoning (Adjacent Lands):	South: CG General and Service Commercial
Zoning (Adjacent Lands):	East: RM-2 Medium Density Residential, RS-2 Low Density Residential, RM-3 High Density Residential, PO Professional Office, CG General and Service Commercial
Zoning (Adjacent Lands):	West: RM-2 Medium Density Residential, RS-2 Low Density Residential, CN Neighborhood Commercial, RM-3 High Density Residential, PO Professional Office, CG General and Service Commercial

2.1.8 Description of Project

2.1.8.1 Project Description

The City of Porterville proposes to reconstruct a portion of Villa Street between Olive and Henderson Avenues, approximately one mile in length, to provide safe, improved access to retail opportunities, job centers, housing and other facilities in the city. The reconstruction would include the widening of Villa Street to the standard width of 60 ft right of way; upgrading traffic signal equipment at the intersections at Putnam Avenue and Morton Avenue; replacement of the bridge over Porter Slough; installation of a box culvert at Porter Slough; and the extension of the existing pipe culvert at Porter Slough Ditch. The activities located near the slough would most likely require environmental permitting efforts associated with the crossing of Porter Slough. The reconstruction would also entail the installation of new concrete improvements where necessary along the one-mile stretch. Some of these activities would involve property acquisition as necessary. Porter Slough activities may include the following:

- Complete demolition of the existing bridge over the Porter Slough (constructed in 1930 and modified in 1953) which is a continuous three (3) span reinforced concrete (RC) slab on RC pier walls and RC diaphragm abutments with monolithic wingwalls. The proposed span configuration is 3 @ 16 feet.

- The proposed Porter Slough bridge structure will be a 10 ft x 10 ft, precast concrete box with culvert headwalls and wingwalls.
- Channel excavation and regrading in the Porter Slough Ditch of approximately 7,000 square feet = 0.16 acre.
- Bridge removal & grading for box culvert of approximately 3,000 square feet = 0.07 acre.
- Placing riprap rock slope protection along the banks for erosion protection.
- Installing geotextile fabric Class 8 in compliance with Caltrans Std. Spec. Section 72-1.03 for erosion protection.
- The soil beneath the existing floor would be excavated and recompact prior to the construction of the new concrete floor.
- Any utilities encountered will be rerouted just outside the culvert.
- Remove portion of storm drain and outfall.
- Remove portion of wood hand rail/ramp on existing bridge.
- Remove portion of water line.

2.1.8.2 Construction

Generally, construction would occur between the hours of 7 am and 5 pm, Monday through Friday, excluding holidays. This road reconstruction project would require temporary staging and storage areas for materials and equipment; all prospective staging areas are within the Project APE.

Reconstruction of the approximately one-mile section of Villa Street is anticipated to take approximately six months. Likely construction equipment would include excavators, backhoe, compaction rollers and work trucks.

Although construction is not expected to generate hazardous waste, field equipment used during construction has the potential to contain various hazardous materials such as diesel fuel, hydraulic oil, grease, solvents, adhesives, paints, and other petroleum-based products.

2.1.8.3 Maintenance

City staff would handle the ongoing future maintenance of the Project area and project related infrastructure.

2.1.9 Best Management Practices

The Project has incorporated standard Best Management Practices (BMPs) relating to air quality, hazardous materials, water quality, and traffic, as summarized below. All BMPs for the Project construction would be incorporated into the construction documents (plans and specifications), thereby contractually obligating contractors and subcontractors to adhere to these practices. These BMPs are not intended to serve as mitigation measures since they have been incorporated into the project description.

Table 2-3 Best Management Practices for Construction Activities

Best Management Practices for Construction Activities		
Air Quality – 1	SJVAPCD Regulation VIII Control Measures	1. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
		2. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

Best Management Practices for Construction Activities		
		- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking. - With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition. - When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained. - All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) - Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant. - Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday. - An owner/operator of any site with 150 or more vehicle trips per day, or 20 or more vehicle trips per day by vehicles with three or more axles shall implement measures to prevent carryout and trackout. ¹
Hazardous Materials – 1 <i>All construction projects</i>	Ensure Proper Vehicle and Equipment Fueling and Maintenance	<i>No fueling or servicing will be done in a waterway, unless equipment stationed in these locations is not readily relocated (i.e., pumps, generators).</i> - For stationary equipment that must be fueled or serviced on-site, containment will be provided in such a manner that any accidental spill will not be able to come in direct contact with soil, surface water, or the storm drainage system. - All fueling or servicing done at the job site will provide containment to the degree that any spill will be unable to enter any waterway or damage riparian vegetation. - All vehicles and equipment will be kept clean. Excessive build-up of oil and grease will be prevented. - All equipment will be inspected for leaks each day prior to initiation of work. Maintenance, repairs, or other necessary actions will be taken to prevent or repair leaks, prior to use. - If emergency repairs are required in the field, only those repairs necessary to move equipment to a more secure location will be done in a channel or flood plain.
Hazardous Materials – 2 <i>All construction projects</i>	Utilize Spill Prevention Measures	<i>Prevent the accidental release of chemicals, fuels, lubricants, and non-storm drainage water following these measures:</i> <i>Field personnel will be appropriately trained in spill prevention, hazardous material control, and clean-up of accidental spills;</i> <i>Equipment and materials for cleanup of spills will be available on site, and spills and leaks will be cleaned up immediately and disposed of according to applicable regulatory requirements;</i> <i>Field personnel will ensure that hazardous materials are properly handled and natural resources are protected by all reasonable means;</i> <i>Spill prevention kits will always be in close proximity when using hazardous materials (e.g., at crew trucks and other logical locations), and all field personnel will be advised of these locations; and,</i>

¹ (San Joaquin Valley Air Pollution Control District, 2021). Accessed July 23, 2021

Best Management Practices for Construction Activities		
		6. <i>The work site will be routinely inspected to verify that spill prevention and response measures are properly implemented and maintained.</i>
Transportation/ Traffic – 1 <i>Construction activities on or adjacent to public roads</i>	Incorporate Public Safety Measures	1. <i>Fences, barriers, lights, flagging, guards, and signs will be installed as determined appropriate by the City of Porterville, to give adequate warning to the public of the construction and of any dangerous conditions to be encountered as a result thereof.</i>
Water Quality – 1 <i>All construction projects</i>	Maintain Clean Conditions at Work Sites	1. <i>The work site, areas adjacent to the work site, and access roads will be maintained in an orderly condition, free and clear from debris and discarded materials on a daily basis. Personnel will not sweep, grade, or flush surplus materials, rubbish, debris, or dust into storm drains or waterways.</i> 2. <i>For activities that last more than one day, materials or equipment left on the site overnight will be stored as inconspicuously as possible and will be neatly arranged. Any materials and equipment left on the site overnight will be stored to avoid erosion, leaks, or other potential impacts to water quality</i> 3. <i>Upon completion of work, all building materials, debris, unused materials, concrete forms, and other construction-related materials will be removed from the work site.</i>
Water Quality – 2 <i>All construction projects</i>	Manage Sanitary and Septic Waste	1. <i>Temporary sanitary facilities will be located on jobs that last multiple days, in compliance with California Division of Occupational Safety and Health (Cal/OSHA) regulation 8 California Code of Regulations 1526. All temporary sanitary facilities will be located where overflow or spillage will not enter a watercourse directly (overbank) or indirectly (through a storm drain).</i>
Water Quality – 3 <i>All construction projects</i>	Storm Water Pollution Prevention Plan	1. <i>For construction activity covering more than one acre, a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and submitted to the Central Valley Regional Water Quality Control Board (CVRWQCB) and an Order No. 2009-0009-DWQ Construction General Permit shall be obtained and implemented throughout construction.</i>

2.1.10 Site and Surrounding Land Uses and Setting

The road Project runs through the City and is surrounded by many different land uses, including retail centers, residential, and commercial mixed use and professional office. See **Figure 3-3** and **Figure 3-4** for the general plan and zoning designations, respectively.

2.1.11 Other Public Agencies Whose Approval May Be Required

- San Joaquin Valley Air Pollution Control District (SJVAPCD)
- California Department of Fish & Wildlife (CDFW)
- United States Army Corps of Engineers (USACE)

2.1.12 Consultation with California Native American Tribes

Public Resources Code Section 21080.3.1, *et seq.* (codification of AB 52, 2013-14)) requires that a lead agency, within 14 days of determining that it will undertake a project, must notify in writing any California Native American Tribe traditionally and culturally affiliated with the geographic area of the project if that Tribe has previously requested notification about projects in that geographic area. The notice must briefly describe the project and inquire whether the Tribe wishes to initiate request formal consultation. Tribes have 30 days from receipt of notification to request formal consultation. The lead agency then has 30 days to initiate the consultation, which then continues until the parties come to an agreement regarding necessary mitigation or

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agree that no mitigation is needed, or one or both parties determine that negotiation occurred in good faith, but no agreement will be made.

The City of Porterville has received written correspondence from the Santa Rosa Rancheria Tachi Yokut Tribe pursuant to Public Resources Code Section 21080.3.1 requesting notification of all proposed projects. A formal notification letter was sent to the Tribe on May 20, 2021. The City did not receive any further correspondence requesting consultation from the Tribe.

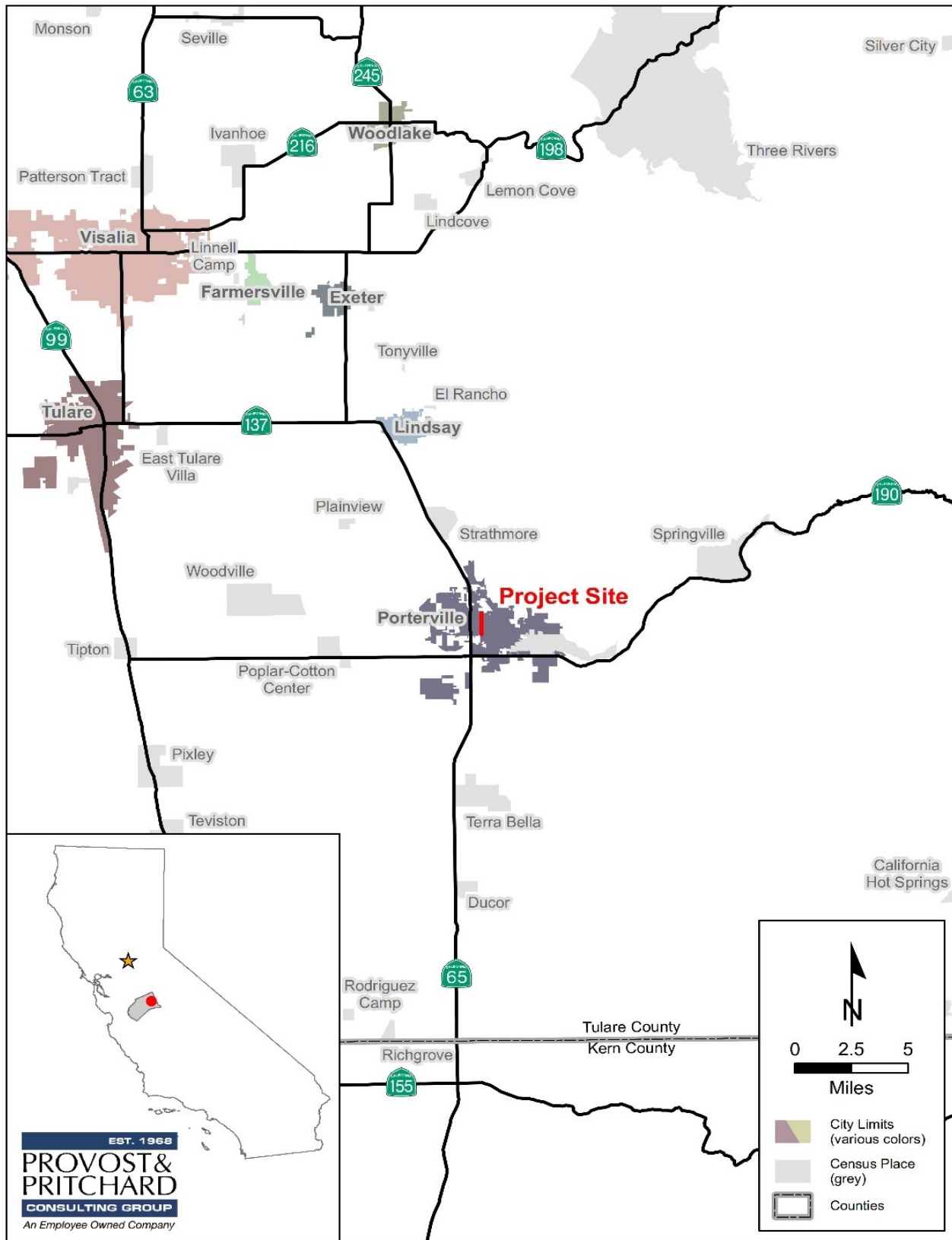


Figure 2-1. Regional Location Map

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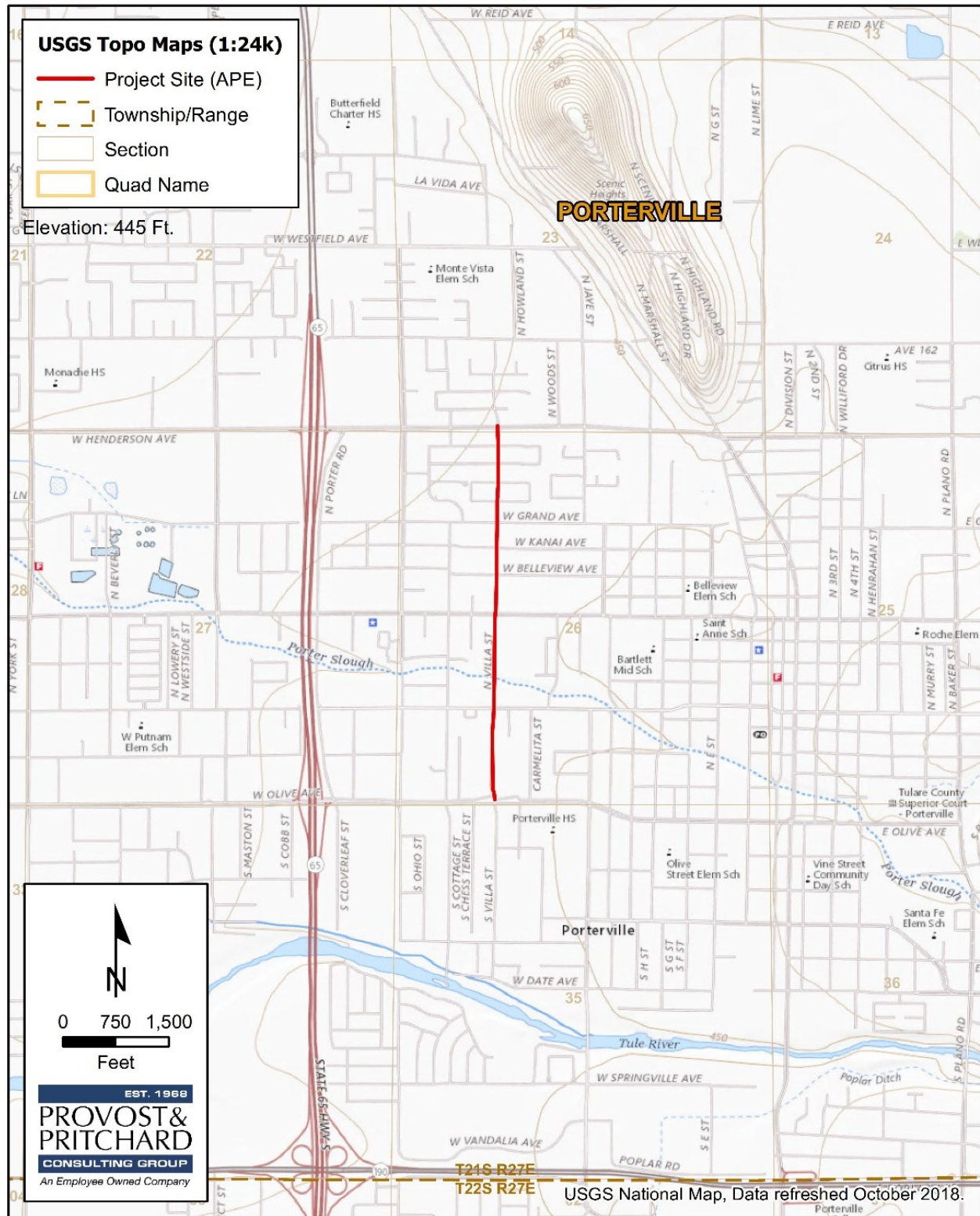


Figure 2-2. Topographic Quadrangle Map

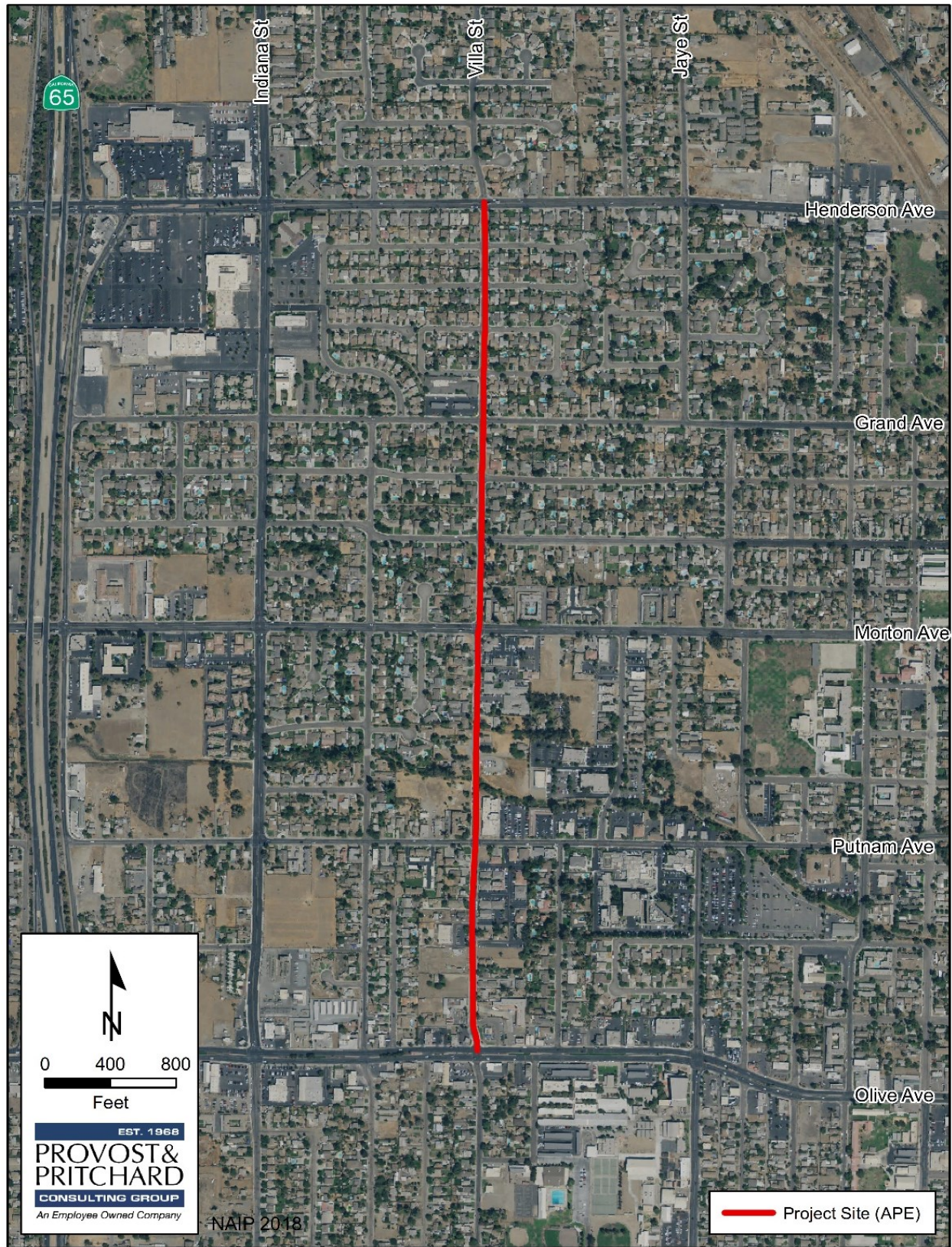


Figure 2-3. Aerial Map

Area of Potential Effect Map
Villa St Between Olive and Henderson

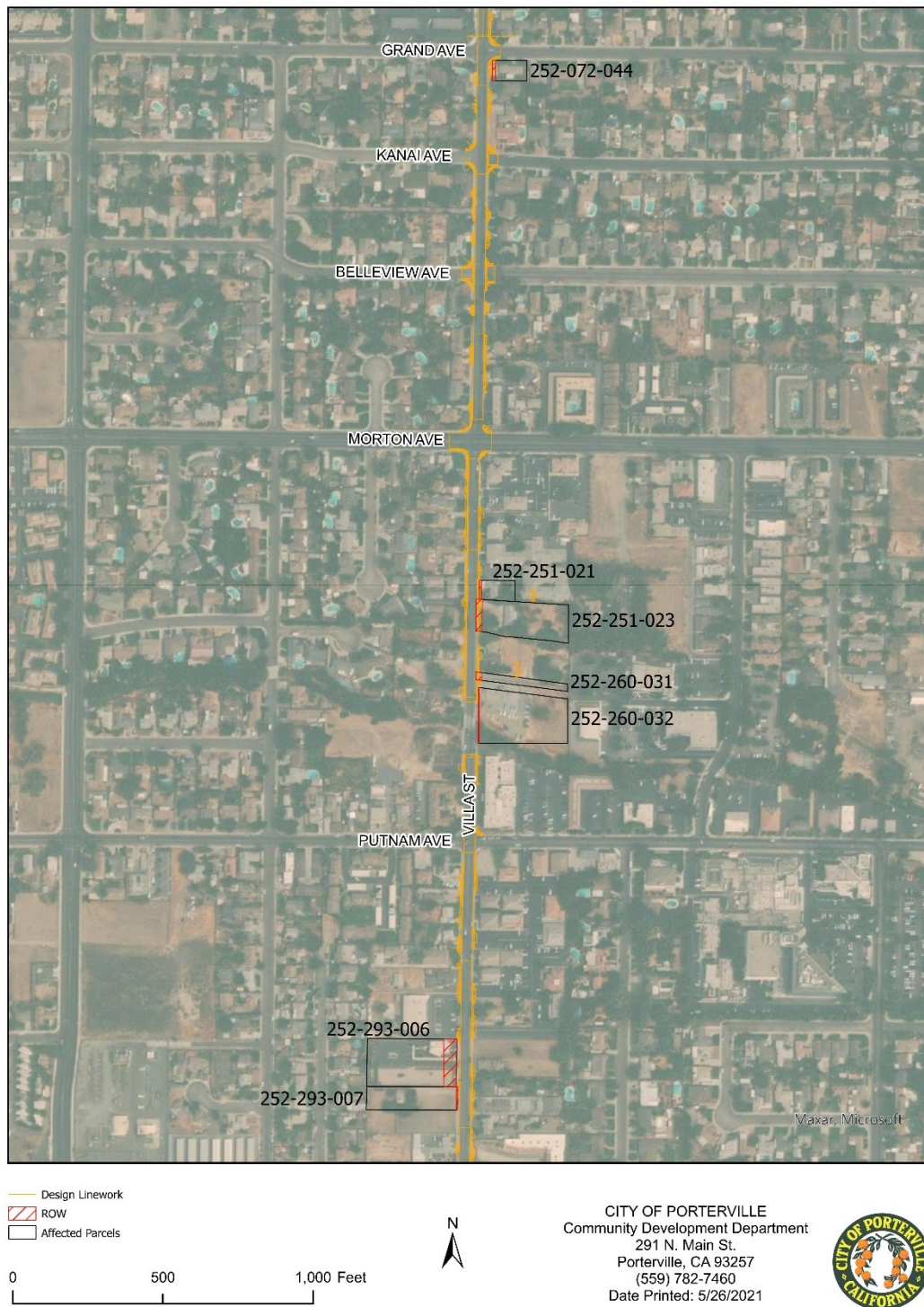


Figure 2-4. Area of Potential Effect Map



Figure 2-5. Porter Slough – Area of Potential Effect (APE) Map

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Chapter 3 Impact Analysis

3.1 Environmental Factors Potentially Affected

As indicated by the discussions of existing and baseline conditions, and impact analyses that follow in this Chapter, environmental factors not checked below would have no impacts or less than significant impacts resulting from the project. Environmental factors that are checked below would have potentially significant impacts resulting from the project. Mitigation measures are recommended for each of the potentially significant impacts that would reduce the impact to less than significant.

- | | | |
|--|---|--|
| ☐ Aesthetics | ☐ Agriculture & Forestry Resources | ☐ Air Quality |
| ☒ Biological Resources | ☒ Cultural Resources | ☐ Energy |
| ☐ Geology/Soils | ☐ Greenhouse Gas Emissions | ☐ Hazards & Hazardous Materials |
| ☐ Hydrology/Water Quality | ☐ Land Use/Planning | ☐ Mineral Resources |
| ☒ Noise | ☐ Population/Housing | ☐ Public Services |
| ☐ Recreation | ☐ Transportation | ☒ Tribal Cultural Resources |
| ☐ Utilities/Service Systems | ☐ Wildfire | ☒ Mandatory Findings of Significance |

The analyses of environmental impacts here in **Chapter 3 Impact Analysis** are separated into the following categories:

Potentially Significant Impact. This category is applicable if there is substantial evidence that an effect may be significant, and no feasible mitigation measures can be identified to reduce impacts to a less than significant level. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

Less than Significant with Mitigation Incorporated. This category applies where the incorporation of mitigation measures would reduce an effect from a “Potentially Significant Impact” to a “Less than Significant Impact.” The lead agency must describe the mitigation measure(s), and briefly explain how they would reduce the effect to a less than significant level (mitigation measures from earlier analyses may be cross-referenced).

Less than Significant Impact. This category is identified when the project would result in impacts below the threshold of significance, and no mitigation measures are required.

No Impact. This category applies when a project would not create an impact in the specific environmental issue area. “No Impact” answers do not require a detailed explanation if they are adequately supported by the information sources cited by the lead agency, which show that the impact does not apply to the specific project (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis)

3.2 Aesthetics

Table 3-1. Aesthetics Impacts

Aesthetics Impacts				
Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

3.2.1 Environmental Setting and Baseline Conditions

The City of Porterville is located in the southern portion of the San Joaquin Valley and sits at the base of the Sierra Nevada Mountains. Much of Porterville has views of the mountains and associated foothills to the east, surrounding urban development within the City, and agricultural landscapes to the north, west and south. There are no officially designated scenic resources within the City of Porterville, however eastward views to the Sierra Nevada foothills and mountains within the city are considered scenic vistas. The General Plan identifies the Tule River and Rocky Hill as prominent landmarks within the City and has adopted guiding policies around preserving these areas as open space. In addition, the General Plan considers the agricultural foundation of the City's development patterns, surrounding topography, and landscape important for both community identity, aesthetic value, and environmental quality.

The aesthetic character of the Project site and the surrounding area is road right of way (ROW), mostly residential homes along the portion of Villa Street, and professional office spaces and various commercial businesses at each of the intersections between Olive and Henderson Avenues. **Figure 3-3** and **Figure 3-4** respectively, show all of the varying land use designations and zoning along the approximate one mile Project area.

The City of Porterville's General Plan EIR, certified in November of 2007, addresses thresholds for potential significant adverse effects on visual resources². These thresholds state that a significant adverse effect on visual resources would occur in the event that a project would:

- Block panoramic views or views of significant landscape features or landforms as seen from public viewing areas;
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- Substantially degrade the existing visual character or quality of the study area and its surroundings; or

² (City of Porterville General Plan DEIR, 2021). Page 57, Accessed July 23, 2021.

- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. The Project and its activities would have no impact on any of the above thresholds.

3.2.2 Impact Assessment

a) Would the project have a substantial adverse effect on a scenic vista?

No Impact. There are no structures or facilities, habitable or otherwise, that are proposed as part of the Project that would impair views to a scenic vista. There would be no components of the Project that would cause obstruction to the general public view of natural features nor would the Project have an adverse effect on a scenic vista. There would be no impact.

b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. There are no identified scenic resources, trees, rock outcroppings, or historic buildings within the Project site. There have been three historic buildings identified within the one-quarter mile radius, however, the Project and its' activities would not have an impact on any of these buildings. There are no State scenic highways within the Project's vicinity³. Therefore, the Project would have no impact on scenic resources.

c) In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public view are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? And

No Impact. The Project site is located in an existing, developed, urban area of the City of Porterville, and roadways are part of the existing visual character in the area. The reconstruction activities and the outcome of the Project would not substantially degrade or interfere in any way the existing visual character or quality of public views of the site and its surroundings, but rather improve upon the character, quality, safety and visual nature of the surrounding area. The Project would not conflict with any applicable zoning or other regulations governing scenic quality. There would be no impact.

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less than significant Impact. Traffic signal equipment would be upgraded at the intersections where Villa Street intersects with Putnam and Morton Avenues. These traffic signal upgrade would be designed and implemented to City standards and comply with all applicable regulations as to not introduce any amount of significant glare or lighting nuisance to traffic or residents in the vicinity. Furthermore, the reconstruction activities along Villa Street and activities in the Porter Slough would be done during the day and additional light sources would not be necessary. Impacts would be considered less than significant.

³ (California Department of Transportation, 2021) Caltrans Scenic Highways. Accessed June 23, 2021
Provost & Pritchard Consulting Group • October 2021

3.3 Agriculture and Forestry Resources

Table 3-2. Agriculture and Forest Impacts

Agriculture and Forest Impacts				
Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

3.3.1 Environmental Setting and Baseline Conditions

The City of Porterville is located in the southern portion of the San Joaquin Valley at the base of the Sierra Nevada foothills. The City is surrounded by agricultural farmland, as is much of Tulare County. Agriculture is one of the most prominent open space uses in the City of Porterville⁴. Agriculture also is an important contributor to the City's economy and character. California law requires that a General Plan address agricultural resources from both a soil conservation and open space perspective.

In order to determine the status of the Project site as being within lands considered an agricultural resource, the California State Department of Conservation's (DOC) Farmland Mapping and Monitoring Program (FMMP) has been utilized. According to the FMMP, the entire Project site is located on urban, built up land. (Figure 3-1). No farmland would be taken out of production as a result of the road reconstruction Project.

3.3.1.1 Farmland Mapping and Monitoring Program (FMMP):

The California DOC's 2012 FMMP is a non-regulatory program that produces "Important Farmland" maps and statistical data used for monitoring conversion of California's agricultural resources to non-agricultural uses. The maps are updated every two years with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance. The Important Farmland maps identify eight land use categories, five of which

⁴ (City of Porterville, 2021) Chapter 6 Open Space & Conservation Element. Accessed July 23, 2021.

Chapter 3 Impact Analysis – Agriculture and Forestry Resources

Task Order No. 20 Villa Street Reconstruction Project

are agriculture related: prime farmland, farmland of statewide importance, unique farmland, farmland of local importance, and grazing land – rated according to soil quality and irrigation status. Each is summarized below⁵:

- **PRIME FARMLAND (P):** Farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply

needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

- **FARMLAND OF STATEWIDE IMPORTANCE (S):** Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture.

Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

- **UNIQUE FARMLAND (U):** Farmland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated but may include non- irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.

- **FARMLAND OF LOCAL IMPORTANCE (L):** Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.

- **GRAZING LAND (G):** Land on which the existing vegetation is suited to the grazing of livestock. The minimum mapping unit for Grazing Land is 40 acres.

- **URBAN AND BUILT-UP LAND (D):** Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.

- **OTHER LAND (X):** Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

- **WATER (W):** Perennial water bodies with an extent of at least 40 acres.

3.3.2 Impact Assessment

a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. The entire Project site has a Farmland Designation of Urban and Built Up land. There are no portions of the Project along Villa Street or in the Porter Slough area that are designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) by the FMMP, as demonstrated in **Figure**

⁵ (California Department of Conservation, 2019) Accessed May 23, 2021.

Chapter 3 Impact Analysis – Agriculture and Forestry Resources

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3-1. The Project would not convert Prime Farmland or Farmlands of any designation. There would be no impact.

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The Project site is an approximate one mile stretch of Villa Street, between Olive and Henderson Avenues in an urbanized area of Porterville, including infrastructure improvements (the installation of a new box culvert and extension of existing pipeline) in the Porter Slough Ditch. The entire Project APE is zoned Urban and Land Build Up. The Project area is not zoned for agricultural use nor is any part of the Project site under a Williamson Act contract. There would be no impact.

c) Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? And

No Impact. The entire Project APE and the immediate surrounding areas have not been designated as forest land or timberland, nor have they been zoned as such. There would be no impact.

d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The Project APE and immediate surrounding areas do not contain forest land and therefore, would not convert forest land to non-forest use. There would be no impact.

e) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact. The entire Project APE and immediate surrounding areas do not contain Farmland or forest land. The location of the Project is within an area of urban development, for an existing roadway and therefore, would not result in conversion of Farmland or forest land to non-agricultural or to non-forest use. There would be no impact.

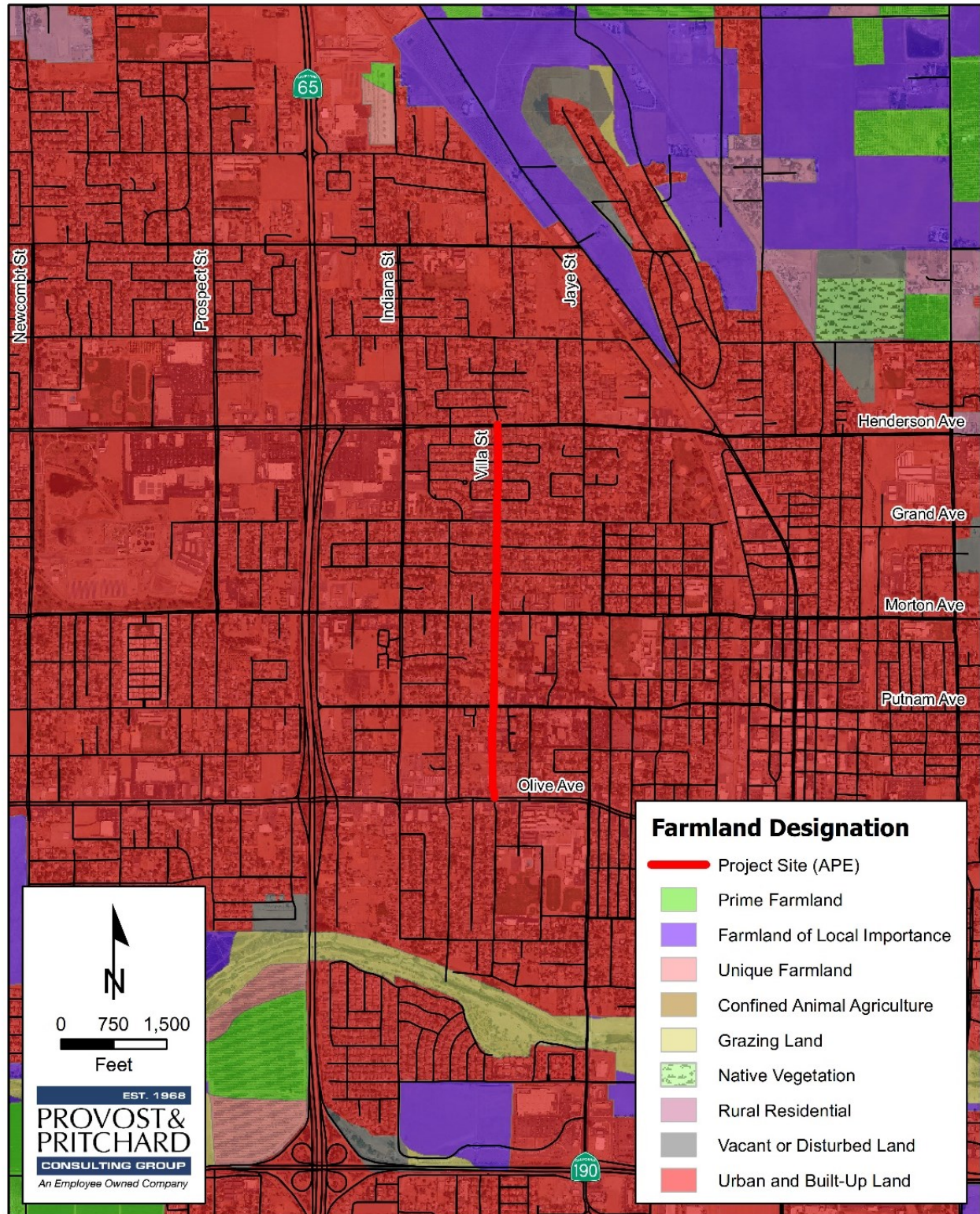


Figure 3-1. Farmland Designation Map

3.4 Air Quality

Table 3-3. Air Quality Impacts

Air Quality Impacts				
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☐	☒

3.4.1 Environmental Setting and Baseline Conditions

The Project is located in the San Joaquin Valley Air Basin (SJVAB or air basin). The San Joaquin Valley Air Pollution Control District (SJVAPCD) provides Guidelines for Assessing and Mitigating Air Quality Impacts (GAMAQI) for quantification of emissions and evaluation of potential impacts to air resources⁶ and Guidance for Land-Use Agencies in addressing greenhouse gas (GHG) Emission Impacts for New Projects under CEQA.⁷

3.4.1.1 Regulatory Attainment Designations

Under the California Clean Air Act (CCAA), the California Air Resources Board (CARB) is required to designate areas of the State as attainment, nonattainment, or unclassified with respect to applicable standards. An “attainment” designation for an area signifies that pollutant concentrations did not violate the applicable standard in that area. A “nonattainment” designation indicates that a pollutant concentration violated the applicable standard at least once, excluding those occasions when a violation was caused by an exceptional event, as defined in the criteria. Depending on the frequency and severity of pollutants exceeding applicable standards, the nonattainment designation can be further classified as serious nonattainment, severe nonattainment, or extreme nonattainment, with extreme nonattainment being the most severe of the classifications. An “unclassified” designation signifies that the data does not support either an attainment or nonattainment designation. The CCAA divides districts into moderate, serious, and severe air pollution categories, with increasingly stringent control requirements mandated for each category.

The EPA designates areas for ozone, CO, and NO₂ as “does not meet the primary standards,” “cannot be classified,” or “better than national standards.” For SO₂, areas are designated as “does not meet the primary standards,” “does not meet the secondary standards,” “cannot be classified,” or “better than national standards.” However, the CARB terminology of attainment, nonattainment, and unclassified is more frequently

⁶ (San Joaquin Valley Air Pollution Control District, 2015). Accessed July 2021.

⁷ (San Joaquin Valley Air Pollution Control District, 2009) Accessed July 2021.

used. The EPA uses the same sub-categories for nonattainment status: serious, severe, and extreme. In 1991, EPA assigned new nonattainment designations to areas that had previously been classified as Group I, II, or III for PM₁₀ based on the likelihood that they would violate national PM₁₀ standards. All other areas are designated “unclassified.”

The State and national attainment status designations pertaining to the SJVAB are summarized in **Appendix A**. The SJVAB is currently designated as a nonattainment area with respect to the State PM₁₀ standard, ozone, and PM_{2.5} standards. The SJVAB is designated nonattainment for the NAAQS 8-hour ozone and PM_{2.5} standards. On September 25, 2008, the EPA re-designated the San Joaquin Valley to attainment status for the PM₁₀ NAAQS and approved the PM₁₀ Maintenance Plan.

Table 3-4. Summary of Ambient Air Quality Standards and Attainment Designation

Pollutant	Averaging Time	California Standards*		National Standards*	
		Concentration*	Attainment Status	Primary	Attainment Status
Ozone (O ₃)	1-hour	0.09 ppm	Nonattainment/ Severe	–	No Federal Standard
	8-hour	0.070 ppm	Nonattainment	0.075 ppm	Nonattainment (Extreme)**
Particulate Matter (PM ₁₀)	AAM	20 µg/m ³	Nonattainment	–	Attainment
	24-hour	50 µg/m ³		150 µg/m ³	
Fine Particulate Matter (PM _{2.5})	AAM	12 µg/m ³	Nonattainment	12 µg/m ³	Nonattainment
	24-hour	No Standard		35 µg/m ³	
Carbon Monoxide (CO)	1-hour	20 ppm	Attainment/ Unclassified	35 ppm	Attainment/ Unclassified
	8-hour	9 ppm		9 ppm	
	8-hour (Lake Tahoe)	6 ppm		–	
Nitrogen Dioxide (NO ₂)	AAM	0.030 ppm	Attainment	53 ppb	Attainment/ Unclassified
	1-hour	0.18 ppm		100 ppb	
Sulfur Dioxide (SO ₂)	AAM	–	Attainment	--	Attainment/ Unclassified
	24-hour	0.04 ppm		--	
	3-hour	–		0.5 ppm	
	1-hour	0.25 ppm		75 ppb	
Lead (Pb)	30-day Average	1.5 µg/m ³	Attainment	–	No Designation/ Classification
	Calendar Quarter	–		--	
	Rolling 3-Month Average	–		0.15 µg/m ³	
Sulfates (SO ₄)	24-hour	25 µg/m ³	Attainment	No Federal Standards	
Hydrogen Sulfide (H ₂ S)	1-hour	0.03 ppm (42 µg/m ³)	Unclassified		
Vinyl Chloride (C ₂ H ₃ Cl)	24-hour	0.01 ppm (26 µg/m ³)	Attainment		
Visibility-Reducing Particle Matter	8-hour	Extinction coefficient: 0.23/km-visibility of 10 miles or more due to particles when the relative humidity is less than 70%.	Unclassified		

* For more information on standards visit: <https://ww3.arb.ca.gov/research/aqs/aqs2.pdf>

** No Federal 1-hour standard. Reclassified extreme nonattainment for the Federal 8-hour standard September 2020.

***Secondary Standard

Source: CARB 2015; SJV-APCD 2015

3.4.2 Methodology of Determining the Significance of Air Quality Impacts

Conclusions in this Air Quality Impact section rely on model calculations (The SacMetro Road Construction Emissions Model version 9.0.0), and that information found in the Air Quality Output Files ([Appendix A](#)). The sections below detail conclusions and recommendations based on the model calculations.

To assist local jurisdictions in the evaluation of air quality impacts, the SJVAPCD published the GAMAQI. This guidance document includes recommended thresholds of significance to be used for the evaluation of short-term construction, long-term operational, odor, toxic air contaminant, and cumulative air quality impacts. Accordingly, the SJVAPCD-recommended thresholds of significance are used to determine whether implementation of the Project would result in a significant air quality impact. Projects that exceed these recommended thresholds would be considered to have a potentially significant impact to human health and welfare. The thresholds of significance are included in [Table 3-5](#) through [Table 3-6](#) to provide for a comparative significance determination.

Assessment of the significance of project air quality impacts may be considered on a regional or localized level. Determination of project impacts on achieving the goal of air quality plans and evaluating impacts related to emissions of criteria pollutants are considered on both regional and localized levels in this analysis. Evaluation of impacts to sensitive receptors considers the project's localized criteria pollutant emissions in this analysis. Sources of the project's localized criteria pollutant emissions would include: reactive organic gases (ROG), Nitrogen oxides (NO_x), PM_{2.5}, PM₁₀, CO, NO₂, and Toxic Air Contaminants (TACs) which include acetaldehyde, benzene, 1,3 butadiene, carbon tetrachloride, hexavalent chromium, paradichlorobenzene, formaldehyde, methylene chloride, perchloroethylene, and diesel particulate matter a complex mixture of substances.

3.4.2.1 Short-Term Construction-Generated Emissions

Short-term construction emissions associated with the Project were estimated using CalEEMod. The emissions modeling includes emissions generated by construction and grading equipment most commonly associated with the site work, equipment delivery, and vehicle, equipment, and worker fuel usage. Emissions were quantified based on anticipated construction schedules and construction equipment requirements that would occur over approximately six months. All remaining assumptions were based on the default parameters contained in the model. Modeling assumptions and output files are included in [Appendix A](#).

The SJVAPCD is responsible for controlling emissions primarily from stationary sources. However, the SJVAPCD also coordinates with the APCD's eight county Councils of Government (COGs) or Metropolitan Planning Organizations (MPOs) that are responsible for regional transportation planning and funding programs. The COG and MPO Transportation Planning Programs are used by SJVAPCD in its responsibilities in developing, updating, and implementing air quality attainment plans for the air basin. The SJVAPCD has adopted ozone plans and particulate matter plans for purposes of controlling harmful emissions and achieving attainment of state and national attainment standards. A project that would exceed established thresholds for criteria pollutants would be considered to have a significant impact on the implementation of air quality plans and would also constitute a cumulatively considerable net increase of criteria pollutants for which the air basin is in non-attainment.

Construction of the Project is expected to begin after Project approval with full buildout completed in 2022. The results of the emissions modeling for the Project are presented in [Table 3-5](#).

Table 3-5. Short-Term - Construction-Generated Emissions of Criteria Air Pollutants

Year	Annual Emissions (Tons/Year)				
	ROG	NO _x	CO	PM ₁₀	PM _{2.5}
2022	0.37	3.91	3.08	0.19	0.15
Maximum Annual Proposed Project Emissions:	0.37	3.91	3.08	0.19	0.15
<i>SJVAPCD Significance Thresholds:</i>	10	10	100	15	15
<i>Exceed SJVAPCD Thresholds?</i>	No	No	No	No	No

3.4.2.2 Long-Term - Operational Emissions

The SacMetro Road Construction Emissions Model does not analyze operational emissions from vehicle traffic for roadway projects. Widening Villa Street to the standard width of 60 ft would provide safe, improved access to retail opportunities, job centers, housing and other facilities in the city. The Project would increase the safety and security of the transportation system, reduce traffic congestion and vehicle delays, and provide street improvements. In addition, there are no stationary source emissions resulting from the proposed Project.

Because the Project does not add any additional lanes for traffic it would not increase mobile source emissions beyond what is currently occurring within the City and would not otherwise violate any air quality standards or significantly increase any criteria pollutant and would not expose sensitive receptors to substantial pollutant concentrations. Project-related impacts to air quality would be considered less than significant.

3.4.3 Screening Thresholds for Determining Impacts to Sensitive Receptors

Impacts to sensitive receptors would occur primarily during Project construction. Construction activities could produce short-term emissions that have the potential in large concentrations to contribute to cancer risk over a 70-year exposure period.

The SJVAB includes screening thresholds for identifying projects that need detailed analysis for localized impacts. Projects with on-site emission increases from construction activities that exceed the 100 pounds per day screening level of any criteria pollutant after compliance with Rule 9510 and implementation of all applicable mitigation measures would require preparation of an ambient air quality analysis. The criteria pollutants of concern are NO_x, CO, PM₁₀, and PM_{2.5}. There is no localized emission standard for ROG and most types of ROG are not toxic and have no health-based standard, however, ROG was included for informational purposes only.

Table 3-6 lists the maximum daily air pollutant emissions generated by the Project during construction.

Table 3-6. Maximum Daily Air Pollutant Emissions During Construction

Maximum Daily Emissions by Year	Emissions (Pounds/Daily)				
	ROG	NO _x	CO	PM ₁₀	PM _{2.5}
Construction 2022	8.29	88.91	66.76	4.06	3.38
Maximum Daily Proposed Project Emissions:	8.29	88.91	66.76	4.06	3.38
<i>SJVAPCD Screening Thresholds</i>	100	100	100	100	100

Table 3-6 demonstrates the Project's impacts as evaluated against SJVAPCD screening thresholds for criteria pollutant emissions used to determine significance in accordance with health-based standards would not exceed and would be considerably below the significance thresholds.

3.4.4 Impact Assessment

a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

Less than Significant Impact. The CEQA Guidelines indicate that a significant impact would occur if the Project would conflict with or obstruct implementation of the applicable air quality plan. The GAMAQI does not provide specific guidance on analyzing conformity with the Air Quality Plan (AQP). Therefore, when analyzing this Project the following criteria was used for determining Project consistency with the current AQPs:

1. Will the project result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQPs?

Whether this criterion is met is determined by comparison of Project emissions to the regional and localized thresholds identified by the SJVAPCD for regional and local air pollutants.

2. Will the project comply with applicable control measures set forth in the AQPs?

The primary control measures applicable to development projects in the SJVAPCD is the required compliance with *Regulation VIII-Fugitive PM₁₀ Prohibitions* and *Rule 9510-Indirect Source Review*.

Regional air quality impacts and attainment of standards are the result of cumulative impacts of all emission sources within the air basin. Individual projects are generally not large enough to contribute measurably to an existing violation of air quality standards. Therefore, the cumulative impact of the Project is important because it is based on its cumulative contribution combined with one or more other closely related past, present, and reasonably foreseeable probably future projects emitting similar emissions. Because of the region's non-attainment status for ozone, PM_{2.5}, and PM₁₀, if Project generated emission of either of the ozone precursor pollutants ROG, NO_x, PM₁₀, or PM_{2.5} would exceed the SJVAPCD's significance thresholds, then the Project would be considered to contribute to violations of the applicable standards and conflict with the attainment plans. As demonstrated in **Table 3-5** for construction-generated emissions, and discussed in Section 3.4.2.2, operational emissions of criteria pollutants would not exceed the SJVAPCD's significance thresholds. Therefore, the Project would not contribute to air quality violations in conflict with attainment plans.

As stated in No. 2 above, the AQP contains a number of control measures, including *Regulation VIII-Fugitive PM₁₀ Prohibitions* and *Rule 9510-Indirect Source Review* which are applicable to the Project. Both of these are adopted by the SJVAPCD and constitute enforceable requirements with which the Project must comply. The Project is expected to comply with all applicable SJVAPCD rules and regulations; therefore, the Project complies with the criterion and would not conflict with or obstruct implementation of the applicable air quality attainment plans and the impact would be less than significant.

b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less than Significant Impact. To result in a less than significant impact, the following criteria must be true:

1. Regional analysis: emission of non-attainment pollutants must be below the SJVAPCD's regional significance thresholds.

This is an approach recommended by the SJVAPCD in its GAMAQI.

2. Summary of projections: the project must be consistent with current air quality attainment plans including control measures and regulations.

This is an approach consistent with Section 15130(b) of the CEQA Guidelines.

3. Cumulative health impacts: the project must result in less than significant cumulative health effects from the non-attainment pollutants.

This approach correlates the significance of the regional analysis with health effects, consistent with the court decision in *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1219-20.

As discussed in impact question a) above, Project generated emissions are below the SJVAPCD's regional significance thresholds and the Project is consistent with current air quality attainment plans including control measures and regulations.

With respect to cumulative health impacts, the air basin is in non-attainment for ozone, PM_{2.5}, and PM₁₀ (state only), which means that the background levels of those pollutants are at times higher than the ambient air quality standards. The air quality standards were set to protect public health, including the health of sensitive individuals (such as children, the elderly, and persons with pre-existing respiratory or cardiovascular illnesses (the infirm)). Therefore, when the concentration of those pollutants exceeds the standard, it is likely that some sensitive individuals in the population would experience adverse health effects. Since the air basin is already in non-attainment, it is considered to have an existing significant cumulative health impact without the Project. The issue is whether the Project's contribution to the existing violation of air quality standards is cumulatively considerable.

The SJVAPCD through its GAMAQI has determined that projects that exceed regional thresholds would have a cumulatively considerable health impact. As demonstrated in **Table 3-6**, the project would not exceed the SJVAPCD's significance thresholds and its cumulatively considerable impacts would be less than significant.

c) Would the project expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact. Sensitive receptors are those who are sensitive to air pollution, including children, the elderly, and the infirm. The SJVAPCD considers a sensitive receptor a location that houses or attracts children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Examples of sensitive receptors include hospitals, residences, convalescent facilities, and schools. The closest existing off-site sensitive receptors are single-family homes located on adjacent properties. Sensitive receptors, including schools and residences, are located adjacent to the project site on the east and west sides.

As demonstrated in **Table 3-6**, during construction the Project would not exceed the SJVAPCD's thresholds established in accordance with health-based standard for determining significance of criteria pollutant emissions. As a result of the Project, traffic would not be increased on Villa Street, and there would not be an increase in operational emissions. Therefore, in accordance with these standards, the Project would have a less than significant impact related to exposure of sensitive receptors to substantial pollutant concentrations.

d) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

No Impact. Land uses that are typically identified as sources of objectionable odors include landfills, transfer stations, sewage treatment plants, wastewater pump stations, composting facilities, feed lots, coffee roaster, asphalt batch plants, and rendering plants, among other uses. The Project does not include any of these activities or land uses. The Project would therefore have no impact with respect to generation of emissions leading to odors or other adverse or objectionable emissions.

3.5 Biological Resources

Table 3-7. Biological Resources Impacts

Biological Resources Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

3.5.1 Environmental Setting and Baseline Conditions

The Project is located within the City of Porterville, which is located on the eastern edge of valley floor near the base of the Sierra Nevada foothills in Tulare County, California. This area is geographically situated in the lower San Joaquin Valley, part of the Great Valley of California (See **Figure 2-2**). The Valley is bordered by the Sierra Nevada Mountain Ranges to the east, the Coast Ranges to the west, the Klamath Mountains and Cascade Range to the north, and the Transverse Ranges and Mojave Desert to the south.

There are two biological communities found within the project area: Ruderal/developed and Riverine. The Villa Street Reconstruction Project is located between Olive and Henderson Avenues. The majority of the Project is taking place in the street right of way which has years of heavy disturbance and compaction. The Porter Slough is an intermittent stream with flows controlled by releases from Success Dam. Although frequent

disturbance is evident, non-native vegetation and a nut and pine tree can be found on the banks of the Porter Slough. No tree removal is anticipated to necessary for the project.

Provost & Pritchard conducted desktop research and analysis of potential Project-related impacts to biological resources based on information describing biological resources already known to exist or with potential to exist within the Project site and surrounding areas or similar habitats. Sources of information used in preparation of this analysis included: the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB); the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) system; the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Vascular Plants of California; CalFlora's online database of California native plants; the Jepson Herbarium online database (Jepson eFlora); the USFWS Environmental Conservation Online System (ECOS); the NatureServe Explorer online database; the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Plants Database; the CDFW California Wildlife Habitat Relationships (CWHR) database; the California Herps online database; and various manuals, reports, and references related to plants and animals of the San Joaquin Valley region.

A thorough search of the CNDDB for published accounts of special status animal and plant species was conducted for the *Porterville* 7.5-minute quadrangles that contains the Project site in its entirety, and for the eight surrounding quadrangles: *Frazier Valley*, *Lindsay*, *Cairns Corner*, *Success Dam*, *Sausalito School*, *Ducor*, *Woodville*, and *Fountain Springs*. An official species list was obtained using the USFWS IPaC system for federally-listed species with potential to be affected by the Project. These species and their potential to occur within the Project area are listed in **Table 3-8** and **Table 3-9** below:

Table 3-8. List of Special Status Animals with Potential to Occur Onsite and/or in the Vicinity.

Species	Status	Habitat	Occurrence on Project Site
American badger <i>(Taxidea taxus)</i>	CSC	Grasslands, savannas, and mountain meadows near timberline are preferred. Most abundant in drier open spaces of shrub and grassland. Burrows in soil.	Unlikely. Habitat within APE is highly disturbed and unsuitable for this species. There have been no recent observations near the APE. Location mapped in the vicinity of the Porterville Airport which is located approximately 2.6 miles southwest of the APE.
blunt-nosed leopard lizard <i>(Gambelia sila)</i>	FE, CE, CFP	Inhabits semi-arid grasslands, alkali flats, low foothills, canyon floors, large washes, and arroyos, usually on sandy, gravelly, or loamy substrate, sometimes on hardpan. Often found where there are abundant rodent burrows in dense vegetation or tall grass. Cannot survive on lands under cultivation. Known to bask on kangaroo rat mounds and often seeks shelter at the base of shrubs, in small mammal burrows, or in rock piles. Adults may excavate shallow burrows but rely on deeper pre-existing rodent burrows for hibernation and reproduction.	Unlikely. Habitat within the Porter Slough portion of the APE is marginally suitable for this species. There have been no recent observations near the APE.
California condor <i>(Gymnogyps californianus)</i>	FE, CE, CFP	Typically nests in cavities in canyon or cliff faces, but has also been recorded nesting in giant sequoias in Tulare County. Requires vast expanse of open savannah, grassland, and/or foothill chaparral in mountain ranges of moderate altitude. Forages up to 100 miles from roost/nest site.	Unlikely. This species has been reported nesting in Blue Ridge National Wildlife Refuge approximately 15 miles northeast of the Project APE; however, this species utilizes habitat less-than 3-miles outside of town as part of

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Species	Status	Habitat	Occurrence on Project Site
			their range. Last occurrence updated August 10, 1989.
Crotch bumble bee <i>(Bombus crotchii)</i>	CCE	Occurs throughout coastal California, as well as east to the Sierra-Cascade crest, and south in to Mexico. Food plant genera include <i>Antirrhinum</i> , <i>Phacelia</i> , <i>Clarkia</i> , <i>Dendromecon</i> , <i>Eschscholzia</i> , and <i>Eriogonum</i> .	Unlikely. Although the Project is located within the historical range of this species, suitable grassland habitat is absent from the APE. The disturbed and developed habitats along the reconstruction area are generally unsuitable for this species.
northern California legless lizard <i>(Anniella pulchra)</i>	CSC	Found primarily underground, burrowing in loose, sandy soil. Forages in loose soil and leaf litter during the day. Occasionally observed on the surface at dusk and night.	Absent. Habitat within APE is highly disturbed and unsuitable for this species. There have been no recent observations near the APE. Last date seen was April 2, 1940.
pallid bat <i>(Antrozous pallidus)</i>	CSC	Found in grasslands, chaparral, and woodlands, where it feeds on ground- and vegetation-dwelling arthropods, and occasionally takes insects in flight. Prefers to roost in rock crevices, but may also use tree cavities, caves, bridges, and other man-made structures.	Possible. Roosting habitat for this species is present in the form of bridges, crossings, and trees. Date last seen July 13, 1946.
San Joaquin kit fox <i>(Vulpes macrotis mutica)</i>	FE, CT	Underground dens with multiple entrances in alkali sink, valley grassland, and woodland in valleys and adjacent foothills.	Possible. There has been only one reported occurrence of this species in the vicinity of the Project within the past 20 years. The disturbed and developed habitats of the Project APE are generally unsuitable. Ground squirrel burrows of suitable dimensions were observed onsite during the biological survey, and while it seems unlikely that a San Joaquin kit fox would find the Project area suitable for denning, this species could pass through the site while foraging or during dispersal movements.
Swainson's hawk <i>(Buteo swainsoni)</i>	CT	Nests in large trees in open areas adjacent to grasslands, grain or alfalfa fields, or livestock pastures suitable for supporting rodent populations.	Possible. Swainson's hawks are relatively uncommon in the eastern portion of the valley floor. Typical nesting habitat is absent and frequent human disturbance along the proposed reconstruction may deter this species from nesting within or adjacent to the APE. This species could pass over the Project site while foraging or during migratory movements.
Tipton kangaroo rat <i>(Dipodomys nitratoide)</i>	FE, CE	Burrows in soil. Often found in grassland and shrubland.	Unlikely. Project APE is too disturbed for this species. Date last seen is October 25, 1943, 7 miles northeast of Tipton.

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Species	Status	Habitat	Occurrence on Project Site
Townsend's big-eared bat (<i>Corynorhinus townsendii</i>)	CSC	Occurs in a variety of habitats, but prefers cool, dark roost sites, and are often found in caves and mines. They roost in the open, hanging from walls and ceilings. Western populations typically forage on moths in areas of dense foliage.	Unlikely. Although typical suitable habitat is absent, the underside of the bridge could be used for roosting and the slough could be used for foraging. This species has never been recorded east of the Friant-Kern Canal in Tulare County. Date last seen April 4, 1941, 5 miles southeast of Porterville.
tricolored blackbird (<i>Agelaius tricolor</i>)	CT, CSC	Nests colonially near fresh water in dense cattails or tules, or in thickets of riparian shrubs. Forages in grassland and cropland. Large colonies are often found on dairy farm forage fields.	Absent. Suitable roosting and foraging habitat is absent from the Project area and adjacent lands. Last seen in 1971 in the vicinity of Success Lake Dam.
valley elderberry longhorn beetle (<i>Desmocerus californicus dimorphus</i>)	FT	Lives in mature elderberry shrubs of the Central Valley and foothills. Adults are active March to June.	Unlikely. Habitat is too disturbed for this species. Suitable nesting habitat is absent from the Project area.
vernal pool fairy shrimp (<i>Branchinecta lynchi</i>)	FT	Occupies vernal pools, clear to tea-colored water, in grass or mud-bottomed swales, and basalt depression pools.	Absent. Habitat is too disturbed for this species. Last seen in 1941, 4 miles southeast of Porterville near the north bank of Deer Creek.
western mastiff bat (<i>Eumops perotis californicus</i>)	CSC	Found in open, arid to semi-arid habitats, including dry desert washes, flood plains, chaparral, oak woodland, open ponderosa pine forest, grassland, and agricultural areas, where it feeds on insects in flight. Roosts most commonly in crevices in cliff faces but may also use high buildings and tunnels.	Unlikely. Suitable roosting habitat is absent from the Project area and adjacent lands. At most, this species could forage nocturnally over the Project site. Last seen in October of 1994 near Lake Success.
western spadefoot (<i>Spea hammondi</i>)	CSC	Prefers open areas with sandy or gravelly soils, in a variety of habitats including mixed woodlands, grasslands, coastal sage scrub, chaparral, sandy washes, lowlands, river floodplains, alluvial fans, playas, alkali flats, foothills, and mountains. Vernal pools or temporary wetlands, lasting a minimum of three weeks, which do not contain bullfrogs, fish, or crayfish are necessary for breeding.	Unlikely. The Project is located within the historic and current range of this species. Last seen in April 1978, approximately 2 miles northwest of Sausalito School.

Table 3-9. List of Special Status Plants with Potential to Occur Onsite and/or in the Vicinity.

Species	Status	Habitat	Occurrence on Project Site
alkali-sink goldfields (<i>Lasthenia chrysantha</i>)	CNPS 1B	Found in vernal pool and wet saline flat habitats. Occurrences documented in the San Joaquin and Sacramento Valleys at elevations below 656 feet. Blooms February - April.	Unlikely. Habitat within APE is highly disturbed and currently void of any vegetation. Although unlikely, it may be possible in the Porter Slough portion of the Project APE. Date last seen is March 20, 1973. Possibly extirpated from the Project APE.

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Species	Status	Habitat	Occurrence on Project Site
brittlescale (<i>Atriplex depressa</i>)	CNPS 1B	Found in the San Joaquin Valley and Sacramento Valley in alkaline or clay soils, typically in meadows or annual grassland in at elevations below 1050 feet. Sometimes associated with vernal pools. Blooms June–October.	Absent. Suitable habitat is absent from the Project area. Date last seen is April 19, 1945, in the vicinity of Pixley.
calico monkeyflower (<i>Diplacus pictus</i> / <i>Mimulus pictus</i> / <i>Eunanus pictus</i>)	CNPS 1B	Found in the Sierra Nevada foothills and the Tehachapi mountains in bare, sunny, shrubby areas, and around granite outcrops within foothill woodland communities at elevations between 450 feet and 4100 feet. Blooms March – May.	Unlikely. Habitat within APE is highly disturbed and currently contains non-native vegetation. In saddle of Rocky Hill between elevation points 1593 and 1567, west of Lake Success and east of Porterville. Date last seen is April 26, 1983.
California alkali grass (<i>Puccinellia simplex</i>)	CNPS 1B	Found in the San Joaquin Valley and other parts of California in saline flats and mineral springs within valley grassland and wetland-riparian communities at elevations below 3000 feet. Blooms March–May.	Absent. Suitable habitat is absent from the APE. Date last observed is March 25, 1998, 5.7 miles east of the Tulare Municipal Airport.
California jewelflower (<i>Caulanthus californicus</i>)	FE, CE, CNPS 1B	Found in the San Joaquin Valley and Western Transverse Ranges in sandy soils. Occurs on flats and slopes, generally in non-alkaline grassland at elevations between 230 feet and 6100 feet. Blooms February–April.	Absent. Suitable habitat is absent, and this species is presumed to be extirpated from Tulare County.
Chaparral ragwort (<i>Senecio aphanactis</i>)	CNPS 2B	Found in chaparral, cismontane woodland, and coastal scrub, typically within drying alkaline flats at elevations between 65–2800 feet. Blooms February–May.	Absent. Suitable habitat is absent from the APE. Development and ongoing disturbance further make the APE unsuitable.
Earlimart orache (<i>Atriplex cordulata</i> var. <i>erecticaulis</i>)	CNPS 1B	Found in the San Joaquin Valley in saline or alkaline soils, typically within valley and foothill grassland at elevations below 375 feet. Blooms August–September.	Absent. Suitable habitat is absent from the APE. Development and ongoing disturbance further make the APE unsuitable.
Keck's checkerbloom (<i>Sidalcea keckii</i>)	FE, CNPS 1B	Occurs in cismontane woodland, valley and foothill grassland, typically on grassy slopes in clay soils at elevations between 275 feet – 1650 feet. Blooms April – May.	Absent. Typical soils and habitat are absent from the APE. Development and ongoing disturbance further make the APE unsuitable.
lesser saltscale (<i>Atriplex minuscula</i>)	CNPS 1B	Found in the San Joaquin Valley in sandy, alkaline soils in alkali scrub, valley and foothill grassland, and alkali sink communities at elevations below 750 feet. Blooms April–October.	Absent. Typical suitable habitat for this species is absent from the Project area. Development and ongoing disturbance further make the APE unsuitable.
Lost Hills crownscale (<i>Atriplex coronata</i> var. <i>vallicola</i>)	CNPS 1B	Found in the San Joaquin Valley in dried ponds and alkaline soils in alkali scrub, valley and foothill grassland, and vernal pools at elevations below 2900 feet. Blooms April–September.	Absent. Suitable habitat is absent from the APE. Development and ongoing disturbance further make the APE unsuitable.

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Species	Status	Habitat	Occurrence on Project Site
Madera leptosiphon (<i>Leptosiphon serrulatus</i>)	CNPS 1B	Found in openings in foothill woodland, often yellow-pine forest, and chaparral at elevations between 1000 feet and 4300 feet. Blooms April – May.	Absent. Habitat within APE is unsuitable for this species and too highly disturbed to support the growth of this species. APE is outside known elevational range for this species. There have been no recent observations near the APE.
recurved larkspur (<i>Delphinium recurvatum</i>)	CNPS 1B	Occurs in poorly drained, fine, alkaline soils in grassland and alkali scrub communities at elevations between 100 feet and 2600 feet. Blooms March–June.	Absent. Typical suitable habitat for this species is absent from the APE. Development and ongoing disturbance further make the Project area unsuitable.
San Joaquin adobe sunburst (<i>Pseudobahia peirsonii</i>)	FT, CE, CNPS 1B	Found in the San Joaquin Valley and the Sierra Nevada Foothills in bare dark clay soils in valley and foothill grassland and cismontane woodland communities at elevations between 325 feet and 2950 feet. Blooms March–May.	Unlikely. The APE has been previously disturbed and is mostly void of native plant life. There have been no recent observations near the APE.
San Joaquin woollythreads (<i>Monolopia congdonii</i>)	FE, CNPS 1B	Occurs in the San Joaquin Valley in sandy soils on alkaline or loamy plains in valley and foothill grassland and alkali scrub communities at elevations between 180 feet and 2750 feet. Blooms February–May.	Absent. The developed and disturbed environment of the APE are generally unsuitable for this species.
shining navarretia (<i>Navarretia nigelliformis</i> ssp. <i>radians</i>)	CNPS 1B	Found in cismontane woodland and valley and foothill grassland communities, sometimes in vernal pools. Occurs at elevations between 200 feet and 3200 feet. Blooms May – July.	Absent. The developed and disturbed environments of the APE are generally unsuitable for this species.
spiny-sepaled button-celery (<i>Eryngium spinosepalum</i>)	CNPS 1B	Found in the Sierra Nevada Foothills and the San Joaquin Valley. Occurs in vernal pools, swales, and roadside ditches. Often associated with clay soils in vernal pools within grassland communities. Occurs at elevations between 50 feet and 4160 feet. Blooms April–July.	Absent. Typical suitable habitat for this species is absent from the APE. Development and ongoing disturbance further make the APE unsuitable.
Springville clarkia (<i>Clarkia springvillensis</i>)	FT, CE, CNPS 1B	Endemic to the woodlands and grasslands of the southern portion of the Sierra Nevada range, occurring primarily in the Tule River watershed. Found at elevations between 690-7400 feet. Blooms in May.	Absent. Suitable habitat is absent, and the APE is outside of the altitudinal range of this species.
striped adobe-lily (<i>Fritillaria striata</i>)	CT, CNPS 1B	Found in the Sierra Nevada foothills in adobe soil within valley grassland and foothill woodland communities at elevations below 3300 feet. Blooms February – April.	Absent. Typical suitable habitat for this species is absent from the APE. Development and ongoing disturbance further make the APE unsuitable.
subtle orache (<i>Atriplex subtilis</i>)	CNPS 1B	Found in the San Joaquin Valley in saline depressions in alkaline soils within valley and foothill grassland communities at elevations below 330 feet. Blooms June–October.	Absent. Typical suitable habitat for this species is absent from the APE. Development and ongoing disturbance further make the APE unsuitable.

EXPLANATION OF OCCURRENCE DESIGNATIONS AND STATUS CODES FOR TABLES 3-10 & 3-11

Present: Species observed on the site at time of field surveys or during recent past.
Likely: Species not observed on the site, but it may reasonably be expected to occur there on a regular basis.
Possible: Species not observed on the site, but it could occur there from time to time.

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Unlikely: Species not observed on the site, and would not be expected to occur there except, perhaps, as a transient.
Absent: Species not observed on the site, and precluded from occurring there due to absence of suitable habitat.

STATUS CODES

FE	Federally Endangered	CE	California Endangered
FT	Federally Threatened	CT	California Threatened
FPE	Federally Endangered (Proposed)	CCT	California Threatened (Candidate)
FPT	Federally Threatened (Proposed)	CFP	California Fully Protected
FC	Federal Candidate	CSC	California Species of Special Concern
		CWL	California Watch List
		CCE	California Endangered (Candidate)
		CR	California Rare

CNPS LISTING

1A	Plants Presumed Extinct in California.	2	Plants Rare, Threatened, or Endangered in
1B	Plants Rare, Threatened, or Endangered in California and elsewhere.		California, but more common elsewhere.

3.5.1.1.1 Threatened and Endangered Species:

State and federal “endangered species” legislation has provided the CDFW and the USFWS with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the CDFW and USFWS if activities associated with a proposed project will result in the “take” of a listed species. “Take” is defined by the State as “to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill” (Fish and Game Code Section 86). “Take” is more broadly defined by the federal Endangered Species Act to include “harm” (16 USC, Section 1532(19); 50 CFR, Section 17.3). Furthermore, the CDFW and the USFWS are responding agencies under CEQA. Both agencies review CEQA documents in order to determine the adequacy of their treatment of endangered species issues and to make project-specific recommendations for their conservation.

3.5.1.1.2 Migratory Birds

State and federal laws also protect most birds. The Federal Migratory Bird Treaty Act (16 U.S.C., sec. 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs.

Birds of Prey: Birds of prey are also protected in California under provisions of Fish and Game Code Section 3503.5, which states that it is “unlawful to take, possess, or destroy any birds in the order *Falconiformes* or *Strigiformes* (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “taking” by the CDFW.

California Fully Protected Species: The classification of certain animal species as “fully protected” was the State of California’s initial effort in the 1960s, prior to the passage of the California Endangered Species Act, to identify and provide additional protection to those species that were rare or faced possible extinction. Following CESA enactment in 1970, many fully protected species were also listed as California threatened or endangered. The list of fully protected species is identified, and their protections stipulated, in Fish and Game Code Sections 3511 (birds), 4700 (mammals), 5050 (reptiles and amphibians), and fish (5515). Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take, except in conjunction with necessary scientific research and protection of livestock.

Wetlands and Other Jurisdictional Waters: Natural drainage channels and adjacent wetlands may be considered “waters of the United States” (hereafter referred to as “jurisdictional waters”) subject to the jurisdiction of the

USACE. The extent of jurisdiction has been defined in the Code of Federal Regulations but has also been subject to interpretation of the federal courts. Jurisdictional waters generally include:

- All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- All interstate waters including interstate wetlands.
- All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce.
- All impoundments of waters otherwise defined as waters of the United States under the definition.
- Tributaries of waters identified in the bulleted items above.

As determined by the United States Supreme Court in its 2001 *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* (SWANCC) decision, channels and wetlands isolated from other jurisdictional waters cannot be considered jurisdictional on the basis of their use, hypothetical or observed, by migratory birds. Similarly, in its 2006 consolidated *Carabell/Rapanos* decision, the U.S. Supreme Court ruled that a significant nexus between a wetland and other navigable waters must exist for the wetland itself to be considered navigable, and therefore jurisdictional, water.

The USACE regulates the filling or grading of jurisdictional waters under the authority of Section 404 of the CWA. The extent of jurisdiction within drainage channels is defined by “ordinary high water mark” on opposing channel banks. All activities that involve the discharge of fill into jurisdictional waters are subject to the permit requirements of the USACE. Such permits are typically issued on the condition that the applicant agrees to provide mitigation that result in no net loss of wetland functions or values. No permit can be issued until the RWQCB issues a Section 401 Certification of the CWA (or Waste Discharge Permit or waiver of such certification) that the proposed activity would meet State water quality standards.

The filling of isolated wetlands, over which the USACE has disclaimed jurisdiction, is regulated by the RWQCB. It is unlawful to fill isolated wetlands without filing a Notice of Intent with the RWQCB. The RWQCB is also responsible for enforcing National Pollutant Discharge Elimination System (NPDES) permits, including the General Construction Activity Storm Water Permit. All projects requiring federal money must also comply with Executive Order 11990 (Protection of Wetlands).

CDFW has jurisdiction over the bed and bank of natural drainages and lakes according to provisions of Section 1601 and 1602 of the California Fish and Game Code (2003). Activities that would disturb these waters, adjacent riparian vegetation, or associated floodplains are regulated by the CDFW via a Lake and Streambed Alteration Agreement. Such an agreement typically stipulates avoidance and mitigation measures to be implemented which protect the habitat values of impacted drainages, lakes, or ponds.

3.5.2 Impact Assessment

a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Less than Significant Impact with Mitigation Incorporated. The approximate one-mile Project site does not provide regionally important foraging habitat for any special-status species, as Villa Street is an existing roadway, north-south running, in the City of Porterville. Furthermore, most of this area has been urbanized for some time, thus limiting habitat adequate for wild animals. Migratory birds may nest in the Porter Slough trees if left undisturbed during the nesting season. Implementation of the following mitigation measure below would reduce any impacts to less than significant.

3.5.2.1 Project-Related Impacts to Special Status Animal Species

Research literature indicates that 22 special status animal species have been documented in the APE, including: American badger (*Taxidea taxus*), blunt-nosed leopard lizard (*Gambelia sila*), California condor (*Gymnogyps californianus*), Crotch bumble bee (*Bombus crotchii*), northern California legless lizard (*Anniella pulchra*), California Red-legged Frog (*Rana Draytonii*), delta smelt (*hypomesus transpacificus*), giant garter snake (*thamnophis gigas*), pallid bat (*Antrozous pallidus*), San Joaquin kit fox (*Vulpes macrotis mutica*), San Joaquin pocket mouse (*Perognathus inornatus*), Swainson's hawk (*Buteo swainsoni*), Tipton kangaroo rat (*Dipodomys nitratooides nitratooides*), Townsend's big-eared bat (*Corynorhinus townsendii*), tricolored blackbird (*Agelaius tricolor*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), vernal pool fairy shrimp (*Branchinecta lynchi*), western mastiff bat (*Eumops perotis californicus*), and western spadefoot (*Spea hammondi*).

Species specific discussions are discussed thoroughly in the Biological Resources Information (**Appendix B**) and are summarized below. With corresponding mitigation measures the impacts to the pallid bat, San Joaquin kit fox, and Swainson's hawk would be reduced to less than significant.

Mitigation Measures:

BIO-1 (WEAP Training): Prior to initiating construction activities in the Porter Slough Phase of the Project (including staging and mobilization), all personnel associated with Project construction shall attend mandatory Worker Environmental Awareness Program (WEAP) training, conducted by a qualified biologist, to aid workers in identifying special status species that may occur in the Project area. The specifics of this program shall include identification of the sensitive species and suitable habitats, a description of the regulatory status and general ecological characteristics of these species, and review of the mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information, along with photographs or illustrations of sensitive species with potential to occur onsite, shall also be prepared for distribution to all contractors, their employees, and all other personnel involved with construction of the Project. All employees shall sign a form documenting that they have attended WEAP training and understand the information presented to them.

BIO-2 (Operational Hours): Construction shall be conducted during daylight hours to reduce disturbance to wildlife that could be foraging nocturnally within work areas.

BIO-3 (Avoidance): Construction activities will occur, if feasible, between September 16 and January 31 (outside of nesting bird season) in an effort to avoid impacts to nesting birds.

BIO-4 (Pre-construction Nesting Bird Survey): If activities must occur within nesting bird season (February 1 to September 15), a qualified biologist shall conduct pre-construction surveys for Swainson's hawk nests onsite and within a 0.5-mile radius. These surveys will be conducted in accordance with the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee, 2000) or current guidance. In addition to the focused Swainson's hawk survey, a qualified biologist shall conduct a pre-construction survey for all other nesting birds within 10 days prior to the start of construction. The survey shall include the proposed work area and surrounding lands within 50 feet. All raptor nests will be considered "active" upon the nest-building stage.

BIO-5 (Pre-Construction Bat Survey): If the Project proposes to remove or trim any trees, a pre-construction survey for bats will be conducted at dusk no more than 7 days before scheduled vegetation removal by a qualified biologist. A focused study in accordance with CDFW guidelines will be conducted should bats be detected in the trees marked for removal. If no bats are detected, no further actions are required.

BIO-6 (Pre-construction Survey): A qualified biologist shall conduct a pre-construction survey of Project areas within 30 days prior to vegetation clearing or ground disturbing activities. Goals of this survey include a search for potentially active for San Joaquin kit fox. Environmentally sensitive areas will be flagged for avoidance. If potentially active dens or suitable habitat for regionally occurring special status fossorial mammals are detected during the pre-construction surveys, avoidance measures for denning San Joaquin kit fox will be required and/or construction monitoring if avoidance is unattainable. Project-Related Impacts to Special Status Plant Species

Research literature indicates that 20 special status plant species have been documented in the Project vicinity, including brittlescale (*Atriplex depressa*), calico monkeyflower (*Diplacus pictus/Mimulus pictus/Eumanus pictus*), California alkali grass (*Puccinellia simplex*), California jewelflower (*Caulanthus californicus*), Chaparral ragwort (*Senecio aphanactis*), Earlimart orache (*Atriplex cordulata var. erecticaulis*), Kaweah brodiaea (*Brodiaea insignis*), Keck's checkerbloom (*Sidalcea keckii*), lesser saltscale (*Atriplex minuscula*), Lost Hills crownscale (*Atriplex coronata var. vallicola*), Madera leptosiphon (*Leptosiphon serrulatus*), recurved larkspur (*Delphinium recurvatum*), San Joaquin adobe sunburst (*Pseudobahia perisonii*), San Joaquin woollythreads (*Monolopia congdonii*), shining navarretia (*Navarretia nigelliformis ssp. radians*), spiny-sepaled button-celery (*Eryngium spinosepalum*), Springville clarkia (*Clarkia springvillensis*), striped adobe-lily (*Fritillaria striata*), subtle orache (*Atriplex subtilis*), and vernal pool smallscale (*Atriplex persistens*). As explained in Table 3-8, all of the aforementioned special status plant species are absent from the Project area due to past and ongoing disturbance and/or the absence of suitable habitat. Therefore, the implementation of the Project would have less than significant impact on individual plants or regional populations of these special status plant species. Mitigation measures are not warranted.

b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Less than Significant Impact. There is non-native vegetation along the slough at the bridge portion of the APE. In addition, there is no riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations present in the Project APE.

Project activities with potential to alter a river, stream, or lake, including the floodplain and associated riparian habitat, would be within CDFW's jurisdiction, pursuant to Section 1602 of the California Fish and Game Code, and are required to notify CDFW if the Project activities have potential to impact rivers, streams, or the riparian corridor of any aquatic features onsite that may be beneficial to fish or wildlife resources. If CDFW determines that the Project could potentially adversely jurisdictional resources, a Lake or Streambed Alteration (LSA) Agreement would be submitted to CDFW and issued prior to the start of construction. The LSA Agreement would provide mandatory avoidance and minimization measures, protective measures for special status species, and would require compensatory mitigation for removal of riparian trees, shrubs, and herbaceous cover along the banks. Rip-rap rock and geotextile fabric would be placed to protect the banks of the Porter Slough from erosion. Compliance with measures of the LSA Agreement would ensure that the Project's impacts to aquatic features within CDFW's jurisdiction would be less-than-significant.

c) Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less than Significant Impact. The Project includes the reconstruction of the bridge that cross the Porter Slough, installation of a new box culvert and extension of an existing pipeline. The bridge that crosses over the Porter Slough was built in 1930 and modified in 1953.

The jurisdiction of the Porter Slough is currently unknown, however, it could potentially be considered a waters of the United States, because of its downstream connections to traditionally navigable waters of Lake Success. An aquatic resources delineation was not conducted for this Project, and would need to be completed to gauge that this water feature would fall under the jurisdiction of USACE and RWQCB and that Project activities

conducted within the Ordinary High Watermark (OHWM) of a water of the United States. The Project could potentially be subject to permit requirements of the USACE, pursuant to Section 404 of the Clean Water Act.

This Project would likely be authorized under a Nationwide Permit. Such permits are typically issued on the condition that the applicant agrees to provide mitigation that results in no net loss of wetland functions or values. An USACE permit cannot be issued until the RWQCB issues a Section 401 Water Quality Certification, which also includes additional measures to ensure that the proposed activity would meet State water quality standards. Project activities conducted below OHWM within waters of the State that are not also waters of the United States would be subject to Waste Discharge Requirements (WDRs), or a waiver of WDRs. If the Project's construction work at any of the crossing would result in impacts to waters of the United States and/or Waters of the State, the City of Porterville would be required to secure permits from USACE and/or RWQCB. Compliance with each permit's required avoidance, minimization, and mitigation measures would ensure that Project-related impacts to these potentially jurisdictional waters would be less-than-significant in nature.

d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less than Significant Impact. Although the banks of the Porter Slough could potentially act as a migration corridor, the Project area does not contain features that would be likely to function as important wildlife movement corridors, and the Project is located in a region disturbed by transportation activities associated with urban environments which would discourage dispersal and migration. Furthermore, the Project does not propose the placement of permanent fencing or any type of barrier that would impede movement of native wildlife. Implementation of the Project would have less than significant impacts on wildlife movement corridors.

e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. The City of Porterville does not currently have a tree preservation ordinance. The Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. There would be no impact to any local policies or ordinances protecting biological resources.

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The Project design would be consistent with the goals and policies of the City of Porterville 2030 General Plan. There are no known Habitat Conservation Plans or Natural Community Conservation Plans in the Project vicinity. There would be no impacts to local, regional, or State habitat conservation plans.

3.6 Cultural Resources

Table 3-10. Cultural Resources Impacts

Cultural Resources Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐

3.6.1 Environmental Setting and Baseline Conditions

Tulare County is an archaeologically and culturally significant area and has one of the densest Native American populations in North America. Archaeological sites associated with the Santa Rosa Rancheria Tachi Yokut exists throughout the County, particularly adjacent to existing and former natural water and food sources. Many Yokut sites have been located, and the potential for remaining undiscovered sites within the County is high.

Many of the historic resources in Porterville, which date back to the days of its founding in the late 1800s, are located near Downtown. The City's historic buildings reflect its changing role through time as a center of agriculture and commercial activities.⁸

3.6.1.1 Records Search

A records search from the Southern San Joaquin Valley Information Center (SSJVIC) of the California Historical Resources Information System (CHRIS), located at California State University, Bakersfield was conducted in May 2021. The SSJVIC records search includes a review of all recorded archaeological and built-environment resources as well as a review of cultural resource reports on file. In addition, the California Points of Historical Interest (SPHI), the California Historical Landmarks (SHL), the California Register of Historical Resources (CAL REG), the National Register of Historic Places (NRHP), and the California State Built Environment Resources Directory (BERD) listings were reviewed for the above referenced APE and an additional 1/4-mile radius. Due to the sensitive nature of cultural resources, archaeological site locations are not released. (**Appendix C**).

Additional sources included the State Office of Historic Preservation (SHPO) Historic Properties Directory, Archaeological Determinations of Eligibility, and the California Inventory of Historic Resources.

3.6.1.2 Native American Outreach

The Native American Heritage Commission (NAHC) in Sacramento was also contacted in May 2021. They were provided with a brief description of the Project and a map showing its location and requested that the NAHC perform a search of the Sacred Lands File to determine if any Native American resources have been recorded in the immediate APE. The NAHC identifies, catalogs, and protects Native American cultural resources -- ancient places of special religious or social significance to Native Americans and known ancient

⁸ (City of Porterville, 2021). Accessed June 23, 2021.

graves and cemeteries of Native Americans on private and public lands in California. The NAHC is also charged with ensuring California Native American tribes' accessibility to ancient Native American cultural resources on public lands, overseeing the treatment and disposition of inadvertently discovered Native American human remains and burial items, and administering the California Native American Graves Protection and Repatriation Act (CalNAGPRA), among many other powers and duties. NAHC provide a current list of Native American Tribal contacts to notify of the project. The ten tribal representatives identified by NAHC were contacted in writing via United States Postal Service in a letter mailed XX, 2021, informing each Tribe of the Project.

1. Big Sandy Rancheria of Western Mono Indians, Elizabeth D. Kipp, Chairperson
2. Dunlap Band of Mono Indians, Benjamin Charley Jr., Tribal Chair
3. Dunlap Band of Mono Indians, Dirk Charley, Tribal Secretary
4. Kern Valley Indian Community, Julie Turner, Secretary
5. Kern Valley Indian Community, Robert Robinson, Chairperson
6. Kern Valley Indian Community, Brandy Kendricks
7. Santa Rosa Rancheria Tachi Yokut Tribe, Leo Sisco, Chairperson
8. Tubatulabals of Kern Valley, Robert L. Gomez, Jr., Tribal Chairperson
9. Tule River Indian Tribe, Neil Peyron, Chairperson
10. Wuksache Indian Tribe/Eshom Valley Band, Kenneth Woodrow, Chairperson

3.6.2 Impact Assessment

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?; and

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Less than Significant Impact with Mitigation Incorporated. A CHRIS records search, from the SSJVIC, was conducted in May 2021 and confirmed there have been no previous cultural resource studies conducted within the Project area and one previous cultural resource study within the one-quarter mile radius. The search also confirmed the absence of identified cultural resources within the Project APE. The search, however, indicated that there were three cultural resources with the one-quarter mile radius. These resources are in the form of historic era buildings. It is unlikely that the Project has the potential to result in significant impacts or adverse effects to cultural or historical resources, such as archaeological remains, artifacts or historic properties. However, in the improbable event that cultural resources are encountered during Project construction, implementation of mitigation measure **CULT-1** outlined below, would reduce impacts to less than significant.

Mitigation Measure

CUL-1 (Archaeological Remains): Should archaeological remains or artifacts be unearthed during any stage of project activities, work in the area of discovery shall cease until the area is evaluated by a qualified archaeologist. If mitigation is warranted, the project proponent shall abide by recommendations of the archaeologist.

c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

Less than Significant Impact with Mitigation Incorporated. The Project site is an existing roadway in the City of Porterville. There is no evidence or record that the Project has the potential to be an unknown burial site or the site of buried human remains. In the unlikely event of such a discovery, mitigation shall be implemented. With incorporation of mitigation measure **CUL-2** outlined below, impacts resulting from the discovery of remains interred on the Project site would be less than significant.

Mitigation Measure

CUL-2 (Human Remains): In the event that any human remains are discovered on the Project site, the Tulare County Coroner must be notified of the discovery (California Health and Safety Code, Section 7050.5) and all activities in the immediate area of the find or in any nearby area reasonably suspected to overlie adjacent human remains must cease until appropriate and lawful measures have been implemented. If the Coroner determines that the remains are not recent, but rather of Native American origin, the Coroner shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours to permit the NAHC to determine the Most Likely Descendent of the deceased Native American.

3.7 Energy

Table 3-11. Energy Impacts

Energy Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

3.7.1 Environmental Setting and Baseline Conditions

Southern California Edison provides electric service to Porterville residents. Natural gas service is primarily provided by the Southern California Gas Company. There are three major companies that provide communications services in Porterville: AT&T, Sprint, and Verizon. Charter Communications is the primary cable television and internet provider.

Construction equipment and construction worker vehicles operated during proposed Project construction would use fossil fuels. This increased fuel consumption would be temporary and would cease at the end of the construction activity. The Project would not have a residual permanent requirement for additional energy input. The marginal increases in fossil fuel use resulting from Project construction are not expected to have appreciable impacts on energy resources.

3.7.2 Impact Assessment

a) Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? And;

Less than Significant Impact. As discussed in [Section 3.4](#), the Project would not exceed any air emission thresholds during construction or operation. The Project would involve traffic signal upgrades at the intersections of Villa/Putnam and Villa/Morton Streets. The upgrades would potentially involve the use LED bulbs, which are used for energy efficiency. The streetlights would use the existing power grid and power supply and would not require a new power source. The Project would comply with all applicable construction best management practices and would be required to complete a Storm Water Prevention Plan Program (SWPPP) as part of construction and operational permits. Once completed, the Project would be mostly passive in nature and would not use an excessive amount of additional energy or be wasteful in energy use. The Project would not result in environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation. The impact would be less than significant.

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact. Energy use during operation would be similar to, or less than, existing conditions. Construction of the road reconstruction Project would require energy use, but this use would not be wasteful or inefficient, nor would it require new or expanded electric power or natural gas facilities. No features of the Project would conflict with or obstruct state or local plans for renewable energy or energy efficiency. There would be no impacts on energy use or state/local energy plans.

3.8 Geology and Soils

Table 3-12. Geology and Soils Impacts

Geology and Soils Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☒	☐
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☐	☒

3.8.1 Environmental Setting and Baseline Conditions

The City of Porterville sits on top of the alluvial fans of the Tule River and its distributaries. The alluvial fans are soft near the river and other waterways and firm in the north, northeast and downtown, areas as a transition to the granitic bedrock deposits in the foothills. The City of Porterville contains a wide variety of soil types which have a significant bearing on land planning and development. Porterville Clay is the most prominent soil

type located within the City.⁹ While State and federal laws regulate soil quality, as indicated by the farmland classification system, local land use planning is important for limiting erosion potential.

3.8.1.1 Geology and Soils

The Project is located in the City of Porterville, in the central section of California's Great Valley Geomorphic Province, or Central Valley. The Sacramento Valley makes up the northern third and the San Joaquin Valley makes up the southern two-thirds of the geomorphic province. Both valleys are watered by large rivers flowing west from the Sierra Nevada Range, with smaller tributaries flowing east into the valley from the Coast Ranges. Most of the surface of the Great Valley is covered by Quaternary (present day to 1.6 million years ago) alluvium. From the time the Valley first began to form, sediments derived from erosion of igneous and metamorphic rocks and consolidated marine sediments in the surrounding mountains have been transported into the Valley by streams. An analysis of the Project soils onsite was performed using the USDA Natural Resource Conservation Service (NRCS) Soil Survey of the Project site, **Table 3-13** below summarizes the soil characteristics.

3.8.1.2 Faults and Seismicity

The Project site is not located within an Alquist-Priolo Earthquake Fault Zone and no known faults cut through the site. The nearest unnamed fault is 5.1 miles south of the APE. The nearest named fault is the Mt. Poso fault, located 29.1 miles south of the Project APE. The San Andreas fault zone, Cholame-Carrizo section is 68 miles to the southwest.

3.8.1.3 Liquefaction

The potential for liquefaction, which is a phenomenon whereby unconsolidated and/or near-saturated soils lose cohesion and are converted to a fluid state as a result of severe vibratory motion, is dependent on soil types and density, depth to groundwater, and the duration and intensity of ground shaking. Although no specific liquefaction hazard areas have been identified in the county, this potential is recognized throughout the San Joaquin Valley where unconsolidated sediments and a high-water table coincide. Liquefaction risk in the project area is very low. An analysis of the soils in the Project area was performed using the USDA NRCS soil survey of Tulare County. (See **Table 3-13**)

3.8.1.4 Soil Subsidence

Subsidence occurs when a large land area settles due to over-saturation or extensive withdrawal of ground water, oil, or natural gas. These areas are typically composed of open-textured soils that become saturated. These areas are high in silt or clay content.

The Project site is comprised of three main soil types, as shown in the table below. These soils are in the Project area are well drained and somewhat excessively drained. (See **Table 3-13**)

Table 3-13. Project Soil Characteristics

Map unit name	Parent Materials	Rating	Acres in APE	Percent of APE
Exeter loam, 0 to 2 percent slopes	Alluvium derived from granitoid	Well drained	0.1	24.7%
San Emigdio loam, 0 to 2 percent slopes	Alluvium derived from granitoid and/or alluvium derived from sedimentary rock	Well drained	0.2	68.5%
Tujunga sand, 0 to 5 percent slopes	Alluvium derived from granitoid	Somewhat excessively drained	0.00	6.8%
Totals for Project Area			0.2	100%

⁹ (City of Porterville, 2021), Chapter 7 Public Health and Safety Element. Accessed June 20, 2021.

3.8.1.5 Dam and Levee Failure

According to Figure 7-3 of the City of Porterville General Plan, the approximate one mile stretch of Villa street is located within the dam failure inundation zone for Lake Success¹⁰.

A breach or overflow event at Success Lake Dam could cause significant flooding in Porterville. This dam is overseen and maintained by the USACE and administered by the Sacramento District of the USACE's regional office located in Porterville. Through their work, Porterville is provided with flood safety, water resources, electricity, recreation, and camping. It includes a recreation area, located eight miles east of the City of Porterville in the western portion of the Sierra Nevada foothills.. It spans 3,490 feet across the Tule River and is 142 feet high. When full, the lake holds 82,000 acre-feet of water with a surface area of 2,450 acres.

3.8.1.6 Paleontological Resources

Impacts to fossil sites from construction activities include the progressive loss of exposed rock, along with the unauthorized collection of fossil materials. Such losses would be irreplaceable. The California Environment Quality Act (CEQA) requires that impacts to paleontological resources be assessed and mitigated on all discretionary projects, public, and private under CEQA Guidelines Section 8.16.2.2. The General Plan recognizes the significance of paleontological resources requires preserving these sites through policies and guidelines set forth in the City's General Plan.

3.8.1.7 Naturally Occurring Asbestos

Asbestos is a term used for several types of naturally-occurring fibrous minerals found in serpentine rock, and its parent material, ultramafic rock. These rock types are abundant in the Sierra foothills. Naturally-occurring asbestos (NOA) has been identified in Tulare County and ultramafic rocks have been generally mapped in the Porterville area. Figure 7-2 of the General Plan illustrates areas more likely to contain natural occurrences of asbestos.

Asbestos may be released from ultramafic and serpentine rock when it is broken or crushed. This can happen when land is graded for building or agriculture purposes, at quarrying operations, or when the soil is disturbed by other activities such as the digging of fire suppression trenches. It is also released naturally through weathering and erosion. Once released from the rock, asbestos can become airborne and may stay in the air for long periods of time. Airborne asbestos is classified as a human carcinogen. Exposure to asbestos can result in health ailments, such as lung cancer, mesothelioma (cancer of the linings of the lungs and abdomen), and asbestosis (scarring of lung tissues that results in constricted breathing).¹¹

3.8.2 Impact Assessment

a) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

a-i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

a-ii) Strong seismic ground shaking?

Less than Significant Impact. The Project site and its vicinity are located in a developed area of the City of Porterville, traditionally characterized by relatively low seismic activity. The site is not located in an Alquist-

¹⁰ (City of Porterville, 2021). Chapter 7 Public Health and Safety Element. Accessed June 20, 2021

¹¹ (City of Porterville, 2021). Chapter 7 Public Health and Safety Element. Accessed June 20, 2021

Priolo Earthquake Fault Zone as established by the Alquist-Priolo Fault Zoning Act, Section 2622 of Chapter 7.5, Division 2 of the California Public Resources Code.

There are no known earthquake faults through or within the immediate Project area, strong ground shaking is unlikely, and the Project does not include any habitable structures. Additionally, the reconstruction efforts along Villa Street, as well as the demolition and reconstruction of the bridge at the Porter Slough, would comply with the most recent seismic standards as set forth in the California Building Standards Code. Compliance with these standards are expected to ensure potential impacts related to strong seismic ground shaking and the impacts would be less than significant.

a-iii) Seismic-related ground failure, including liquefaction?

Less than Significant Impact. Seismic-related ground failures, such as ruptures, lateral spreading, ground lurching, seiches, or mudslides, are unlikely to occur in the City because of its relatively stable geologic formation and distance to active faults. However, the City's General Plan states that there is a moderate risk of liquefaction near the Tule River due to the hillside topography and soil slumping. Because the Project site is generally level and does not involve the construction of any habitable structures, the Project would not expose people or structures to potential substantial effects associated with seismic-related ground failure, including liquefaction. Therefore, this impact would be considered less than significant.

a-iv) Landslides?

No Impact. There are no known major geologic landforms that exist on or near the Project site that could result in a landslide event. The Project site topography is generally flat and Project activities would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. Therefore, there would be no impacts.

b) Would the project result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact. Earthmoving activities associated with the Project would include excavation, grading, and construction over an area of approximately one mile. These activities could expose soils to erosion processes however, the extent of erosion would vary depending on slope steepness/stability, vegetation/cover, concentration of runoff, and weather conditions. Dischargers whose projects disturb one (1) or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the Statewide General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ). Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, and construction of linear underground or overhead facilities associated with path construction, but does not include regular maintenance activities performed to restore the original lines, grade, or capacity of the overhead or underground facilities. The Construction General Permit requires the development of a SWPPP by a certified Qualified SWPPP Developer. Since the Project site has relatively flat terrain with a low potential for soil erosion and would comply with the State Water Resources Control Board (SWRCB) requirements, the Project's impacts would be less than significant.

c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Less than Significant Impact. As discussed in above, the potential for landslide or liquefaction is considered unlikely. Lateral spreading, subsidence, and collapse both on-site and off-site are also considered unlikely or less than significant for reasons previously discussed in these sections. Furthermore, the aforementioned physical properties of these soils make subsidence, liquefaction, lateral spreading, or other ground failure unlikely. Any impacts would be less than significant.

d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Less than Significant Impact. The soil types within the Project area consist of approximately three soil types as listed in **Table 3-13**. These soil types are characterized as being well-drained and somewhat excessively well-drained. The Project does not involve the construction of habitable structures and would not create substantial risks to life or property. Any impacts would be considered less than significant.

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. The Project would not require connection to a would tank, nor sewer system, as the road reconstruction Project would not generate wastewater. There would be no impact.

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

Less than Significant Impact. No known paleontological resources exist within the Project area. The Project site is developed roadway in the City limits. Construction activities associated with the Project are not expected to be conducted significantly below grade, at a level where they would have the potential to disturb any previously unknown paleontological resources or geologic features. Impacts would be less than significant.

3.9 Greenhouse Gas Emissions

Table 3-14. Greenhouse Gas Emissions Impacts

Greenhouse Gas Emissions Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

3.9.1 Environmental Setting and Baseline Conditions

The Earth's climate has been warming for the past century. Experts believe this warming trend is related to the release of certain gases into the atmosphere. Greenhouse gases (GHG) absorb infrared energy that would otherwise escape from the Earth. As the infrared energy is absorbed, the air surrounding the Earth is heated. An overall warming trend has been recorded since the late 19th century, with the most rapid warming occurring over the past 35 years, with 16 of the 17 warmest years on record occurring since 2001. Not only was 2016 the warmest year on record, but eight of the 12 months that make up the year—from January through September, with the exception of June—were the warmest on record for those respective months. October, November, and December of 2016 were the second warmest of those months on record—in all three cases, behind records set in 2015.¹² Human activities have been attributed to an increase in the atmospheric abundance of greenhouse gases. The following is a brief description of the most commonly recognized GHGs.

3.9.1.1 Greenhouse Gases

Carbon dioxide (CO₂) is an odorless, colorless natural greenhouse gas. CO₂ is emitted from natural and anthropogenic sources. Natural sources include the following: decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic out gassing. Anthropogenic sources include the burning of coal, oil, natural gas, and wood.

Methane (CH₄) is a flammable greenhouse gas. A natural source of methane is the anaerobic decay of organic matter. Geological deposits, known as natural gas fields, also contain methane, which is extracted for fuel. Other sources are from landfills, fermentation of manure, and ruminants such as cattle.

Nitrous oxide (N₂O), also known as laughing gas, is a colorless greenhouse gas. Nitrous oxide is produced by microbial processes in soil and water, including those reactions that occur in fertilizer containing nitrogen. In addition to agricultural sources, some industrial processes (fossil fuel-fired power plants, nylon production, nitric acid production, and vehicle emissions) also contribute to its atmospheric load.

Water vapor is the most abundant, and variable greenhouse gas. It is not considered a pollutant; in the atmosphere, it maintains a climate necessary for life.

Ozone (O₃) is known as a photochemical pollutant and is a greenhouse gas; however, unlike other greenhouse gases, ozone in the troposphere is relatively short-lived and, therefore, is not global in

¹² (National Aeronautics and Space Administration Warmest Year on Record, 2017). Accessed 14 July 2021.

nature. Ozone is not emitted directly into the atmosphere but is formed by a complex series of chemical reactions between volatile organic compounds, nitrogen oxides, and sunlight.

Aerosols are suspensions of particulate matter in a gas emitted into the air through burning biomass (plant material) and fossil fuels. Aerosols can warm the atmosphere by absorbing and emitting heat and can cool the atmosphere by reflecting light.

Chlorofluorocarbons (CFCs) are nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (the level of air at the earth's surface). CFCs were first synthesized in 1928 for use as refrigerants, aerosol propellants, and cleaning solvents. CFCs destroy stratospheric ozone; therefore, their production was stopped as required by the Montreal Protocol in 1987.

Hydrofluorocarbons (HFCs) are synthetic chemicals that are used as a substitute for CFCs. Of all the greenhouse gases, HFCs are one of three groups (the other two are perfluorocarbons and sulfur hexafluoride) with the highest global warming potential. HFCs are human-made for applications such as air conditioners and refrigerants.

Perfluorocarbons (PFCs) have stable molecular structures and do not break down through the chemical processes in the lower atmosphere; therefore, PFCs have long atmospheric lifetimes, between 10,000 and 50,000 years. The two main sources of PFCs are primary aluminum production and semiconductor manufacture.

Sulfur hexafluoride (SF₆) is an inorganic, odorless, colorless, nontoxic, nonflammable gas. It has the highest global warming potential of any gas evaluated. Sulfur hexafluoride is used for insulation in electric power transmission and distribution equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas for leak detection.

3.9.1.2 Effects of Climate Change

The impacts of climate change have yet to fully manifest. A hotter planet is causing the sea level to rise, disease to spread to non-endemic areas, as well as more frequent and severe storms, heat events, and air pollution episodes. Also affected are agricultural production, the water supply, the sustainability of ecosystems, and therefore the economy. The magnitude of these impacts is unknown.

Emissions of GHGs contributing to global climate change are largely attributable to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. GHG emissions are typically expressed in carbon dioxide-equivalents (CO₂e), based on the GHG's Global Warming Potential (GWP). The GWP is dependent on the lifetime, or persistence, of the gas molecule in the atmosphere. For example, one ton of CH₄ has the same contribution to the greenhouse effect as approximately 21 tons of CO₂. Therefore, CH₄ is a much more potent GHG than CO₂.

3.9.2 Methodology

The SacMetro Road Construction Emissions Model (**Appendix A**) was prepared in July 2021. The sections below detail the methodology of the report and its conclusions.

3.9.2.1 Short-Term Construction-Generated Emissions

Short-term construction emissions associated with the Project were calculated using The SacMetro Road Construction Emissions Model, Version 9.0.0. Emissions' modeling was assumed to occur over an approximate 12 month period and covering a site area of approximately one mile of road widening and bridge reconstruction with 60 foot width (approximately 7.5 acres). Remaining assumptions were based on the default parameters contained in the model. Modeling assumptions and output files are included in **Appendix A**.

3.9.2.2 Long-Term Operational Emissions

The Project does not include any additional traffic lanes. It is not anticipated that there would be additional long-term operational emissions associated with the Project. Modeling assumptions and output files are included in [Appendix A](#).

3.9.3 Impact Assessment

3.9.3.1 Thresholds of Significance

In accordance with SJVAPCD's *CEQA Greenhouse Gas Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects*¹³, proposed projects complying with Best Performance Standards (BPS) would be determined to have a less-than-significant impact. Projects not complying with BPS would be considered less than significant if operational GHG emissions would be reduced or mitigated by a minimum of 29 percent, in comparison to business-as-usual (year 2004) conditions. In addition, project-generated emissions complying with an approved plan or mitigation program would also be determined to have a less-than-significant impact.

Bay Area Air Quality Management District's Thresholds for Significance: Bay Area Air Quality Management District's approach to developing a threshold of significance for GHG emissions is to identify the emissions level for which a project would not be expected to substantially conflict with existing California legislation adopted to reduce Statewide GHG emissions. If a project would generate GHG emissions above the threshold level, it would be considered to contribute substantially to a cumulative impact, and would be considered significant. If mitigation can be applied to lessen the emissions such that the project meets its share of emission reductions needed to address the cumulative impact, the project would normally be considered less than significant. Although the proposed Project is not located in the Bay Area, the Bay Area Air Quality Management District's thresholds for significance are based on the Statewide AB 32 objectives, are scientifically supported and are more appropriate to assess potential impacts related to GHG emissions. For land use development projects, the threshold is compliance with a qualified GHG Reduction Strategy or annual emissions less than 1,100 metric tons per year (MT/yr) of CO₂e. For stationary source projects, such as those requiring a permit from a local air district to operate, the threshold is 10,000 MT/yr of CO₂e. Although the BAAQMD thresholds are generally intended for ongoing sources of emissions (e.g., manufacturing facilities, refineries), their use in CEQA is appropriate for construction projects that occur over a relatively short period and contribute a relatively low total amount of GHGs, as compared to a land use development project that would generate substantial annual emissions indefinitely.

a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? And;

b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than Significant Impact.

Short-Term Construction-Generated Emissions

Estimated construction-generated emissions are summarized in [Table 3-15](#). As indicated, construction of the Project would generate maximum annual emissions of approximately 640.80 MT_{CO₂e}. Construction-related production of GHGs would be temporary and last approximately six months. These emissions are totaled and amortized over 30 years and added to the operational emissions in [Table 3-16](#) below.

¹³ (San Joaquin Valley Air Pollution Control District, 2009). Accessed August 8, 2021.

Table 3-15. Short-Term Construction-Generated GHG Emissions

Year	Emissions (MT CO ₂ e) ⁽¹⁾
2022	640.80
Amortized over 30 years	21.36

1. Emissions were quantified using the Road Construction Emissions Model. Refer to **Appendix A** for modeling results and assumptions. Totals may not sum due to rounding.

Long-Term Operational Emissions

The Project is not adding any additional lanes of travel along Villa Street. And is therefore not anticipated to have any additional long term operational emissions from vehicle traffic. Estimated long-term operational emissions are summarized in **Table 3-16**.

Table 3-16. Long-Term Operational GHG Emissions

	Emissions (MT CO ₂ e) ⁽¹⁾
Estimated Annual Operation CO ₂ e Emissions	--
Amortized Construction Emissions	21.36
Total Estimated Annual Operational CO ₂ e Emissions	21.36
AB 32 Consistency Threshold for Land-Use Development Projects*	1,100
Exceed Threshold?	No

1. Emissions were quantified using the Road Construction Emissions Model. Refer to **Appendix A** for modeling results and assumptions. Totals may not sum due to rounding.

* As published in the Bay Area Air Quality Management District's CEQA Air Quality Guidelines. Available online at http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en Accessed July 2021.

The City does not have an adopted GHG plan or MT/yr thresholds for CO₂e. The San Joaquin Valley Air Pollution Control District (SJVAPCD) CEQA guidance for GHG emissions recommends that a project not be considered to have a significant impact if it complies with an applicable air quality plan, results in a 29% reduction from business as usual (BAU) GHG emissions (2004 levels), or implements applicable Best Performance Standards (BPS). The SJVAPCD metrics (reduction from BAU, implementation of BPS) are not appropriate for this Project. The thresholds provided by the Bay Area Air Quality Management District, while not in our area, are very stringent and based on Statewide AB 32 objectives. Because they are designed to avoid significant impacts from global climate change, which occurs at a global scale, they do not depend on site-specific characteristics. The City has determined that the Bay Area Air Quality Management District's thresholds are the most appropriate threshold for this Project, which has predominantly short-term construction emissions, and extremely low operational emissions (21.36 CO₂e). Any impacts would be less than significant.

3.10 Hazards and Hazardous Materials

Table 3-17. Hazards and Hazardous Materials Impacts

Hazards and Hazardous Materials Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

3.10.1 Environmental Setting and Baseline Conditions

3.10.1.1 Hazardous Materials

The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the State, local agencies, and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. Government Code (GC) Section 65962.5 requires the California Environmental Protection Agency (CalEPA) to develop at least annually an updated Cortese List. The Department of Toxic Substances Control (DTSC) is responsible for a portion of the information contained in the Cortese List. Other State and local government agencies are required to provide additional hazardous material release information for the Cortese List. DTSC's EnviroStor database provides DTSC's component of Cortese List data (DTSC, 2010). In addition to the EnviroStor database, the State Water Resources Control Board (SWRCB) Geotracker database provides information on regulated hazardous waste facilities in

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California, including underground storage tank (UST) cases and non-UST cleanup programs, including Spills-Leaks-Investigations-Cleanups (SLIC) sites, Department of Defense (DOD) sites, and Land Disposal program. A search of the DTSC EnviroStor database and the SWRCB Geotracker performed in July 2021 determined that there are no known active or open hazardous waste generators or hazardous material spill sites or cases within the Project site or immediate surrounding vicinity.

3.10.1.2 Airports

The closest airport is Porterville Municipal Airport which is located 2.6 miles southwest of the APE

3.10.1.3 Emergency Response Plan

The City of Porterville does have an adopted Emergency Response Plan which is available at the local Fire Department.

3.10.1.4 Sensitive Receptors

Sensitive receptors within the Project's vicinity consist of various residential development along Villa Street, various commercial and office spaces and Porterville High School that is within 700 feet of the Project. No other identified concentrations of sensitive receptors, such as hospitals or nursing homes are within the Project's vicinity.

3.10.2 Impact Assessment

a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? And;

b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? And;

Less than Significant Impacts. The construction phase of the Project would potentially involve hazardous materials generally associated with construction activities, such as diesel fuel, gasoline, grease, solvents, adhesives, paints, hydraulic fluid, oil, lubricants, and other petroleum-based products. However, standard construction and operational BMPs, as described in **Table 2-3**, would be followed. Any potential hazardous materials spills during construction would be addressed immediately and in accordance with industry best management practices, Occupational Safety and Health Administration (OSHA) requirements, federal and state regulations, and County requirements. Furthermore, a Stormwater Pollution Prevention Plan (SWPPP) would be employed to prevent stormwater contamination, control sedimentation and erosion, and comply with the requirements of the Clean Water Act. Therefore, any impacts would be less than significant.

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less than Significant Impact. Porterville High School is located less than one mile from the Project site. In addition, the Project is adjacent to existing residential development. Construction of the Project would involve the use of hazardous materials associated with construction equipment, such as diesel fuel, lubricants, and solvents. However, the contractor would implement a SWPPP and would comply with all California Occupational Safety and Health Administration (Cal/OSHA) regulations regarding regular maintenance and inspection of equipment, spill prevention, and spill remediation in order to reduce the potential for incidental release of pollutants or hazardous substances onsite. Furthermore, any potential accidental hazardous materials spills during construction are the responsibility of the contractor to immediately address in accordance with industry BMP and State and county regulations. The Project site is in a developed and established area in the City that is accustomed to emissions due to traffic in general.

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Other than those typically associated with construction, such as diesel fuel, gasoline, hydraulic fluid, oil, and lubricants, the transport or use of hazardous materials is not anticipated as part of the Project. The impact would be less than significant.

d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact. The Project does not involve land that is listed as a hazardous materials site pursuant to Government Code Section 65962.5 and is not included on a list compiled by the Department of Toxic Substances Control. Impacts would be less than significant.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact. The Project is more than one mile away from the nearest airport, it's not located within an airport land use plan and is not constructing habitable structures for any permanent residents as part of the design. The Project would not result in a safety hazard or excessive noise from an airport for people residing or working in the project area. There would be no impact.

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than significant Impacts. There would be concrete improvements installed where necessary along Villa Street and the installation of a box culvert at the Porter Slough Ditch. The Project would not involve altering the position or direction of Villa Street, therefore, the Project would not interfere in any way to the adopted emergency plan. There may be detours during reconstruction and improvement activities and during the reconstruction of the bridge and installation of the box culvert at the Porter Slough. These detours would be only during these activities and temporary in duration. The impacts would be considered less than significant.

g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Less than Significant Impacts. The Project site is not located in an area associated or at risk from wildland fires. All project related activities and construction would follow best management practices and safety processes in order to help minimize and avoid and potential risks to fires, wildland or otherwise. The practices include but are not limited to the Project having an ample supply and access to water as needed, such as water trucks and water packs for workers. The Project risks associated with wildfire are very low. The Project or its activities would not interfere with emergency response or evacuation plans, require fire-related infrastructure, or expose people, directly or indirectly, to significant risks associated with wildfire. The impacts would be less than significant.

3.11 Hydrology and Water Quality

Table 3-18. Hydrology and Water Quality Impacts

Hydrology and Water Quality Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☐	☒
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☐	☒
iv) impede or redirect flood flows?				
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

3.11.1 Environmental Setting and Baseline Conditions

The Project is located within the floor area of the San Joaquin Valley. The Valley is bordered by the Sierra Nevada Mountain Ranges to the east, the Coast Ranges to the west, the Klamath Mountains and Cascade Range to the north, and the Transverse Ranges and Mojave Desert to the south. Large groundwater basins underlay the Valley floor and are fed primarily from stormwater run-off from these mountain watersheds and other natural surface water recharge.

Like most of California, the San Joaquin Valley experiences a Mediterranean climate. Warm, dry summers are followed by cool, moist winters. Summer temperatures often reach above 90 degrees Fahrenheit, and the humidity is generally low. Winter temperatures are often below 60 degrees Fahrenheit during the day and rarely exceed 70 degrees. Precipitation falls in the form of rainfall yearly, most of which occurs between October and

March. Climactic and topographic features of the site are typical of those found in California's San Joaquin Valley. The Project site is located in a developed area of the City of Porterville.

Clean Water Act: The Clean Water Act (CWA) is intended to restore and maintain the chemical, physical, and biological integrity of the nation's waters (33 CFR 1251). The regulations implementing the CWA protect waters of the U.S. including streams and wetlands (33 CFR 328.3). The CWA requires states to set standards to protect, maintain, and restore water quality by regulating point source and some non-point source discharges. Under Section 402 of the CWA, the National Pollutant Discharge Elimination System (NPDES) permit process was established to regulate these discharges.

Federal Emergency Management Agency (FEMA) Flood Zones: The National Flood Insurance Act (1968) makes available federally subsidized flood insurance to owners of flood-prone properties. To facilitate identifying areas with flood potential, the Federal Emergency Management Agency (FEMA) has developed Flood Insurance Rate Maps (FIRM) that can be used for planning purposes. Flood hazard areas identified on the Flood Insurance Rate Map are identified as a Special Flood Hazard Area (SFHA). SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. Moderate flood hazard areas, labeled Zone B or Zone X (shaded) are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X (unshaded).

State Water Resources Control Board: The SWRCB, headquartered in Sacramento, is the agency with jurisdiction over water quality issues in the State of California. The SWRCB is governed by the Porter-Cologne Water Quality Act (Division 7 of the California Water Code), which establishes the legal framework for water quality control activities by the SWRCB. The intent of the Porter-Cologne Act is to regulate factors which may affect the quality of waters of the State to attain the highest quality which is reasonable, considering a full range of demands and values. Much of the implementation of the SWRCB's responsibilities is delegated to its nine Regional Boards. The Project site is located within the Central Valley Regional Water Quality Control Board (CVRWQCB).

The CVRWQCB administers the NPDES storm water-permitting program in the Central Valley region. Construction activities on one acre or more are subject to the permitting requirements of the NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit). Additionally, CVRWQCB is responsible for issuing Waste Discharge Requirements Orders under California Water Code Section 13260, Article 4, Waste Discharge Requirements.

3.11.2 Impact Assessment

a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less than Significant Impact. In compliance with state regulations, all development within the Project area would be required to comply with state regulations adopted to reduce groundwater degradation. The Regional Water Quality Control Board (RWQCB) requires the preparation of a SWPPP for projects that exceed specified size limits. The Project may be required to obtain RWQCB approval of its SWPPP prior to construction. As discussed in Chapter 2, a portion of the Project involves the reconstruction of the bridge that crosses over the Porter Slough. Additionally, as discussed in further detail in section 3.5 above, Project activities conducted within the OHWM of a water of the United States are subject to permit requirements of the USACE, pursuant to Section 404 of the Clean Water Act. This Project would likely be authorized under a Nationwide Permit.

Such permits are typically issued on the condition that the applicant agrees to provide mitigation that results in no net loss of wetland functions or values. An USACE permit cannot be issued until the RWQCB issues a Section 401 Water Quality Certification, which also includes additional measures to ensure that the Project activity would meet State water quality standards. Therefore, the Project would have a less than significant impact through implementation of planned Project design features, compliance with any permitting requirements, and through compliance with adopted SWPPP regulations.

b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

No Impact. The Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project would impede sustainable groundwater management of any basin.

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

c-i) result in substantial erosion or siltation on- or off-site;

c-ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

c-iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

c-iv) impede or redirect flood flows?

Less than Significant Impact. The Project would not substantially alter an existing drainage pattern of the site or area and would not alter the course of the Porter Slough. In order to minimize runoff and erosion during construction activities a SWPPP may be implemented, and the contractor would be required to comply with all Cal/OSHA regulation regarding regular inspection of equipment, spill prevention, and spill remediation in order to reduce the potential for incidental release of pollutants or hazardous substances onsite. The street reconstruction would be designed so as not to substantially increase the rate or amount of surface runoff. Stormwater flows would be directed into storm drains in the nearby roadways. The street reconstruction would not impede or redirect flood flows. Impacts resulting from alterations to drainage patterns would be less than significant.

d) Would the project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundations?

Less than Significant Impact. A breach or overflow event at Success Lake Dam could cause significant flooding in Porterville. This dam is overseen and maintained by the USACE and administered by the Sacramento District of the USACE's regional office located in Porterville. Through their work, Porterville is provided with flood safety, water resources, electricity, recreation, and camping. It includes a recreation area, located eight miles east of the City of Porterville in the western portion of the Sierra Nevada foothills.

The Project does not involve any habitable structures or the storing of any pollutants on site. The Project would not have the potential to release pollutants due to inundations. Any impacts would be less than significant.

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

No Impact. The reconstruction and widening of Villa Street and the Project activities that would take place in the Porter Slough would not conflict with or obstruct implementation of any water quality control plan or sustainable groundwater management plan. There would be no impact.

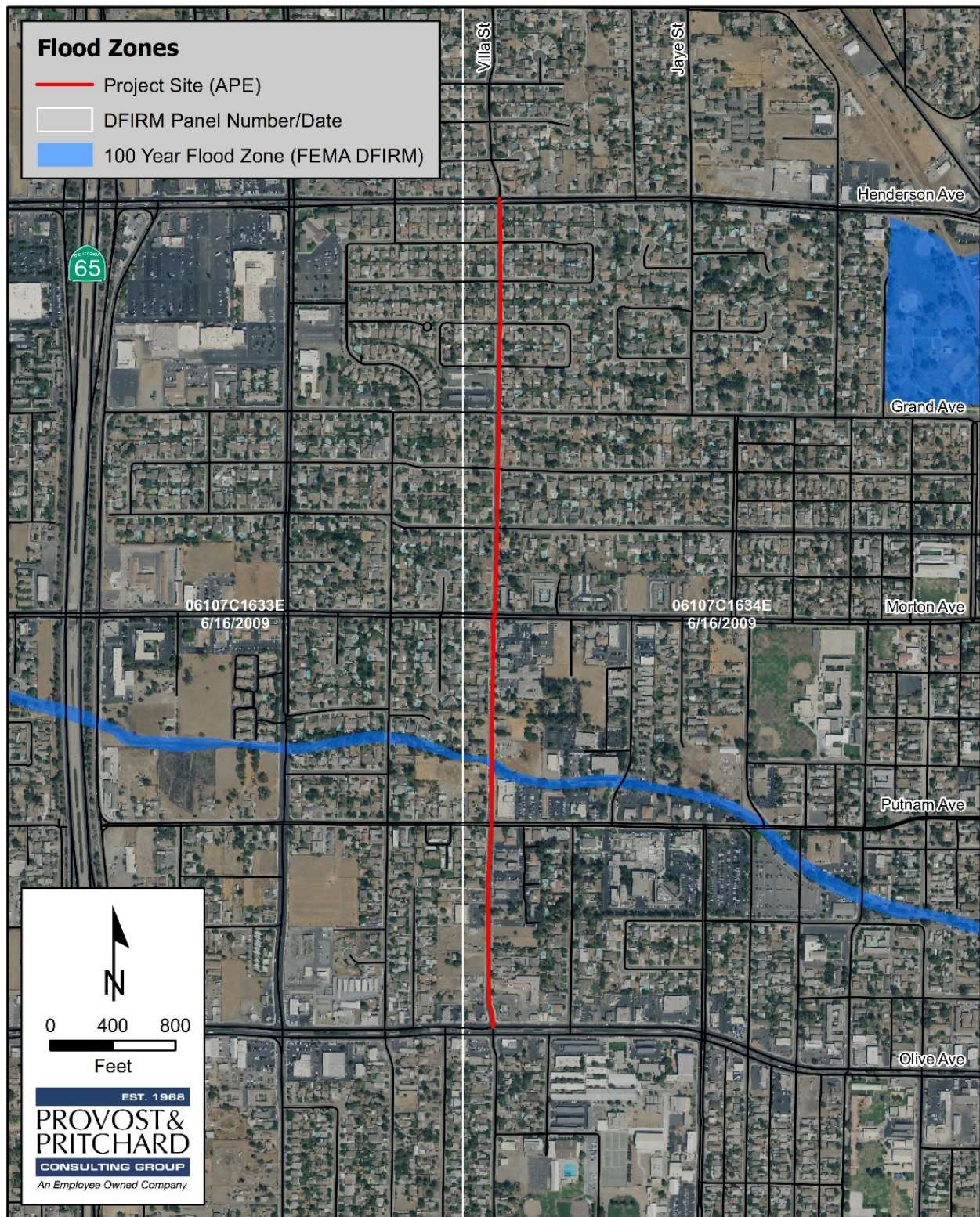


Figure 3-2. FEMA Flood Map

3.12 Land Use and Planning

Table 3-19. Land Use and Planning Impacts

Land Use and Planning Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

3.12.1 Environmental Setting and Baseline Conditions

Much of the existing land use pattern found in the Planning Area can be traced back to Porterville's evolution as a valley agriculture center. Downtown Porterville is similar to many older Central Valley downtown districts, with a mixture of retail, public facilities, and older residential neighborhoods. Larger commercial, agriculture, and newer residential neighborhoods are located further out from the city center. Some industrial land is located adjacent to State Route 190 (SR 190) and Union Pacific Railroad. Parks and schools are distributed throughout residential neighborhoods within the city.¹⁴

The Project is in an area predominately designated and zoned as Low Density Residential. Other designations and zoning in the area include, Medium/High Density Residential, Professional Office and various Commercial uses. General Plan Land Use Designations and Zone Districts are fully illustrated in, **Figure 3-3** and **Figure 3-4** respectively.

3.12.2 Impact Assessment

a) Would the project physically divide an established community?

No Impact. The Project would not physically divide an established community. The reconstruction of this section of Villa Street is to improve access to businesses and residents and would not alter the direction or location of Villa Street. There would be no impact.

b) Would the project cause a significant environmental conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. The Project does not propose any land use or designation changes, it would not cause any conflicts, environmental or otherwise, with any land use plan, policy or regulation. There would be no impact.

¹⁴ (City of Porterville, 2021) Chapter 2 Land Use. Accessed July 23, 2021.

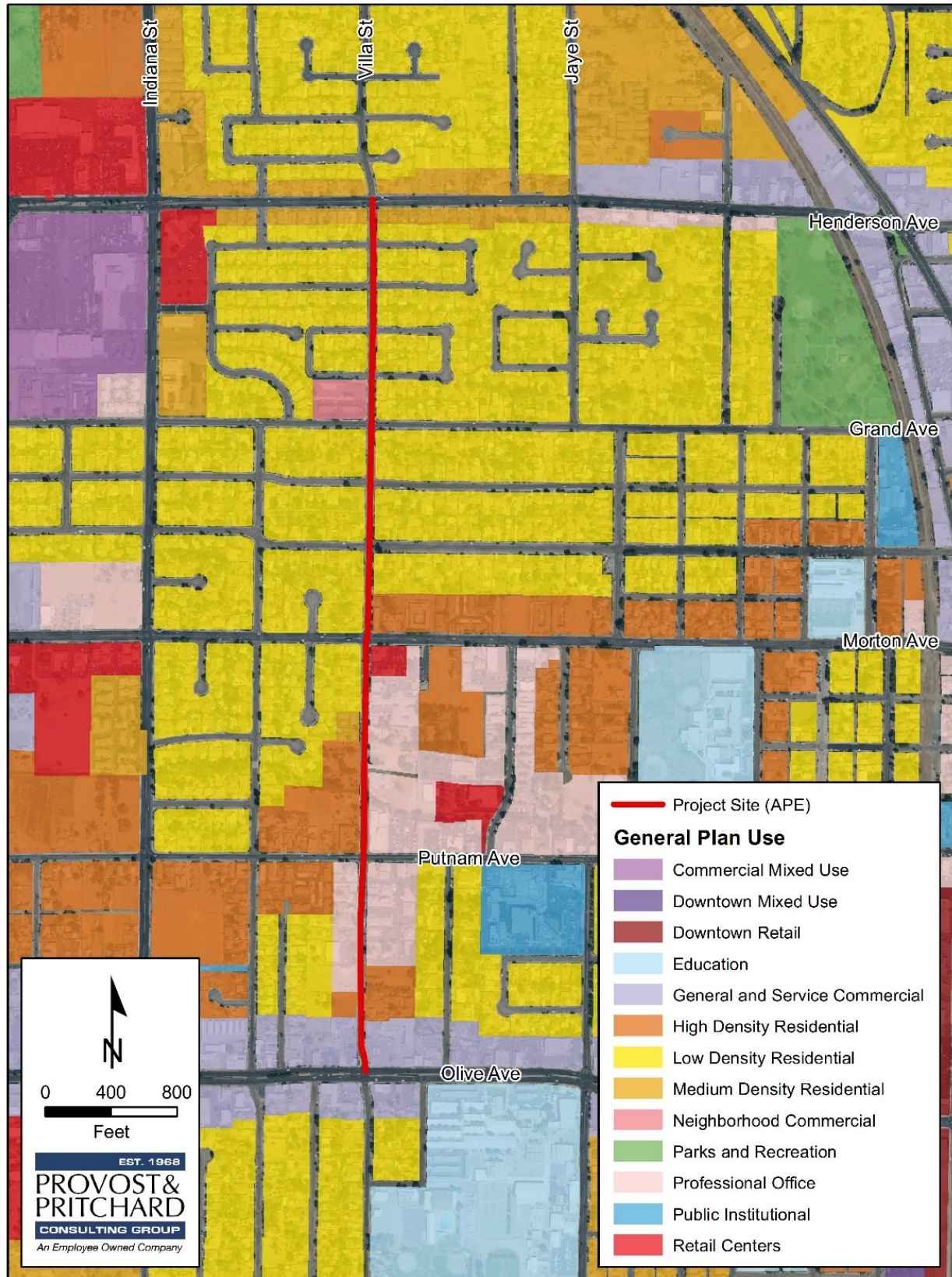


Figure 3-3. Tulare County General Plan Land Use Map

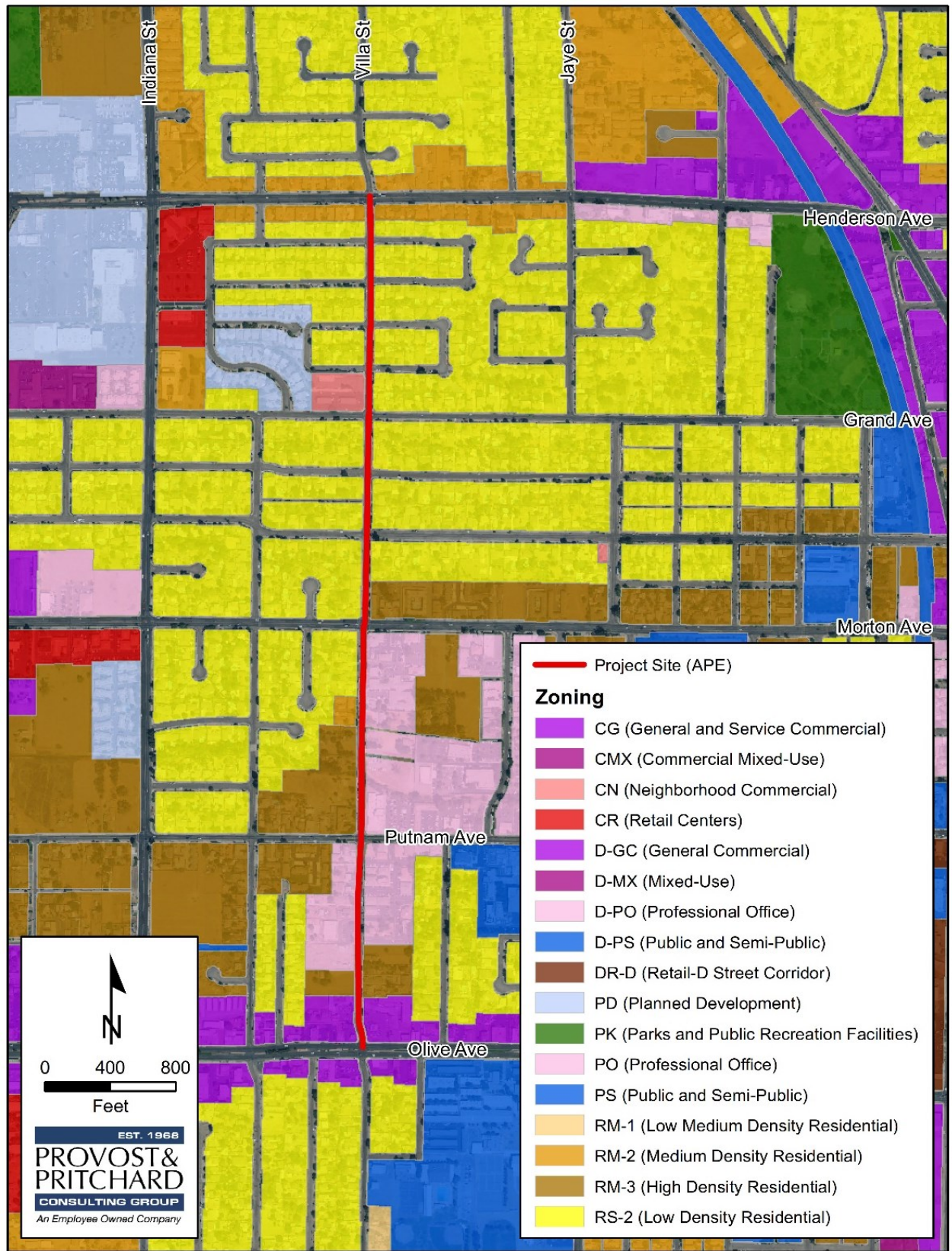


Figure 3-4. Tulare County Zoning Map

3.13 Mineral Resources

Table 3-20. Mineral Resources Impacts

Mineral Resources Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

3.13.1 Environmental Setting and Baseline Conditions

The Porterville 2030 General Plan outlines current significant mineral sources in Tulare County and within the planning area. The most significant mineral resources in Tulare County are sand, gravel, and crushed stone, used as sources for aggregate. The two major sources of aggregate are alluvial deposits (riverbeds, and floodplains), and hard rock quarries. Consequently, most Tulare County mines are located along rivers at the base of the Sierra foothills¹⁵. According to the Tulare County General Plan Background Report, all of the known potential mineral resource locations are mapped within the foothills and/or along major watercourses (Tule River).

California Department of Conservation's Division of Oil, Gas, and Geothermal Resources (DOGGR) maintains a database of oil wells in the Project. According to the DOGGR Well Finder there is one plugged and oil well approximately 0.37 miles from the intersection of Villa Street and Olive Avenue.

The Project site is not delineated on a local land use plan as a locally important mineral recovery site. The site is existing developed

3.13.2 Impact Assessment

a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? And

No Impact. Although there are currently 25 mines permitted to operate in Tulare County, none of them are in or adjacent to the City of Porterville¹⁶¹⁷. As shown in Figure 6-3 of the 2030 General Plan, the Project area is not included in a State classified mineral resource zones. The Project or its construction activities would not result in the loss of an available known mineral resource. There would be no impact.

¹⁵ (City of Porterville, 2021), Chapter 6 Open Space and Conservation Element. Accessed July 23, 2021

¹⁶

b) Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. The Project site is not delineated on a local land use plan as a locally important mineral resource recovery site; therefore, the existence of the Project would not result in the loss of availability of any mineral resources. There would be no impact.

3.14 Noise

Table 3-21. Noise Impacts

Noise Impacts				
Would the project result in:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive ground borne vibration or ground borne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

3.14.1 Environmental Setting and Baseline Conditions

The applicable noise standards governing the Project site may be found within policies outlined in the City of Porterville 2030 General Plan Noise Element¹⁸ and the City's Noise Ordinance.¹⁹ The major noise sources in the City of Porterville are related to roadways and vehicle traffic, including automobiles, tractors and other automated agricultural equipment. Other noise sources include industrial operations and overhead aircraft traveling to and from the airport.

Certain land uses are considered more sensitive to noise than others. Examples of these include residential areas, educational facilities, hospitals, childcare facilities, and senior housing. Residential uses are located along the section of Project area of Villa Street. Primary existing noise sources in the Project area are traffic noises from nearby and intersecting streets and other noise from motor vehicles generated by engine vibrations, the interaction between the tires and the road, and vehicle exhaust systems.

3.14.2 Impact Assessment

a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less than Significant Impact. The Project is located in the City of Porterville in an established noise contour identified in Figure 9-2 of the City's General Plan Noise Element as having noise level greater than 55-60 dB. Noise generated from the Project would be during construction and would generally include noise from construction vehicles and equipment. During construction, noise from these activities would contribute to the noise environment in the immediate Project vicinity. Activities involved in construction would generate

¹⁸ (City of Porterville, 2021) Chapter 9 Noise Element. Accessed July 23, 2021.

¹⁹ (AmLegal, 2021) Porterville Code Noise Article IX, Accessed July 23, 2021

maximum noise levels, as indicated in **Table 3-22**, ranging from 79 to 91 dBA at a distance of 50 feet, without feasible noise control (e.g. mufflers) and ranging from 75 to 80 dBA at a distance of 50 feet, with feasible noise control. Short-term noise from construction is inevitable and cannot be mitigated beyond a certain level. Thus, local agencies and residents frequently tolerate short-term noise at levels that they would not accept for permanent noise sources. All construction related activities would comply with the standards set forth by the City of Porterville General plan. Construction activities would take place during daylight hours between 7 a.m. and 7 p.m. on weekdays and 7 a.m. and 5 p.m. on weekends.

Table 3-22. Typical Construction Noise Levels²⁰

Type of Equipment	dBA at 50 ft.	
	Without Feasible Noise Control	With Feasible Noise Control ¹
Dozer or Tractor	80	75
Excavator	88	80
Scraper	88	80
Front End Loader	79	75
Backhoe	85	75
Grader	85	75
Truck	91	75

¹ Feasible noise control includes the use of intake mufflers, exhaust mufflers and engine shrouds operating in accordance with manufacturers specifications.

Since the Project site is located within an area of other similar urbanized uses subject to construction and maintenance, and portions of it sit within an established noise contour, and is surrounded heavily traveled roadways, it would be expected that the Project would result in significant noise increase to surrounding land uses during normal business hours. The noise impacts would be temporary and would be considered less than significant.

b) Would the project result in generation of excessive ground borne vibration or ground borne noise levels?

Less than Significant Impact. Vibration is the periodic oscillation of a medium or object. Vibration sources may be continuous, such as factory machinery, or transient, such as explosions. As is the case with airborne sound, ground borne vibrations may be described by amplitude and frequency. Vibration amplitudes are usually expressed in peak particle velocity (PPV) or root mean squared (RMS), as in RMS vibration velocity. The PPV and RMS (VbA) vibration velocity are normally described in inches per second (in/sec). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal and is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings²¹.

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. As it takes some time for the human body to respond to vibration signals, it is more prudent to use vibration velocity when measuring human response. The vibration velocity level is reported in decibels relative to a level of 1×10^{-6} inches per second and is denoted as VdB. The typical background vibration-velocity level in residential areas is approximately 50 VdB. Ground borne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels²².

Typical outdoor sources of perceptible ground borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. Construction vibrations can be transient, random, or continuous. The approximate threshold of vibration perception is 65 VdB, while 85 VdB is the vibration acceptable only if there

²⁰ (United States Department of Transportation, 2006) FHWA Construction Noise Handbook PDF. Accessed July 23, 2021.

²¹ (United States Department of Transportation, 2018). Accessed July 23, 2021

²² (United States Department of Transportation, 2018). Accessed July 23, 2021.

are an infrequent number of events per day (FTA 2006). **Table 3-23** describes the typical construction equipment vibration levels.

Table 3-23. Typical Construction Vibration Levels²³

Equipment	VdB at 25 ft ²
Small Bulldozer	58
Jackhammer	79

Based on the typical vibration levels identified in the table above, any temporary vibration levels associated with construction activities are not expected to exceed the FTA threshold for the nearest residences which are located along the Project site on Villa Street. All noise generated by the construction of the Project would be temporary in nature. The impact would be less than significant.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The Project is not located within the vicinity of a private airstrip or an airport land use plan. The Project is located approximately 2.6 miles away from Porterville Municipal Airport and would not involve any habitable structures, and would not expose people to excessive noise from nearby airports beyond baseline conditions in the area. Therefore, there would be no impact.

²³ (United States Department of Transportation, 2018). Accessed July 23, 2021.

3.15 Population and Housing

Table 3-24. Population and Housing Impacts

Population and Housing Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

3.15.1 Environmental Setting and Baseline Conditions

According to the United States Census Bureau, Porterville is the third largest city in Tulare county, with an estimated population of 59,599 as of 2019. The City estimates a population growth rate of 37% by 2040, resulting in a population of 97,097 residents. Porterville's housing stock is currently made up of predominately single-family homes, with a homeownership rate of approximately 57%. The City of Porterville has an average household size of 3.39 which is slightly greater than the countywide average of 3.30. ²⁴

The land use designation and zoning for a majority of the Project area is Low Density Residential. Other land use and zoning include Medium/High Density Residential, Professional Office, General and Service Commercial.

3.15.2 Impact Assessment

a) Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? and

b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impacts. The goal of the Project is not to induce population growth, but rather to provide street improvements, convenience and safe access to residents, and businesses and office buildings in the area. The Project would not encourage population growth directly or indirectly beyond that previously analyzed by the City of Porterville General Plan. No housing or habitable structures would be built, nor would any be removed. Implementation of the Project would not result in displacement of people or existing housing. There would be no impact.

²⁴ (United States Census Bureau, 2012) Tulare County, Porterville City. Accessed July 23, 2021.

3.16 Public Services

Table 3-25. Public Services Impacts

Public Services Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	☐	☐	☐	☒
Police protection?	☐	☐	☐	☒
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☐	☒

3.16.1 Environmental Setting and Baseline Conditions

Fire Protection: The Porterville Fire Department Station 1, would service the APE, is located less than one mile east of the APE.

Police Protection: The closest law enforcement is the City of Porterville Police Department, located less than one mile from the APE, and would provide primary police services to any incidents that happen within the Project area and City limits.

Schools: The closest school is Porterville High School, located approximately 390 feet southeast of the Project APE.

Parks: The closest park is Hayes Park located less than one mile northwest of the Project APE.

Landfills: The closest landfill to the project site is the Teapot Dome Landfill, a Mid Valley Disposal site, located approximately 5.8 miles southeast of the Project APE.

3.16.2 Impact Assessment

a) **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the**

construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Less than Significant Impact:

Fire Protection – The City of Porterville would continue provide fire protection services to the Project APE. Station 1 is the closest City of Porterville Fire Station and is located less than one mile from the Project APE. The Project would be required to comply with requirements of the City Fire Department/California Fire Code regarding access, water mains, hydrants, and review of engineering plans. Standard fire suppression conditions for streets are incorporated as part of the Project. The Project site has adequate emergency access from the various roads that intersect Villa Street. Implementation of the Project would not adversely impact existing fire protection or emergency services within the City and would not require the construction of any additional fire protection facilities in Porterville. Impacts to fire services would be less than significant.

Police Protection – The Project area would continue to be served by the City of Porterville Police Department. Implementation of the Project would not result in a substantial increase in demand for police services. Any increase would be minimal compared to the number of officers currently employed by the Police Department and would not result in significant demand for additional police services or additional staffing. Implementation of the Project would not require the construction of new police facilities to serve the Project, nor would it create a negative impact to existing emergency response times and existing police protection service levels. Impacts to police services would be less than significant.

Schools – The Project area lies within the Porterville Unified School District. Porterville High School is less than one mile from the Project APE and would continue to serve the Project area. The widening and improvements along Villa Street would not create any housing or encourage any population growth. There would be no increase in the demand for school services. Additionally, the road improvements would provide safe and improved access to existing facilities located in the area, including Porterville High School located approximately 390 feet southeast of the Project APE. There would be no impact to schools.

Parks – The Project would not create a need for more parks, nor would the Project have any impacts to existing parks in the APE. The closest park is Hayes Park, located less than one mile northwest of the APE. There would be no impact to parks.

Other public facilities – The Project is not growth inducing, and as such would not result in a significant increase in demand on other public facilities, such as library services, that have not already been planned for.

3.17 Recreation

Table 3-26. Recreation Impacts

Recreation Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

3.17.1 Environmental Setting and Baseline Conditions

The City of Porterville provides several types of parks and facilities, as defined in the Porterville 2030 General Plan. In general, parks are defined by the general plan as land owned or leased by the City and used for public recreational purposes. The Porterville 2030 General Plan outlines several types of park facilities ranging in size from 0.1-acre pocket parks up to a 95 acre Sports Complex. Each park will fall into one of five categories: Pocket Park, Neighborhood Park, Community Park, Specialized Recreation, or Trails/Parkways. In total, the City of Porterville provides 15 parks for the community.

The closest park to the Project site is Hayes Park, which is less than one mile northwest.

3.17.2 Impact Assessment

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact. The closest park is Hayes Park, which is less than a mile northwest of the Project site. The Project would not directly or indirectly increase the use of any parks or recreational facilities and would not affect the use of such parks that would cause substantial deterioration of the facilities at such parks. There would be no impact.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact. The Project does not include or require the construction or expansion of parks or any recreational facilities and therefore, would not have an adverse physical effect on the environment. There would be no impact.

3.18 Transportation

Table 3-27. Transportation Impacts

Transportation Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	☒
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)??	☐	☐	☐	☒
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐

3.18.1 Environmental Settings and Baseline Conditions

The primary function of local streets is to provide direct access to adjacent properties. Neighborhood streets should provide two travel lanes, landscaped park strips, and sidewalks. On-street parking may be regulated. Bike lanes are usually not needed because neighborhood streets carry low traffic volumes and all neighborhood streets are considered to be bicycle friendly.²⁵

Currently, the street environment is mostly auto oriented with roadways and discontinuous sidewalks. The City's General Plan states that all streets should be designed to accommodate pedestrians and bicyclists and new neighborhoods should be designed to be "pedestrian friendly", with wide sidewalks. The Project would improve the segment of Villa Street for automobiles and pedestrians alike.²⁶

3.18.2 Impact Assessment

a) Would the project conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

No Impact. The Project would not conflict with the City of Porterville 2030 General Plan Update Circulation Element. The improvements along Villa Street and in the Porter Slough are intended to increase and improve circulation for the needs of future local and regional traffic. There would be no impact.

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?

Less than Significant Impact. The purpose of the reconstruction and widening, is to provide improved and safer access to residents, offices and businesses along this segment of Villa. The Project and its activities would have a less than significant impact on vehicle miles travelled (VMT) as the Project does not propose on lengthening the street but widening to a standard 60 feet for improved travels and safety for autos, bicyclists and pedestrians in the area. The impacts would be considered less than significant.

²⁵ (City of Porterville, 2021) Chapter 4 Circulation Element. Accessed July 23, 2021.

²⁶ (City of Porterville, 2021) Chapter 4 Circulation Element. Accessed July 23, 2021.

c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? And

No Impact. There are no geometric design features or incompatible uses as part of the design or implementation of this project. The purpose of the Project is to improve traffic operations and transportation capacity by reconstructing and widening Villa Street between Olive and Henderson Avenues to a standard of 60 feet. It would also help provide a safer vehicular, pedestrian, and bicycle crossing for residents and visitors. There would be no impact.

d) Would the project result in inadequate emergency access?

Less than Significant Impact. The Project would comply with the City Public Works Department development standards. This would ensure that the Project would not create inadequate emergency access, long term, for those living and working in the area. The construction would be temporary and no road closures are planned, the necessary precautions would be taken so there would minimum inconvenience to adjacent property owners and to the travelling public using approved traffic control signs prior to any construction activities. In addition, entering and exiting would be provided to property owners throughout the construction period.

This is a road widening and improvement project and would not conflict with any adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities and there would be a less than significant impact to emergency vehicle access during construction.

3.19 Tribal Cultural Resources

Table 3-28. Tribal Cultural Resources Impacts

Tribal Cultural Resources Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	☐	☒	☐	☐
i. Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☒	☐	☐
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

3.19.1 Environmental Setting and Baseline Conditions

According to the Southern San Joaquin Valley Archaeological Information Center at California State University, Bakersfield, 45 archaeological sites have been documented within the Porterville Planning Area. The main village of the Yokuts, Chokowisho, was located near Murry Hill north of Porter Slough until the mid-1850s. The Rocky Hill area contains numerous rock art and bedrock mortar sites, not all of which have been officially recorded. Most of these sites are from the prehistoric era and contain bedrock mortars, rock art (i.e. petroglyphs, or pictographs), human burials, village complexes, midden, and artifacts (i.e. projectile points, pestles, pottery, etc.). There are no archaeological sites in the Project APE that are currently listed on the National Register of Historic Places.

The Yokuts village of Trawoia contained human remains, bedrock mortars, pictographs, artifacts and extensive midden. Archaeologists considered this to be a very important site and recommended that it be protected. The site was compromised when the landowner constructed a dam which inundated the site.²⁷

Public Resources Code Section 21080.3.1, et seq. (codification of AB 52, 2013-14) requires that a lead agency, within 14 days of determining that it would undertake a project, must notify in writing any California Native

²⁷ (City of Porterville, 2021) Chapter 6 Open Space and Conservation Element. Accessed July 23, 2021.

American Tribe traditionally and culturally affiliated with the geographic area of the project if that Tribe has previously requested notification about projects in that geographic area. The notice must briefly describe the project and inquire whether the Tribe wishes to initiate request formal consultation. Tribes have 30 days from receipt of notification to request formal consultation. The lead agency then has 30 days to initiate the consultation, which then continues until the parties come to an agreement regarding necessary mitigation or agree that no mitigation is needed, or one or both parties determine that negotiation occurred in good faith, but no agreement would be made. The Tule River Indian Reservation is located approximately 15 miles to the east.

The Native American Heritage Commission (NAHC) in Sacramento was contacted in May 2021 and they were provided with a brief description of the Project and a map showing its location and requested a search of the Sacred Lands File to determine if any Native American resources have been recorded in the immediate APE. The NAHC identifies, catalogs, and protects Native American cultural resources -- ancient places of special religious or social significance to Native Americans and known ancient graves and cemeteries of Native Americans on private and public lands in California. The NAHC is also charged with ensuring California Native American tribes' accessibility to ancient Native American cultural resources on public lands, overseeing the treatment and disposition of inadvertently discovered Native American human remains and burial items, and administering the California Native American Graves Protection and Repatriation Act (CalNAGPRA), among many other powers and duties. NAHC provide a current list of Native American Tribal contacts to notify of the project. The ten tribal representatives identified by NAHC were contacted in writing via United States Postal Service in a letter May 24, 2021, informing each Tribal contact of the Project. (see [Section 3.6](#)).

3.19.2 Impact Assessment

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a-i) Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code section 5020.1(k), or

a-ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Less than Significant Impacts with Mitigation Incorporated. The City of Porterville received a letter from the Santa Rosa Rancheria Tachi Yokut Tribe pursuant to PRC § 21080.3.1 (AB 52) officially requesting notification of Projects within the Santa Rosa Rancheria's geographic area of traditional and cultural affiliation. On May 20, 2021, the City sent the Yokut Tribe a formal letter including a Project description. In accordance with the law, the letter provided 30 days from receipt of the letter to request consultation in writing. No request for tribal consultation was made for the Project. Less than significant impacts, with mitigation incorporated, to tribal resources are expected. **Mitigation Measures CUL-1 and CUL-2**, described above in [Section 3.6 Cultural Resources](#), are recommended in the event cultural materials or human remains are unearthed during excavation or construction.

3.20 Utilities and Service Systems

Table 3-29. Utilities and Service Systems Impacts

Utilities and Service Systems Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

3.20.1 Environmental Setting and Baseline Conditions

Utilities that service the Project area include water, solid waste (trash) management, and storm drainage. Water service, and solid waste collection would be provided by the City of Porterville. Storm-water run-off would be accommodated by the reconstruction on the stretch of Villa and would be directed to existing city storm drain facilities.

3.20.1.1 Water Supply

The City has historically relied on groundwater to supply municipal water to its residents. Water usage for Project construction would be minimal and limited to an as needed basis.

3.20.1.2 Wastewater Collection and Treatment

The City of Porterville Wastewater Treatment Facility (WWTF) is located at the southwest corner of West Grand Avenue and North Prospect Street. The sewer collection system consists of 150 miles of pipes, including 18 sewage lift stations and associated force mains.²⁸

²⁸ (City of Porterville, 2021) Public Utilities Element, page 191. Accessed July 27, 2021.

3.20.1.3 Landfills

Solid waste disposal services in Porterville are provided by the Tulare County Consolidated Waste Management Authority. Porterville's solid waste is currently disposed at Teapot Dome Landfill, located four miles outside of the City limits. As of 2004, the landfill was at 84.7 percent capacity and had an anticipated closure date of 2012.²⁹ Tulare County has indicated that they will not expand Teapot Dome Landfill. When it reaches capacity, the County anticipates setting up a transfer facility which would divert waste to either the Woodville or Visalia Landfills, both of which are below 50 percent capacity.

3.20.2 Impact Assessment

a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? And

Less than Significant Impact. The Project would not exceed wastewater treatment requirements, would not require new facilities or require alteration of existing facilities for wastewater treatment. The Project activities that are taking place in the Porter Slough are planned to be performed when the slough is dry to minimize any potential impacts. There would be no population increase related to the Project and therefore, no anticipated increase in wastewater production. Impacts would be less than significant.

b) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less than Significant Impact. The Project would have little to no effect on water supply due to the activities for the Project include reconstruction and widening of a mile long segment of Villa Street between Olive and Henderson Avenues. The Project also includes the installation of a new box culvert in the Porter Slough to improve flow. The Project would not result in an increase of population density that would require an increase in water service utilizing ground water. Some water may be used for dust control. Impacts to water supplies would be less than significant.

c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less than Significant Impact. The Project would not result in population increase or involve habitable structures being built, and therefore, would not increase demands on the City's wastewater treatment system. The Project and all related construction activities would have no impact on any wastewater treatment providers in or around the Project area. There would be no impact.

d) Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? and

e) Would the project comply with federal, State, and local management and reduction statutes and regulations related to solid waste?

Less than Significant Impacts. Solid waste (trash) would be generated for a short-term period of construction. Construction contractors would be required to collect and carry out all solid waste and trash and dispose of at an approved landfill or recycling center. The City would be responsible to empty any trash receptacles on a regular basis based on scheduled pick-up days after the road reconstruction and Porter Slough activities have been completed. The majority of the existing road materials will be taken to a nearby City facility so that they may be recycled and reused for future road repairs. In addition, any soils that cannot be redistributed will also be taken to a private landowner to be recycled and reused, avoiding any unnecessary use of the nearby landfill. The impacts would be less than significant.

²⁹ (City of Porterville, 2021) Public Utilities Element. Accessed July 27, 2021.

3.21 Wildfire

Table 3-30. Wildfire Impacts

Wildfire Impacts				
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrollable spread of wildfire?	☐	☐	☐	☒
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

3.21.1 Environmental Setting and Baseline Conditions

The City of Porterville is located in the south eastern part of the San Joaquin Valley, in close proximity to the foothills of the Sierra Nevada Mountain Range. The fire season between the months of May and October typically has over 100 days of temperatures in excess of 90 degrees Fahrenheit. Figure 7-4 of the Porterville 2030 General Plan, identifies that approximately 43% of the City is considered to have a moderate fire hazard, as classified by the California Department of Forestry and Fire Protection. The General Plan also identifies areas with the highest levels of risk are located in northeast sections of the planning area, due to the presence of wooded foothills. More recent data is provided by Cal Fire who produces California Fire Hazard Severity Zone Maps.

The City's Fire Department provides fire and life safety services for residents located within the city limits while the Tulare County Fire Department provides additional services for unincorporated areas. City fire dispatch is handled by the Police Department.³⁰

Urban uses, which can be subject to structural fires, are considered a greater threat to life and property than wildland fires. As a result, the City of Porterville requires all new development to meet or exceed the Uniform Fire Code Provisions, as outlined in the Porterville City Code: Chapter 12. This code addresses topography, geology, climate, and development conditions. New development is reviewed by the Public Works Department and Fire Department for adherence to these regulations. Porterville Fire Department, Station 1, is located less than one mile from the road Project area. The Project is not located in a State responsibility areas or lands classified as very high fire hazard severity zones.

³⁰ (City of Porterville, 2021) Chapter 7 Public Health and Safety. Accessed June 23, 2021.

3.21.2 Impact Assessment

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan? and
- b) Due to slope, prevailing winds, and other factors exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? and
- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? and
- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impacts. The Project is not located in or near a state responsibility areas or lands classified as very high fire hazard severity zones. The nearest Very High classification of Fire Hazard Severity Zone (FHSZ) is 1.9 miles east of the APE. Additionally, there are no structures being considered or built as part of this Project, and the population would not increase because of this Project. Therefore, further analysis of the Project's potential impacts to wildfire are not warranted. There would be no impact.

3.22 CEQA Mandatory Findings of Significance

Table 3-31. Mandatory Findings of Significance Impacts

Mandatory Findings of Significance Impacts				
Does the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☒	☐	☐
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

3.22.1 Impact Assessment

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less than Significant Impact with Mitigation Incorporated. Based on the analysis conducted in this Initial Study, impacts to Aesthetics, Agriculture and Forestry Resources, Air Quality, Energy, Greenhouse Gas Emissions, Land Use and Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Utility/Services Systems, and Wildfire would be less than significant. Potential impacts to Biological Resources, Cultural Resources, Transportation/Traffic, and Tribal Cultural Resources would be less than significant with implementation of mitigation measures as identified in the respective Impact Analyses in **Chapter 3** and as outlined in **Table 4-1**. Additionally, with implementation of the Best Management Practices for construction activities and obtaining the applicable permits and approvals required by State law, the Project's potential to degrade the quality of the environment, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a protected species or eliminate important examples of the major periods of California history or prehistory would be less than significant with implementation of the mitigation measures

b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Less than Significant Impact with Mitigation Incorporated. As discussed above, impacts associated with the Project are incremental, temporary, and minor in nature, and would result in less than significant impacts to the environment with incorporation of all the recommended mitigation measures **BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, CUL-1, and CUL-2**. Operation impacts have been found to be less than significant. The impact of this Project on the environment is minimal and therefore even if combined with past, present, and reasonably foreseeable future projects would not cause a significant cumulative impact. In addition, the mitigation measures determined would further reduce Project level impacts to less than significant, the Project would not have impacts that are cumulatively considerable.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less than Significant Impact. The Project would not result in substantial adverse effects on human beings, either directly or indirectly. With implementation of Best Management Practices, requirements and regulations of federal and state laws and local regulations, and the adoption and implementation of recommended mitigation measures during construction and maintenance of the Project, all identified impacts would be less than significant.

3.23 Determination: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

9/28/2021

Date

Jason Ridenour/Community Development Director

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Chapter 4 Mitigation Monitoring and Reporting Program

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) for the Villa Street Reconstruction Project in the City of Porterville. The MMRP lists mitigation measures recommended in the IS/MND for the Project and identifies monitoring and reporting requirements.

Table 4-1 presents the mitigation measures identified for the proposed Project. Each mitigation measure is numbered with a symbol indicating the topical section to which it pertains, a hyphen, and the impact number. For example, AIR-2 would be the second mitigation measure identified in the Air Quality analysis of the IS/MND.

The first column of **Table 4-1** identifies the mitigation measure. The second column, entitled “When Monitoring is to Occur,” identifies the time the mitigation measure should be initiated. The third column, “Frequency of Monitoring,” identifies the frequency of the monitoring of the mitigation measure. The fourth column, “Agency Responsible for Monitoring,” names the party ultimately responsible for ensuring that the mitigation measure is implemented. The last columns will be used by the City to ensure that individual mitigation measures have been complied with and monitored.

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Table 4-1. Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program				
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Agency Responsible for Implementing Mitigation	Agency Responsible for Monitoring	Verification of Compliance (name/date)
Biological Resources				
BIO-1: WEAP Training				
Prior to initiating construction activities in the Porter Slough Phase of the Project (including staging and mobilization), all personnel associated with Project construction shall attend mandatory Worker Environmental Awareness Program (WEAP) training, conducted by a qualified biologist, to aid workers in identifying special status species that may occur in the Project area. The specifics of this program shall include identification of the sensitive species and suitable habitats, a description of the regulatory status and general ecological characteristics of these species, and review of the mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information, along with photographs or illustrations of sensitive species with potential to occur onsite, shall also be prepared for distribution to all contractors, their employees, and all other personnel involved with construction of the Project. All employees shall sign a form documenting that they have attended WEAP training and understand the information presented to them.	Prior to Construction	City of Porterville	City of Porterville	
BIO-2: Operational Hours				
Construction shall be conducted during daylight hours to reduce disturbance to wildlife that could be foraging nocturnally within work areas.	During Construction	City of Porterville	City of Porterville	
BIO-3: Avoidance				
The Project's construction activities shall occur, if feasible, between September 16 and January 31 (outside of nesting bird season) in an effort to avoid impacts to nesting birds.	September 16 and January 31	City of Porterville	City of Porterville	
BIO-4: Pre-Construction Nesting Bird Survey				
If activities must occur within nesting bird season (February 1 to September 15), a qualified biologist shall conduct pre-construction surveys for Swainson's hawk nests onsite and within a 0.5-mile radius. These surveys will be conducted in accordance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee, 2000) or current guidance. In addition to the focused Swainson's hawk survey, a qualified biologist shall conduct a pre-construction survey for all other nesting birds within 10 days prior to the start of construction. The survey shall include the proposed work area and surrounding lands within 50 feet. All raptor nests will be considered "active" upon the nest-building stage.	February 1 to September 15	City of Porterville	City of Porterville	

Chapter 4 Mitigation Monitoring and Reporting Program
Task Order No. 20 Villa Street Reconstruction Project

Mitigation Monitoring and Reporting Program				
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Agency Responsible for Implementing Mitigation	Agency Responsible for Monitoring	Verification of Compliance (name/date)
BIO-5 (Pre-Construction Bat Survey)				
If the Project proposes to remove or trim any trees, a pre-construction survey for bats will be conducted at dusk no more than 7 days before scheduled vegetation removal by a qualified biologist. A focused study in accordance with CDFW guidelines will be conducted should bats be detected in the trees marked for removal. If no bats are detected, no further actions are required.	No more than 7 days before scheduled vegetation removal	City of Porterville	City of Porterville	
BIO-6 (Pre-construction Survey)				
A qualified biologist shall conduct a pre-construction survey of Project areas within 30 days prior to vegetation clearing or ground disturbing activities. Goals of this survey include a search for potentially active for San Joaquin kit fox. Environmentally sensitive areas will be flagged for avoidance. If potentially active dens or suitable habitat for regionally occurring special status fossorial mammals are detected during the pre-construction surveys, avoidance measures for denning San Joaquin kit fox will be required and/or construction monitoring if avoidance is unattainable. Project-Related Impacts to Special Status Plant Species.	Within 30 days prior to vegetation clearing or ground disturbing activities	City of Porterville	City of Porterville	
Cultural Resources				
CUL-1: Archaeological Remains				
Should archaeological remains or artifacts be unearthed during any stage of Project activities, work in the area of discovery shall cease until the area is evaluated by a qualified archaeologist. If mitigation is warranted, the Project proponent shall abide by recommendations of the archaeologist.	During Construction	City of Porterville	City of Porterville	
CUL-2: Human Remains				
In the event that any human remains are discovered on the Project site, the Tulare County Coroner must be notified of the discovery (California Health and Safety Code, Section 7050.5) and all activities in the immediate area of the find or in any nearby area reasonably suspected to overlie adjacent human remains must cease until appropriate and lawful measures have been implemented. If the Coroner determines that the remains are not recent, but rather of Native American origin, the Coroner shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours to permit the NAHC to determine the Most Likely Descendent of the deceased Native American.	During Construction	City of Porterville	City of Porterville	
Tribal Cultural Resources				
TRC-1: See MM CUL-1 and CUL-2				
	During Construction	City of Porterville	City of Porterville	

Chapter 5 References

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Chapter 4 Mitigation Monitoring and Reporting Program

Task Order No. 20 Villa Street Reconstruction Project

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Appendix A

Road Construction Emission Model

Road Construction Emissions Model, Version 9.0.0

Daily Emission Estimates for -> Villa Street TO 20														
Project Phases (Pounds)	ROG (lbs/day)	CO (lbs/day)	NOx (lbs/day)	PM10 (lbs/day)	PM10 (lbs/day)	Fugitive Dust PM10 (lbs/day)	PM2.5 (lbs/day)	Exhaust PM2.5 (lbs/day)	Fugitive Dust PM2.5 (lbs/day)	SOx (lbs/day)	CO2 (lbs/day)	CH4 (lbs/day)	N2O (lbs/day)	CO2e (lbs/day)
Grubbing/Land Clearing	1.06	10.20	10.87	0.87	0.47	0.40	0.50	0.41	0.08	0.02	2,332.63	0.58	0.06	2,366.50
Grading/Excavation	8.29	66.76	88.91	4.06	3.66	0.40	3.38	3.29	0.08	0.16	15,756.28	4.70	0.21	15,937.58
Drainage/Utilities/Sub-Grade	5.78	48.30	60.35	2.90	2.50	0.40	2.38	2.29	0.08	0.11	10,565.30	2.73	0.13	10,671.02
Paving	1.06	13.34	10.24	0.55	0.55	0.00	0.48	0.48	0.00	0.02	2,338.48	0.57	0.07	2,372.26
Maximum (pounds/day)	8.29	66.76	88.91	4.06	3.66	0.40	3.38	3.29	0.08	0.16	15,756.28	4.70	0.21	15,937.58
Total (tons/construction project)	0.37	3.08	3.91	0.19	0.16	0.02	0.15	0.15	0.00	0.01	698.57	0.20	0.01	706.36
Notes: Project Start Year -> 2022														
Project Length (months) -> 6														
Total Project Area (acres) -> 8														
Maximum Area Disturbed/Day (acres) -> 0														
Water Truck Used? -> Yes														
Total Material Imported/Exported Volume (yd³/day)														
Daily VMT (miles/day)														
Phase	Soil	Asphalt	Soil Hauling	Asphalt Hauling	Worker Commute	Water Truck								
Grubbing/Land Clearing	6	0	30	0	280	40								
Grading/Excavation	21	0	60	0	1,160	40								
Drainage/Utilities/Sub-Grade	0	0	0	0	760	40								
Paving	0	2	0	30	360	40								
PM10 and PM2.5 estimates assume 50% control of fugitive dust from watering and associated dust control measures if a minimum number of water trucks are specified.														
Total PM10 emissions shown in column F are the sum of exhaust and fugitive dust emissions shown in columns G and H. Total PM2.5 emissions shown in Column I are the sum of exhaust and fugitive dust emissions shown in columns J and K.														
CO2e emissions are estimated by multiplying mass emissions for each GHG by its global warming potential (GWP), 1, 25 and 298 for CO2, CH4 and N2O, respectively. Total CO2e is then estimated by summing CO2e estimates over all GHGs.														
Total Emission Estimates by Phase for -> Villa Street TO 20														
Project Phases (Tons for all except CO2e. Metric tonnes for CO2e)	ROG (tons/phase)	CO (tons/phase)	NOx (tons/phase)	PM10 (tons/phase)	PM10 (tons/phase)	Fugitive Dust PM10 (tons/phase)	PM2.5 (tons/phase)	Exhaust PM2.5 (tons/phase)	Fugitive Dust PM2.5 (tons/phase)	SOx (tons/phase)	CO2 (tons/phase)	CH4 (tons/phase)	N2O (tons/phase)	CO2e (MT/phase)
Grubbing/Land Clearing	0.01	0.07	0.07	0.01	0.00	0.00	0.00	0.00	0.00	0.00	15.40	0.00	0.00	14.17
Grading/Excavation	0.22	1.76	2.35	0.11	0.10	0.01	0.09	0.09	0.00	0.00	415.97	0.12	0.01	381.70
Drainage/Utilities/Sub-Grade	0.13	1.12	1.39	0.07	0.06	0.01	0.05	0.05	0.00	0.00	244.06	0.06	0.00	223.62
Paving	0.01	0.13	0.10	0.01	0.01	0.00	0.00	0.00	0.00	0.00	23.15	0.01	0.00	21.31
Maximum (tons/phase)	0.22	1.76	2.35	0.11	0.10	0.01	0.09	0.09	0.00	0.00	415.97	0.12	0.01	381.70
Total (tons/construction project)	0.37	3.08	3.91	0.19	0.16	0.02	0.15	0.15	0.00	0.01	698.57	0.20	0.01	640.80
PM10 and PM2.5 estimates assume 50% control of fugitive dust from watering and associated dust control measures if a minimum number of water trucks are specified.														
Total PM10 emissions shown in column F are the sum of exhaust and fugitive dust emissions shown in columns G and H. Total PM2.5 emissions shown in Column I are the sum of exhaust and fugitive dust emissions shown in columns J and K.														
CO2e emissions are estimated by multiplying mass emissions for each GHG by its global warming potential (GWP), 1, 25 and 298 for CO2, CH4 and N2O, respectively. Total CO2e is then estimated by summing CO2e estimates over all GHGs.														
The CO2e emissions are reported as metric tons per phase.														

Road Construction Emissions Model		Version 9.0.0	
Data Entry Worksheet			
Note: Required data input sections have a yellow background. Optional data input sections have a blue background. Only areas with a yellow or blue background can be modified. Program defaults have a white background. The user is required to enter information in cells D10 through D24, E28 through G35, and D38 through D41 for all project types. Please use "Clear Data Input & User Overrides" button first before changing the Project Type or begin a new project.			
Input Type Project Name: Villa Street TO 20 Construction Start Year: 2022 Project Type: 3 Project Construction Time: 6.00 months Working Days per Month: 22.00 days (assume 22 if unknown) Predominant Soil/Site Type: Enter 1, 2, or 3 (for project within "Sacramento County", follow soil type selection instructions in cells E16 to E20 otherwise see instructions provided in cells J18 to J22): 1 Project Length: 1.00 mile Total Project Area: 7.50 acres Maximum Area Disturbed/Day: 0.04 acres Water Trucks Used?: 1			
1) New Road Construction : Project to build a roadway from bare ground, which generally requires more site preparation than widening an existing roadway 2) Road Widening : Project to add a new lane to an existing roadway 3) Bridge/Overpass Construction : Project to build an elevated roadway, which generally requires some different equipment than a new roadway, such as a crane 4) Other Linear Project Type: Non-roadway project such as a pipeline, transmission line, or levee construction			
1) Sand Gravel : Use for quaternary deposits (Delta/West County) 2) Weathered Rock-Earth : Use for Laguna formation (Jackson Highway area) or the lone formation (Scott Road, Rancho Murieta) 3) Blasted Rock : Use for Salt Springs Slate or Copper Hill Volcanics (Folsom South of Highway 50, Rancho Murieta) 1. Yes 2. No			
Please note that the soil type instructions provided in cells E18 to E20 are specific to Sacramento County. Maps available from the California Geologic Survey (see weblink below) can be used to determine soil type outside Sacramento County. http://www.conservation.ca.gov/cgs/information/geologic_mapping/Pages/googlemaps.aspx#regionalseries			
Material Hauling Quantity Input			
Material Type	Phase	Haul Truck Capacity (yd ³) (assume 20 if unknown)	Import Volume (yd ³ /day)
Soil	Grubbing/Land Clearing	20.00	5.50
	Grading/Excavation	20.00	20.83
	Drainage/Utilities/Sub-Grade	20.00	
	Paving	20.00	
Asphalt	Grubbing/Land Clearing	20.00	
	Grading/Excavation	20.00	
	Drainage/Utilities/Sub-Grade	20.00	
	Paving	20.00	2.22
Mitigation Options			
On-road Fleet Emissions Mitigation	2010 and Newer On-road Vehicles Fleet		
Off-road Equipment Emissions Mitigation	No Mitigation		
Select "2010 and Newer On-road Vehicles Fleet" option when the on-road heavy-duty truck fleet for the project will be limited to vehicles of model year 2010 or newer Select "20% NOx and 45% Exhaust PM reduction" option if the project will be required to use a lower emitting off-road construction fleet. The SMAQMD Construction Mitigation Calculator can be used to confirm compliance with this mitigation measure (http://www.airquality.org/Businesses/CEQA-Land-Use-Planning/Mitigation). Select "Tier 4 Equipment" option if some or all off-road equipment used for the project meets CARB Tier 4 Standard			

The remaining sections of this sheet contain areas that can be modified by the user, although those modifications are optional.

Note: The program's estimates of construction period phase length can be overridden in cells D50 through D53, and F50 through F53.

Construction Periods	User Override of Construction Months	Program Calculated Months	User Override of Phase Starting Date	Program Default Phase Starting Date
Grubbing/Land Clearing		0.60		1/1/2022
Grading/Excavation		2.40		1/20/2022
Drainage/Utilities/Sub-Grade		2.10		4/3/2022
Paving		0.90		6/6/2022
Totals (Months)		6		

Note: Soil Hauling emission default values can be overridden in cells D61 through D64, and F61 through F64.

Soil Hauling Emissions		User Override of Miles/Round Trip	Program Estimate of Miles/Round Trip	User Override of Truck Round Trips/Day	Default Values Round Trips/Day	Calculated Daily VMT				
User Input										
Miles/round trip: Grubbing/Land Clearing		30.00		1		30.00				
Miles/round trip: Grading/Excavation		30.00		2		60.00				
Miles/round trip: Drainage/Utilities/Sub-Grade		30.00		0		0.00				
Miles/round trip: Paving		30.00		0		0.00				
2010+ Model Year Mitigation Option Emission Rates	ROG	CO	NOx	PM10	PM2.5	SOx	CO2	CH4	N2O	CO2e
Grubbing/Land Clearing (grams/mile)	0.04	0.42	3.08	0.11	0.05	0.02	1,748.57	0.00	0.27	1,830.52
Grading/Excavation (grams/mile)	0.04	0.42	3.08	0.11	0.05	0.02	1,748.57	0.00	0.27	1,830.52
Drainage/Utilities/Sub-Grade (grams/mile)	0.04	0.42	3.08	0.11	0.05	0.02	1,748.57	0.00	0.27	1,830.52
Paving (grams/mile)	0.04	0.42	3.08	0.11	0.05	0.02	1,748.57	0.00	0.27	1,830.52
Grubbing/Land Clearing (grams/trip)	0.00	0.00	3.99	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Grading/Excavation (grams/trip)	0.00	0.00	3.99	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Drainage/Utilities/Sub-Grade (grams/trip)	0.00	0.00	3.99	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Paving (grams/trip)	0.00	0.00	3.99	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling Emissions	ROG	CO	NOx	PM10	PM2.5	SOx	CO2	CH4	N2O	CO2e
Pounds per day - Grubbing/Land Clearing	0.00	0.03	0.21	0.01	0.00	0.00	115.65	0.00	0.02	121.07
Tons per const. Period - Grubbing/Land Clearing	0.00	0.00	0.00	0.00	0.00	0.00	0.76	0.00	0.00	0.80
Pounds per day - Grading/Excavation	0.01	0.06	0.42	0.01	0.01	0.00	231.30	0.00	0.04	242.14
Tons per const. Period - Grading/Excavation	0.00	0.00	0.01	0.00	0.00	0.00	6.11	0.00	0.00	6.39
Pounds per day - Drainage/Utilities/Sub-Grade	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Tons per const. Period - Drainage/Utilities/Sub-Grade	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Pounds per day - Paving	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Tons per const. Period - Paving	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total tons per construction project	0.00	0.00	0.01	0.00	0.00	0.00	6.87	0.00	0.00	7.19

Note: Asphalt Hauling emission default values can be overridden in cells D91 through D94, and F91 through F94.

Asphalt Hauling Emissions		User Override of Miles/Round Trip	Program Estimate of Miles/Round Trip	User Override of Truck Round Trips/Day	Default Values Round Trips/Day	Calculated Daily VMT				
User Input										
Miles/round trip: Grubbing/Land Clearing		30.00			0	0.00				
Miles/round trip: Grading/Excavation		30.00			0	0.00				
Miles/round trip: Drainage/Utilities/Sub-Grade		30.00			0	0.00				
Miles/round trip: Paving		30.00			1	30.00				
2010+ Model Year Mitigation Option Emission Rates	ROG	CO	NOx	PM10	PM2.5	SOx	CO2	CH4	N2O	CO2e
Grubbing/Land Clearing (grams/mile)	0.04	0.42	3.08	0.11	0.05	0.02	1,748.57	0.00	0.27	1,830.52
Grading/Excavation (grams/mile)	0.04	0.42	3.08	0.11	0.05	0.02	1,748.57	0.00	0.27	1,830.52
Drainage/Utilities/Sub-Grade (grams/mile)	0.04	0.42	3.08	0.11	0.05	0.02	1,748.57	0.00	0.27	1,830.52
Paving (grams/mile)	0.04	0.42	3.08	0.11	0.05	0.02	1,748.57	0.00	0.27	1,830.52
Grubbing/Land Clearing (grams/trip)	0.00	0.00	3.99	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Grading/Excavation (grams/trip)	0.00	0.00	3.99	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Drainage/Utilities/Sub-Grade (grams/trip)	0.00	0.00	3.99	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Paving (grams/trip)	0.00	0.00	3.99	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Emissions	ROG	CO	NOx	PM10	PM2.5	SOx	CO2	CH4	N2O	CO2e
Pounds per day - Grubbing/Land Clearing	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Tons per const. Period - Grubbing/Land Clearing	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Pounds per day - Grading/Excavation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Tons per const. Period - Grading/Excavation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Pounds per day - Drainage/Utilities/Sub-Grade	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Tons per const. Period - Drainage/Utilities/Sub-Grade	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Pounds per day - Paving	0.00	0.03	0.21	0.01	0.00	0.00	115.65	0.00	0.02	121.07
Tons per const. Period - Paving	0.00	0.00	0.00	0.00	0.00	0.00	1.14	0.00	0.00	1.20
Total tons per construction project	0.00	0.00	0.00	0.00	0.00	0.00	1.14	0.00	0.00	1.20

Note: Worker commute default values can be overridden in cells D121 through D126.

Worker Commute Emissions										
User Input		User Override of Worker Commute Default Values		Default Values						
Miles/ one-way trip			20		Calculated		Calculated			
One-way trips/day			2		Daily Trips		Daily VMT			
No. of employees: Grubbing/Land Clearing			7		14		280.00			
No. of employees: Grading/Excavation			29		58		1,160.00			
No. of employees: Drainage/Utilities/Sub-Grade			19		38		760.00			
No. of employees: Paving			9		18		360.00			
Emission Rates										
	ROG		CO		NOx		PM10		PM2.5	SOx
Grubbing/Land Clearing (grams/mile)	0.02		1.00		0.08		0.05		0.02	0.00
Grading/Excavation (grams/mile)	0.02		1.00		0.08		0.05		0.02	0.00
Drainage/Utilities/Sub-Grade (grams/mile)	0.02		1.00		0.08		0.05		0.02	0.00
Paving (grams/mile)	0.02		1.00		0.08		0.05		0.02	0.00
Grubbing/Land Clearing (grams/trip)	1.11		2.85		0.32		0.00		0.00	0.00
Grading/Excavation (grams/trip)	1.11		2.85		0.32		0.00		0.00	0.00
Drainage/Utilities/Sub-Grade (grams/trip)	1.11		2.85		0.32		0.00		0.00	0.00
Paving (grams/trip)	1.11		2.85		0.32		0.00		0.00	0.00
Emissions										
	ROG		CO		NOx		PM10		PM2.5	SOx
Pounds per day - Grubbing/Land Clearing	0.05		0.71		0.06		0.03		0.01	0.00
Tons per const. Period - Grubbing/Land Clearing	0.00		0.00		0.00		0.00		0.00	0.00
Pounds per day - Grading/Excavation	0.19		2.92		0.25		0.12		0.05	0.01
Tons per const. Period - Grading/Excavation	0.00		0.08		0.01		0.00		0.00	0.00
Pounds per day - Drainage/Utilities/Sub-Grade	0.12		1.91		0.17		0.08		0.03	0.01
Tons per const. Period - Drainage/Utilities/Sub-Grade	0.00		0.04		0.00		0.00		0.00	0.00
Pounds per day - Paving	0.06		0.91		0.08		0.04		0.02	0.00
Tons per const. Period - Paving	0.00		0.01		0.00		0.00		0.00	0.00
Total tons per construction project	0.01		0.13		0.01		0.01		0.00	0.00

Note: Water Truck default values can be overridden in cells D153 through D156, I153 through I156, and F153 through F156.

Water Truck Emissions										
User Input	User Override of Default # Water Trucks	Program Estimate of Number of Water Trucks	User Override of Truck Round Trips/Vehicle/Day	Default Values Round Trips/Vehicle/Day	Calculated Trips/day	User Override of Miles/Round Trip	Default Values Miles/Round Trip	Calculated Daily VMT		
Grubbing/Land Clearing - Exhaust		1		5	5		8.00	40.00		
Grading/Excavation - Exhaust		1		5	5		8.00	40.00		
Drainage/Utilities/Subgrade		1		5	5		8.00	40.00		
Paving		1		5	5		8.00	40.00		
2010+ Model Year Mitigation Option Emission Rates	ROG	CO	NOx	PM10	PM2.5	SOx	CO2	CH4	N2O	CO2e
Grubbing/Land Clearing (grams/mile)	0.04	0.42	3.08	0.11	0.05	0.02	1,748.57	0.00	0.27	1,830.52
Grading/Excavation (grams/mile)	0.04	0.42	3.08	0.11	0.05	0.02	1,748.57	0.00	0.27	1,830.52
Drainage/Utilities/Sub-Grade (grams/mile)	0.04	0.42	3.08	0.11	0.05	0.02	1,748.57	0.00	0.27	1,830.52
Paving (grams/mile)	0.04	0.42	3.08	0.11	0.05	0.02	1,748.57	0.00	0.27	1,830.52
Grubbing/Land Clearing (grams/trip)	0.00	0.00	3.99	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Grading/Excavation (grams/trip)	0.00	0.00	3.99	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Drainage/Utilities/Sub-Grade (grams/trip)	0.00	0.00	3.99	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Paving (grams/trip)	0.00	0.00	3.99	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Emissions	ROG	CO	NOx	PM10	PM2.5	SOx	CO2	CH4	N2O	CO2e
Pounds per day - Grubbing/Land Clearing	0.00	0.04	0.32	0.01	0.00	0.00	154.20	0.00	0.02	161.42
Tons per const. Period - Grubbing/Land Clearing	0.00	0.00	0.00	0.00	0.00	0.00	1.02	0.00	0.00	1.07
Pounds per day - Grading/Excavation	0.00	0.04	0.32	0.01	0.00	0.00	154.20	0.00	0.02	161.42
Tons per const. Period - Grading/Excavation	0.00	0.00	0.01	0.00	0.00	0.00	4.07	0.00	0.00	4.26
Pounds per day - Drainage/Utilities/Sub-Grade	0.00	0.04	0.32	0.01	0.00	0.00	154.20	0.00	0.02	161.42
Tons per const. Period - Drainage/Utilities/Sub-Grade	0.00	0.00	0.01	0.00	0.00	0.00	3.56	0.00	0.00	3.73
Pounds per day - Paving	0.00	0.04	0.32	0.01	0.00	0.00	154.20	0.00	0.02	161.42
Tons per const. Period - Paving	0.00	0.00	0.00	0.00	0.00	0.00	1.53	0.00	0.00	1.60
Total tons per construction project	0.00	0.00	0.02	0.00	0.00	0.00	10.18	0.00	0.00	10.65

Note: Fugitive dust default values can be overridden in cells D183 through D185.

Fugitive Dust		User Override of Max Acreage Disturbed/Day		Default Maximum Acreage/Day		PM10 pounds/day		PM10 tons/per period		PM2.5 pounds/day		PM2.5 tons/per period	
Fugitive Dust - Grubbing/Land Clearing				0.04		0.40		0.00		0.08		0.00	
Fugitive Dust - Grading/Excavation				0.04		0.40		0.01		0.08		0.00	
Fugitive Dust - Drainage/Utilities/Subgrade				0.04		0.40		0.01		0.08		0.00	

Data Entry Worksheet 4

Grading/Excavation	Default		Mitigation Option		Default	ROG	CO	NOx	PM10	PM2.5	SOx	CO2	CH4	
	Number of Vehicles	Override of												
Override of Default Number of Vehicles		Program-estimate	Default Equipment Tier (applicable only when "Tier 4 Mitigation" Option Selected)		Equipment Tier	Type	pounds/day	pounds/day	pounds/day	pounds/day	pounds/day	pounds/day	pounds/day	
					Model Default Tier	Aerial Lifts	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Air Compressors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Bore/Drill Rigs	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Cement and Mortar Mixers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Concrete/Industrial Saws	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
	1				Model Default Tier	Cranes	0.37	1.89	4.18	0.17	0.16	0.01	558.83	
	2				Model Default Tier	Crawler Tractors	0.98	4.63	12.02	0.45	0.42	0.02	1,518.07	
					Model Default Tier	Crushing/Proc. Equipment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
	4				Model Default Tier	Excavators	0.81	13.02	7.11	0.34	0.32	0.02	2,000.06	
					Model Default Tier	Forklifts	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Generator Sets	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
	2				Model Default Tier	Graders	0.83	3.44	10.52	0.33	0.31	0.01	1,282.56	
					Model Default Tier	Off-Highway Tractors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Off-Highway Trucks	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Other Construction Equipment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Other General Industrial Equipm	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Other Material Handling Equipm	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Pavers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Paving Equipment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Plate Compactors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Pressure Washers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Pumps	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
	3				Model Default Tier	Rollers	0.50	5.58	5.18	0.30	0.27	0.01	762.31	
					Model Default Tier	Rough Terrain Forklifts	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Rubber Tired Dozers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
	3				Model Default Tier	Rubber Tired Loaders	0.87	4.59	9.07	0.30	0.28	0.02	1,816.99	
	4				Model Default Tier	Scrapers	3.28	25.50	35.77	1.40	1.29	0.06	5,881.18	
	2				Model Default Tier	Signal Boards	0.11	0.60	0.72	0.03	0.03	0.00	98.63	
					Model Default Tier	Skid Steer Loaders	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Surfacing Equipment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Sweepers/Scrubbers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
	2				Model Default Tier	Tractors/Loaders/Backhoes	0.33	4.48	3.35	0.18	0.17	0.01	602.48	
					Model Default Tier	Trenchers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Welders	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
User-Defined Off-road Equipment														
Number of Vehicles		If non-default vehicles are used, please provide information in "Non-default Off-road Equipment" tab				Type	ROG pounds/day	CO pounds/day	NOx pounds/day	PM10 pounds/day	PM2.5 pounds/day	SOx pounds/day	CO2 pounds/day	CH4 pounds/day
0.00				Equipment Tier	N/A	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00					N/A	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00					N/A	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00					N/A	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00					N/A	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00					N/A	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00					N/A	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		Grading/Excavation				pounds per day	8.09	63.74	87.92	3.51	3.23	0.15	14,521.11	4.68
		Grading/Excavation				tons per phase	0.21	1.68	2.32	0.09	0.09	0.00	383.36	0.12

Drainage/Utilities/Subgrade	Default		Mitigation Option		Default	ROG	CO	NOx	PM10	PM2.5	SOx	CO2	CH4	
	Number of Vehicles		Override of											
Override of Default Number of Vehicles		Program-estimate	Default Equipment Tier (applicable only when "Tier 4 Mitigation" Option Selected)		Equipment Tier	pounds/day	pounds/day	pounds/day	pounds/day	pounds/day	pounds/day	pounds/day	pounds/day	
		1			Model Default Tier	Aerial Lifts	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Air Compressors	2.42	1.88	0.11	0.11	0.00	375.26	0.02	
					Model Default Tier	Bore/Drill Rigs	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Cement and Mortar Mixers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Concrete/Industrial Saws	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Cranes	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Crawler Tractors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Crushing/Proc. Equipment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Excavators	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Forklifts	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
		1			Model Default Tier	Generator Sets	0.33	3.68	2.93	0.15	0.15	0.01	623.04	0.03
		2			Model Default Tier	Graders	0.83	3.44	0.52	0.31	0.01	1,262.56	0.41	
					Model Default Tier	Off-Highway Tractors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Off-Highway Trucks	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Other Construction Equipment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Other General Industrial Equipm	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Other Material Handling Equipm	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Pavers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
					Model Default Tier	Paving Equipment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
		1			Model Default Tier	Plate Compactors	0.04	0.21	0.25	0.01	0.01	0.00	34.48	0.00
					Model Default Tier	Pressure Washers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		1			Model Default Tier	Pumps	0.35	3.73	2.97	0.16	0.16	0.01	623.04	0.03
					Model Default Tier	Rollers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		1			Model Default Tier	Rough Terrain Forklifts	0.11	2.29	1.48	0.05	0.05	0.00	333.75	0.11
					Model Default Tier	Rubber Tired Dozers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
					Model Default Tier	Rubber Tired Loaders	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		4			Model Default Tier	Scrapers	3.28	25.50	35.77	1.40	1.29	0.06	5,881.18	1.90
		2			Model Default Tier	Signal Boards	0.11	0.60	0.72	0.03	0.03	0.00	98.63	0.01
					Model Default Tier	Skid Steer Loaders	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
					Model Default Tier	Surfacing Equipment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
					Model Default Tier	Sweeps/Scrubbers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		2			Model Default Tier	Tractors/Loaders/Backhoes	0.33	4.48	3.35	0.18	0.17	0.01	602.48	0.19
					Model Default Tier	Trenchers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
					Model Default Tier	Welders	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
User-Defined Off-road Equipment														
Number of Vehicles		If non-default vehicles are used, please provide information in "Non-default Off-road Equipment" tab				Type	ROG pounds/day	CO pounds/day	NOx pounds/day	PM10 pounds/day	PM2.5 pounds/day	SOx pounds/day	CO2 pounds/day	CH4 pounds/day
0.00					N/A	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00					N/A	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00					N/A	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00					N/A	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00					N/A	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00					N/A	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00					N/A	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		Drainage/Utilities/Sub-Grade				pounds per day	5.66	46.35	59.87	2.41	2.26	0.10	9,854.41	2.72
		Drainage/Utilities/Sub-Grade				tons per phase	0.13	1.07	1.38	0.06	0.05	0.00	227.64	0.06

Paving	Default		Mitigation Option		Default	ROG	CO	NOx	PM10	PM2.5	SOx	CO2	CH4
	Number of Vehicles	Override of	Equipment Tier	Type									
	Override of Default Number of Vehicles	Program-estimate	Default Equipment Tier (applicable only when "Tier 4 Mitigation" Option Selected)	Equipment Tier									
				Model Default Tier	Aerial Lifts	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Model Default Tier	Air Compressors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Model Default Tier	Bore/Drill Rigs	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Model Default Tier	Cement and Mortar Mixers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Model Default Tier	Concrete/Industrial Saws	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Model Default Tier	Cranes	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Model Default Tier	Crawler Tractors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Model Default Tier	Crushing/Proc. Equipment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Model Default Tier	Excavators	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Model Default Tier	Forklifts	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Model Default Tier	Generator Sets	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Model Default Tier	Graders	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Model Default Tier	Off-Highway Tractors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Model Default Tier	Off-Highway Trucks	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Model Default Tier	Other Construction Equipment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Model Default Tier	Other General Industrial Equipm	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Model Default Tier	Other Material Handling Equipm	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		1		Model Default Tier	Pavers	0.21	2.88	2.10	0.10	0.09	0.00	455.26	0.15
		1		Model Default Tier	Paving Equipment	0.18	2.55	1.74	0.08	0.08	0.00	394.47	0.13
				Model Default Tier	Plate Compactors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Model Default Tier	Pressure Washers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Model Default Tier	Pumps	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		1		Model Default Tier	Rollers	0.17	1.86	1.73	0.10	0.09	0.00	254.10	0.08
				Model Default Tier	Rough Terrain Forklifts	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Model Default Tier	Rubber Tired Dozers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Model Default Tier	Rubber Tired Loaders	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Model Default Tier	Scrapers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		2		Model Default Tier	Signal Boards	0.11	0.60	0.72	0.03	0.03	0.00	98.63	0.01
				Model Default Tier	Skid Steer Loaders	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Model Default Tier	Surfacing Equipment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Model Default Tier	Sweepers/Scrubbers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		2		Model Default Tier	Tractors/Loaders/Backhoes	0.33	4.48	3.35	0.18	0.17	0.01	602.48	0.19
				Model Default Tier	Trenchers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Model Default Tier	Welders	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
User-Defined Off-road Equipment						ROG	CO	NOx	PM10	PM2.5	SOx	CO2	CH4
If non-default vehicles are used, please provide information in "Non-default Off-road Equipment" tab						pounds/day	pounds/day	pounds/day	pounds/day	pounds/day	pounds/day	pounds/day	pounds/day
Number of Vehicles		Equipment Tier		Type									
0.00		N/A				0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00		N/A				0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00		N/A				0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00		N/A				0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00		N/A				0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00		N/A				0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00		N/A				0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00		N/A				0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Paving				pounds per day		1.00	12.37	9.63	0.49	0.46	0.02	1,804.94	0.56
Paving				tons per phase		0.01	0.12	0.10	0.00	0.00	0.00	17.87	0.01
Total Emissions all Phases (tons per construction period) ==>						0.36	2.94	3.87	0.16	0.14	0.01	641.12	0.20

N ₂ O		CO ₂ e
pounds/day		pounds/day
0.00		0.00
0.00		0.00
0.00		0.00
0.00		0.00
0.00		0.00
0.01		767.22
0.00		0.00
0.01		1,010.81
0.00		0.00
0.00		0.00
0.00		0.00
0.00		0.00
0.00		0.00
0.00		0.00
0.00		0.00
0.00		0.00
0.00		0.00
0.00		0.00
0.00		0.00
0.00		0.00
0.00		99.13
0.00		0.00
0.00		0.00
0.00		0.00
0.00		0.00
0.00		0.00
0.00		0.00
0.00		0.00
0.00		0.00
0.00		0.00
0.02		1,877.16
0.00		12.39

N2O	CO2e
pounds/day	pounds/day
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.01	564.85
0.01	1,534.44
0.00	0.00
0.02	2,021.63
0.00	0.00
0.00	0.00
0.01	1,296.37
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.01	770.53
0.00	0.00
0.00	0.00
0.02	1,836.61
0.05	5,944.58
0.00	99.13
0.00	0.00
0.00	0.00
0.00	0.00
0.01	608.96
0.00	0.00
0.00	0.00
N2O	CO2e
pounds/day	pounds/day
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.13	14,677.10
0.00	387.48

N2O	CO2e
pounds/day	pounds/day
0.00	0.00
0.00	376.72
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	625.17
0.01	1,296.37
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	34.65
0.00	0.00
0.00	625.23
0.00	0.00
0.00	337.35
0.00	0.00
0.00	0.00
0.05	5,944.58
0.00	99.13
0.00	0.00
0.00	0.00
0.00	0.00
0.01	608.96
0.00	0.00
0.00	0.00
N2O	CO2e
pounds/day	pounds/day
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.09	9,948.16
0.00	229.80

N2O	CO2e
pounds/day	pounds/day
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	460.17
0.00	398.73
0.00	0.00
0.00	0.00
0.00	0.00
0.00	256.84
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	99.13
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.01	608.96
0.00	0.00
0.00	0.00
N2O	CO2e
pounds/day	pounds/day
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.02	1,823.82
0.00	18.06
0.01	647.72

Equipment default values for horsepower and hours/day can be overridden in cells D403 through D436 and F403 through F436.

Equipment	User Override of Horsepower	Default Values Horsepower	User Override of Hours/day	Default Values Hours/day
Aerial Lifts		63		8
Air Compressors		78		8
Bore/Drill Rigs		221		8
Cement and Mortar Mixers		9		8
Concrete/Industrial Saws		81		8
Cranes		231		8
Crawler Tractors		212		8
Crushing/Proc. Equipment		85		8
Excavators		158		8
Forklifts		89		8
Generator Sets		84		8
Graders		187		8
Off-Highway Tractors		124		8
Off-Highway Trucks		402		8
Other Construction Equipment		172		8
Other General Industrial Equipment		88		8
Other Material Handling Equipment		168		8
Pavers		130		8
Paving Equipment		132		8
Plate Compactors		8		8
Pressure Washers		13		8
Pumps		84		8
Rollers		80		8
Rough Terrain Forklifts		100		8
Rubber Tired Dozers		247		8
Rubber Tired Loaders		203		8
Scrapers		367		8
Signal Boards		6		8
Skid Steer Loaders		65		8
Surfacing Equipment		263		8
Sweepers/Scrubbers		64		8
Tractors/Loaders/Backhoes		97		8
Trenchers		78		8
Welders		46		8

END OF DATA ENTRY SHEET

Appendix B

Biological Resources Information

City of Porterville

Task Order No. 20

Villa Street Reconstruction Project

Biological Resources Information

California Natural Diversity Database (CNDDDB) Report – Nine Quad Element Search

- A thorough search of the CNDDDB for published accounts of special status plant and animal species was conducted for the Porterville 7.5-minute quadrangles that contains the Project site in its entirety, and for the eight surrounding quadrangles: Frazier Valley, Lindsay, Cairns Corner, Success Dam, Sausalito School, Ducor, Woodville, and Fountain Springs.
- Report ran on May 3, 2021.
 - 22 special status animal species have been documented in the Area of Potential Effect (APE).
 - With mitigation measures outlined in Chapter 3 and Chapter 4, potential impacts to the pallid bat, San Joaquin kit fox, and Swainson's hawk would be reduced to less than significant.
 - 20 special status plant species have been documented in the Project.
 - Mitigation is not warranted for special status plants due to ongoing disturbance and/or absence of suitable habitat.

IPaC System - Explore Locations Resources

- Report ran on June 22, 2021.
- There are no critical habitats in the Project APE.

Natural Resource Conservation Services - Custom Soil Resource Report

- Report ran May 4, 2021.
 - Soils in the Project APE include Exeter loam, San Emigdio loam and Tujunga sand.

California Natural Diversity Database Report – 9 Quad Element Search



Selected Elements by Common Name

California Department of Fish and Wildlife

California Natural Diversity Database



Query Criteria: Quad> IS >Porterville (3611911)> OR >Success Dam (3611818)> OR >Fountain Springs (3511888)> OR >Ducor (3511981)> OR >Sausalito School (3511982)> OR >Woodville (3611912)> OR >Cairns Corner (3611922)> OR >Lindsay (3611921)> OR >Frazier Valley (3611828))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
alkali-sink goldfields <i>Lasthenia chrysantha</i>	PDAST5L030	None	None	G2	S2	1B.1
American badger <i>Taxidea taxus</i>	AMAJF04010	None	None	G5	S3	SSC
blunt-nosed leopard lizard <i>Gambelia sila</i>	ARACF07010	Endangered	Endangered	G1	S1	FP
brittlescale <i>Atriplex depressa</i>	PDCHE042L0	None	None	G2	S2	1B.2
calico monkeyflower <i>Diplacus pictus</i>	PDSCR1B240	None	None	G2	S2	1B.2
California alkali grass <i>Puccinellia simplex</i>	PMPOA53110	None	None	G3	S2	1B.2
California condor <i>Gymnogyps californianus</i>	ABNKA03010	Endangered	Endangered	G1	S1	FP
California jewelflower <i>Caulanthus californicus</i>	PDBRA31010	Endangered	Endangered	G1	S1	1B.1
chaparral ragwort <i>Senecio aphanactis</i>	PDAST8H060	None	None	G3	S2	2B.2
Crotch bumble bee <i>Bombus crotchii</i>	IIHYM24480	None	Candidate Endangered	G3G4	S1S2	
Earlimart orache <i>Atriplex cordulata</i> var. <i>erecticaulis</i>	PDCHE042V0	None	None	G3T1	S1	1B.2
hoary bat <i>Lasiurus cinereus</i>	AMACC05030	None	None	G3G4	S4	
Hopping's blister beetle <i>Lytta hoppingi</i>	IICOL4C010	None	None	G1G2	S1S2	
Keck's checkerbloom <i>Sidalcea keckii</i>	PDMAL110D0	Endangered	None	G2	S2	1B.1
lesser saltscale <i>Atriplex minuscula</i>	PDCHE042M0	None	None	G2	S2	1B.1
Lost Hills crownscale <i>Atriplex coronata</i> var. <i>vallicola</i>	PDCHE04371	None	None	G4T3	S3	1B.2
Madera leptosiphon <i>Leptosiphon serrulatus</i>	PDPLM09130	None	None	G3	S3	1B.2
molestan blister beetle <i>Lytta molesta</i>	IICOL4C030	None	None	G2	S2	



Selected Elements by Common Name

California Department of Fish and Wildlife

California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Morrison's blister beetle <i>Lytta morrisoni</i>	IICOL4C040	None	None	G1G2	S1S2	
Northern California legless lizard <i>Anniella pulchra</i>	ARACC01020	None	None	G3	S3	SSC
Northern Claypan Vernal Pool <i>Northern Claypan Vernal Pool</i>	CTT44120CA	None	None	G1	S1.1	
pallid bat <i>Antrozous pallidus</i>	AMACC10010	None	None	G4	S3	SSC
recurved larkspur <i>Delphinium recurvatum</i>	PDRAN0B1J0	None	None	G2?	S2?	1B.2
San Joaquin adobe sunburst <i>Pseudobahia peirsonii</i>	PDAST7P030	Threatened	Endangered	G1	S1	1B.1
San Joaquin kit fox <i>Vulpes macrotis mutica</i>	AMAJA03041	Endangered	Threatened	G4T2	S2	
San Joaquin pocket mouse <i>Perognathus inornatus</i>	AMAFD01060	None	None	G2G3	S2S3	
San Joaquin woollythreads <i>Monolopia congdonii</i>	PDASTA8010	Endangered	None	G2	S2	1B.2
shining navarretia <i>Navarretia nigelliformis ssp. radians</i>	PDPLM0C0J2	None	None	G4T2	S2	1B.2
spiny-sepaled button-celery <i>Eryngium spinosepalum</i>	PDAP10Z0Y0	None	None	G2	S2	1B.2
Springville clarkia <i>Clarkia springvillensis</i>	PDONA05120	Threatened	Endangered	G2	S2	1B.2
striped adobe-lily <i>Fritillaria striata</i>	PML10V0K0	None	Threatened	G1	S1	1B.1
subtle orache <i>Atriplex subtilis</i>	PDCHE042T0	None	None	G1	S1	1B.2
Swainson's hawk <i>Buteo swainsoni</i>	ABNKC19070	None	Threatened	G5	S3	
Sycamore Alluvial Woodland <i>Sycamore Alluvial Woodland</i>	CTT62100CA	None	None	G1	S1.1	
Tipton kangaroo rat <i>Dipodomys nitratoideus nitratoideus</i>	AMAFD03152	Endangered	Endangered	G3T1T2	S1S2	
Townsend's big-eared bat <i>Corynorhinus townsendii</i>	AMACC08010	None	None	G4	S2	SSC
tricolored blackbird <i>Agelaius tricolor</i>	ABPBXB0020	None	Threatened	G1G2	S1S2	SSC
valley elderberry longhorn beetle <i>Desmocerus californicus dimorphus</i>	IICOL48011	Threatened	None	G3T2	S3	
vernal pool fairy shrimp <i>Branchinecta lynchi</i>	ICBRA03030	Threatened	None	G3	S3	



Selected Elements by Common Name
California Department of Fish and Wildlife
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
vernal pool smallscale <i>Atriplex persistens</i>	PDCHE042P0	None	None	G2	S2	1B.2
western mastiff bat <i>Eumops perotis californicus</i>	AMACD02011	None	None	G4G5T4	S3S4	SSC
western spadefoot <i>Spea hammondi</i>	AAABF02020	None	None	G2G3	S3	SSC

Record Count: 42

IPaC System - Explore Locations Resources

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

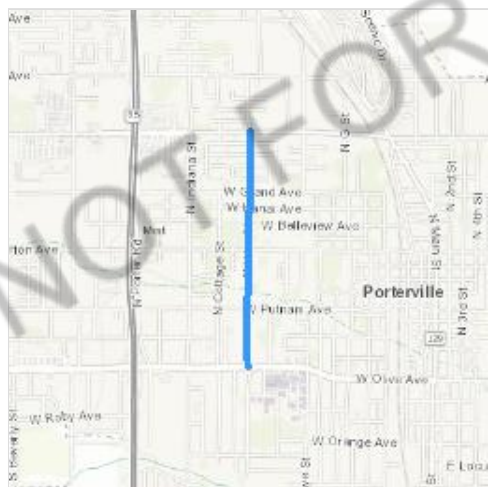
Project information

NAME

City of Porterville TO20 Villa Street Reconstruction Project

LOCATION

Tulare County, California



DESCRIPTION

None

Local office

Sacramento Fish And Wildlife Office

☎ (916) 414-6600

📠 (916) 414-6713

Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846

NOT FOR CONSULTATION

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Log in to IPaC.
2. Go to your My Projects list.
3. Click PROJECT HOME for this project.
4. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME

STATUS

San Joaquin Kit Fox *Vulpes macrotis mutica*

Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/2873>Tipton Kangaroo Rat *Dipodomys nitratoide nitratoide*

Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/7247>

Reptiles

NAME

STATUS

Blunt-nosed Leopard Lizard *Gambelia silus*

Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/625>Giant Garter Snake *Thamnophis gigas*

Threatened

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/4482>

Amphibians

NAME

STATUS

California Red-legged Frog *Rana draytonii*

Threatened

Wherever found

There is **final** critical habitat for this species. The location of the critical habitat is not available.<https://ecos.fws.gov/ecp/species/2891>

Fishes

NAME

STATUS

Delta Smelt *Hypomesus transpacificus*

Threatened

Wherever found

There is **final** critical habitat for this species. The location of the critical habitat is not available.<https://ecos.fws.gov/ecp/species/321>

Crustaceans

NAME

STATUS

Vernal Pool Fairy Shrimp *Branchinecta lynchi*

Threatened

Wherever found

There is **final** critical habitat for this species. The location of the critical habitat is not available.

<https://ecos.fws.gov/ecp/species/498>

Flowering Plants

NAME

STATUS

San Joaquin Adobe Sunburst *Pseudobahia peirsonii*

Threatened

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/2931>

Springville Clarkia *Clarkia springvillensis*

Threatened

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/8309>

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>

- Nationwide conservation measures for birds

<http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)

California Thrasher *Toxostoma redivivum*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds Jan 1 to Jul 31

Clark's Grebe *Aechmophorus clarkii*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds Jan 1 to Dec 31

Costa's Hummingbird *Calypte costae*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/9470>

Breeds Jan 15 to Jun 10

Golden Eagle *Aquila chrysaetos*

Breeds Jan 1 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1680>

Lawrence's Goldfinch *Carduelis lawrencei*

Breeds Mar 20 to Sep 20

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9464>

Nuttall's Woodpecker *Picoides nuttallii*

Breeds Apr 1 to Jul 20

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/9410>

Rufous Hummingbird *selasphorus rufus*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/8002>

Song Sparrow *Melospiza melodia*

Breeds Feb 20 to Sep 5

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Spotted Towhee *Pipilo maculatus clementae*

Breeds Apr 15 to Jul 20

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/4243>

Tricolored Blackbird *Agelaius tricolor*

Breeds Mar 15 to Aug 10

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/3910>

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.







Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

RIVERINE

[R4SBC](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

NOT FOR CONSULTATION

Natural Resource Conservation Services - Custom Soil Resource Report



United States
Department of
Agriculture

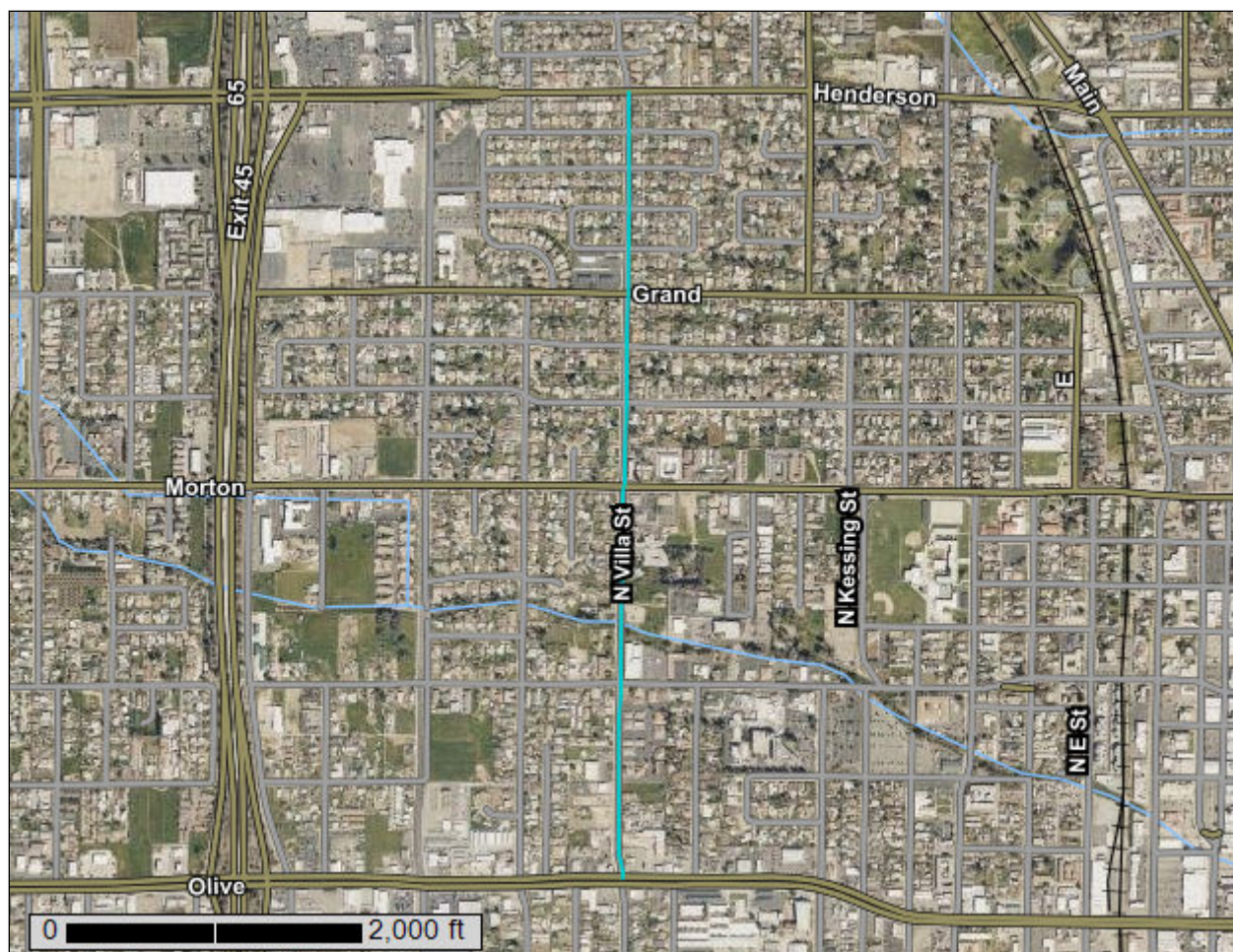
NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for Tulare County, California, Central Part

City of Porterville TO 20 Villa
Street



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map



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MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features

 Blowout

 Borrow Pit

 Clay Spot

 Closed Depression

 Gravel Pit

 Gravelly Spot

 Landfill

 Lava Flow

 Marsh or swamp

 Mine or Quarry

 Miscellaneous Water

 Perennial Water

 Rock Outcrop

 Saline Spot

 Sandy Spot

 Severely Eroded Spot

 Sinkhole

 Slide or Slip

 Sodic Spot

 Spoil Area

 Stony Spot

 Very Stony Spot

 Wet Spot

 Other

 Special Line Features

Water Features

 Streams and Canals

Transportation

 Rails

 Interstate Highways

 US Routes

 Major Roads

 Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Tulare County, California, Central Part
Survey Area Data: Version 14, May 29, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 17, 2019—Mar 24, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
124	Exeter loam, 0 to 2 percent slopes	0.1	24.7%
153	San Emigdio loam	0.2	68.5%
164	Tujunga sand	0.0	6.8%
Totals for Area of Interest		0.2	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the

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development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Tulare County, California, Central Part

124—Exeter loam, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: hkdh

Elevation: 20 to 700 feet

Mean annual precipitation: 7 to 20 inches

Mean annual air temperature: 61 to 64 degrees F

Frost-free period: 250 to 300 days

Farmland classification: Farmland of statewide importance

Map Unit Composition

Exeter and similar soils: 75 percent

Minor components: 25 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Exeter

Setting

Landform: Terraces

Landform position (two-dimensional): Footslope

Landform position (three-dimensional): Tread

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Alluvium derived from granitoid

Typical profile

Ap - 0 to 14 inches: loam

Bt - 14 to 30 inches: sandy clay loam, clay loam, loam

Bt - 14 to 30 inches: duripan

Bt - 14 to 30 inches: sand, gravelly sand

Cqm - 30 to 43 inches: stratified sandy loam to silt loam

C1 - 43 to 47 inches:

C1 - 43 to 47 inches:

C2 - 47 to 60 inches:

Properties and qualities

Slope: 0 to 2 percent

Depth to restrictive feature: 20 to 40 inches to duripan

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 5 percent

Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

Available water capacity: High (about 9.7 inches)

Interpretive groups

Land capability classification (irrigated): 3s

Land capability classification (nonirrigated): 4s

Hydrologic Soil Group: C

Hydric soil rating: No

Minor Components

San joaquin

Percent of map unit: 7 percent

Hydric soil rating: No

Unnamed, brown subsoil

Percent of map unit: 7 percent

Hydric soil rating: No

Wyman

Percent of map unit: 7 percent

Hydric soil rating: No

Unnamed, ponded

Percent of map unit: 4 percent

Landform: Depressions

Hydric soil rating: Yes

153—San Emigdio loam

Map Unit Setting

National map unit symbol: hkff

Elevation: 430 to 690 feet

Mean annual precipitation: 11 to 16 inches

Mean annual air temperature: 61 to 64 degrees F

Frost-free period: 320 to 325 days

Farmland classification: Prime farmland if irrigated

Map Unit Composition

San emigdio and similar soils: 90 percent

Minor components: 10 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of San Emigdio

Setting

Landform: Alluvial fans

Landform position (two-dimensional): Footslope

Landform position (three-dimensional): Base slope

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Alluvium derived from granitoid and/or alluvium derived from sedimentary rock

Typical profile

Ap - 0 to 29 inches: loam

C - 29 to 66 inches: fine sandy loam, sandy loam, loam

C - 29 to 66 inches:

C - 29 to 66 inches:

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Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 5.95 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 5 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water capacity: Very high (about 15.8 inches)

Interpretive groups

Land capability classification (irrigated): 1
Land capability classification (nonirrigated): 4c
Hydrologic Soil Group: A
Ecological site: R017XE118CA - CALCAREOUS LOAMY
Hydric soil rating: No

Minor Components

Honcut

Percent of map unit: 2 percent
Hydric soil rating: No

Tujunga

Percent of map unit: 2 percent
Hydric soil rating: No

Wyman

Percent of map unit: 2 percent
Hydric soil rating: No

Unnamed, salty

Percent of map unit: 2 percent
Hydric soil rating: No

Unnamed, finer subsoil

Percent of map unit: 2 percent
Hydric soil rating: No

164—Tujunga sand

Map Unit Setting

National map unit symbol: hkfs
Elevation: 10 to 2,500 feet
Mean annual precipitation: 10 to 25 inches
Mean annual air temperature: 59 to 64 degrees F
Frost-free period: 280 to 350 days
Farmland classification: Not prime farmland

Map Unit Composition

Tujunga and similar soils: 90 percent

Minor components: 10 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Tujunga

Setting

Landform: Alluvial fans

Landform position (two-dimensional): Footslope

Landform position (three-dimensional): Base slope

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Alluvium derived from granitoid

Typical profile

A - 0 to 16 inches: sand

C - 16 to 60 inches: loamy sand, fine sand, sand

C - 16 to 60 inches:

C - 16 to 60 inches:

Properties and qualities

Slope: 0 to 5 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Somewhat excessively drained

Capacity of the most limiting layer to transmit water (Ksat): High to very high (5.95 to 19.98 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Available water capacity: High (about 10.3 inches)

Interpretive groups

Land capability classification (irrigated): 3s

Land capability classification (nonirrigated): 6s

Hydrologic Soil Group: A

Ecological site: R017XE080CA - SANDY

Hydric soil rating: No

Minor Components

Honcut

Percent of map unit: 4 percent

Hydric soil rating: No

Unnamed, calcareous

Percent of map unit: 3 percent

Hydric soil rating: No

San emigdio

Percent of map unit: 3 percent

Hydric soil rating: No

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Appendix C

Cultural Resources Information

City of Porterville

Task Order 20

Villa Street Reconstruction Project

Cultural Resources Information

Central California Information Center, CSU Stanislaus, California Historical Resources Information System: Record Search 21-162, dated May 10, 2021.

- There have been no previous cultural resource studies conducted within the project area.
- There has been one cultural resource study conducted within a one-quarter mile radius, TU-01093.
- There are no recorded resources within the project area, and it is not known if any exist.
- There are three recorded cultural resources within the one-quarter mile radius, P-54-003134, P-54-003136, and P-54-003210. These resources are all historic era buildings.
- There are no recorded cultural resources within the project area or radius that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historic Resources, or the California State Historic Landmarks.

Native American Heritage Commission (NAHC): Sacred Lands File & Native American Contacts List Request, dated May 18, 2021.

- A Record Search of the NAHC Sacred Lands File was completed for the Area of Potential Effect (APE) with negative results.
- A list of ten tribal contacts was provided, and letters to the ten tribal contacts were then mailed out May 19, 2021.
- No additional responses or additional cultural information were received by the City of Porterville.

AB 52 Consultation pursuant to Public Resource Code Section 21080.3.1

- The City of Porterville has received a letter from the Santa Rosa Rancheria Tachi Yokut Tribe.
- A Tribal Consultation Notification Request Letter was sent out by the City of Porterville via certified mail dated May 20, 2021, which included a Project Description, map of the APE and a Topo map.
- No correspondence has been received by the City of Porterville pursuant to the Tribal Consultation Notification Request Letter.

CHRIS – Record Search Results



To: Jacqueline Lancaster
Provost & Pritchard Consulting Group
130 N. Garden Street
Visalia, CA 93291

Record Search 21-162

Date: May 10, 2021

Re: City of Porterville, Villa Street Reconstruction Project

County: Tulare

Map(s): Porterville 7.5'

CULTURAL RESOURCES RECORDS SEARCH

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

The following are the results of a search of the cultural resource files at the Southern San Joaquin Valley Information Center. These files include known and recorded cultural resources sites, inventory and excavation reports filed with this office, and resources listed on the National Register of Historic Places, the OHP Built Environment Resources Directory, California State Historical Landmarks, California Register of Historical Resources, California Inventory of Historic Resources, and California Points of Historical Interest. Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the OHP are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area.

PRIOR CULTURAL RESOURCE STUDIES CONDUCTED WITHIN THE PROJECT AREA AND THE ONE-QUARTER MILE RADIUS

According to the information in our files, there have been no previous cultural resource studies conducted within the project area. There has been one cultural resource study conducted within a one-quarter mile radius, TU-01093.

**KNOWN/RECORDED CULTURAL RESOURCES WITHIN THE PROJECT AREA AND THE ONE-QUARTER MILE
RADIUS**

There are no recorded resources within the project area, and it is not known if any exist there. There are three recorded cultural resources within the one-quarter mile radius, P-54-003134, P-54-003136, and P-54-003210. These resources are all historic era buildings.

There are no recorded cultural resources within the project area or radius that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historic Resources, or the California State Historic Landmarks.

COMMENTS AND RECOMMENDATIONS

We understand this project consists of reconstruction of Villa Street between Olive and Henderson Avenues, including street widening, upgrading traffic signal equipment, installation of a box culvert, and extension of an existing pipe culvert. Because the project area has already been developed with the existing road, no new cultural resources survey is recommended at this time. However, cultural resources may exist under the road asphalt. Therefore, we recommend an archaeological monitor be present during ground disturbance activities to identify any unearthed cultural resources and make the appropriate mitigation recommendations. A list of qualified consultants can be found at www.chrisinfo.org.

We also recommend that you contact the Native American Heritage Commission in Sacramento. They will provide you with a current list of Native American individuals/organizations that can assist you with information regarding cultural resources that may not be included in the CHRIS Inventory and that may be of concern to the Native groups in the area. The Commission can consult their "Sacred Lands Inventory" file to determine what sacred resources, if any, exist within this project area and the way in which these resources might be managed. Finally, please consult with the lead agency on this project to determine if any other cultural resource investigation is required. If you need any additional information or have any questions or concerns, please contact our office at (661) 654-2289.

By:

Celeste M. Thomson, Coordinator

Date: May 10, 2021

Please note that invoices for Information Center services will be sent under separate cover from the California State University, Bakersfield Accounting Office.

NAHC – Sacred Lands File Search Results



NATIVE AMERICAN HERITAGE COMMISSION

May 18, 2021

Jackie Lancaster

Provost & Pritchard Consulting Group

Via Email to: JLancaster@ppeng.com

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Merri Lopez-Keifer
Luiseño

PARLIAMENTARIAN
Russell Attebery
Karuk

COMMISSIONER
William Mungary
Paiute/White Mountain Apache

COMMISSIONER
Julie Tumamait-Stenslie
Chumash

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: City of Porterville Villa Street Reconstruction Project, Tulare County

Dear Ms. Lancaster:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were negative. However, the absence of specific site information in the SLF does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated; if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance, we can assure that our lists contain current information.

If you have any questions or need additional information, please contact me at my email address: Nancy.Gonzalez-Lopez@nahc.ca.gov.

Sincerely,

Nancy Gonzalez-Lopez
Cultural Resources Analyst

Attachment

**Native American Heritage Commission
Native American Contacts List
May 18, 2021**

Big Sandy Rancheria of Western Mono Indians Elizabeth D. Kipp, Chairperson PO. Box 337 Auberry, CA 93602 lkipp@bsrnation.com (559) 374-0066 (559) 374-0055	Western Mono	Kern Valley Indian Community Brandy Kendricks 30741 Foxridge Court Tehachapi, CA 93561 krazykendricks@hotmail.com (661) 821-1733 (661) 972-0445	Kawaiisu Tubatulabal
Dunlap Band of Mono Indians Benjamin Charley Jr., Tribal Chair P.O. Box 14 Dunlap, CA 93621 ben.charley@yahoo.com (760) 258-5244	Mono	Santa Rosa Rancheria Tachi Yokut Tribe Leo Sisco, Chairperson P.O. Box 8 Lemoore, CA 93245 (559) 924-1278 (559) 924-3583 Fax	Tache Tachi Yokut
Dunlap Band of Mono Indians Dirk Charley, Tribal Secretary 5509 E. McKenzie Avenue Fresno, CA 93727 dcharley2016@gmail.com (559) 554-5433	Mono	Tubatulabals of Kern Valley Robert L. Gomez, Jr., Tribal Chairperson P.O. Box 226 Lake Isabella, CA 93240 (760) 379-4590 (760) 379-4592 Fax	Tubatulabal
Kern Valley Indian Community Julie Turner, Secretary P.O. Box 1010 Lake Isabella, CA 93240 (661) 340-0032 Cell	Kawaiisu Tubatulabal	Tule River Indian Tribe Neil Peyron, Chairperson P.O. Box 589 Porterville, CA 93258 neil.peyron@tulerivertribe-nsn.gov (559) 781-4271 (559) 781-4610 Fax	Yokuts
Kern Valley Indian Community Robert Robinson, Chairperson P.O. Box 1010 Lake Isabella, CA 93240 bbutterbredt@gmail.com (760) 378-2915 Cell	Tubatulabal Kawaiisu	Wuksache Indian Tribe/Eshom Valley Band Kenneth Woodrow, Chairperson 1179 Rock Haven Ct. Salinas, CA 93906 kwood8934@aol.com (831) 443-9702	Foothill Yokuts Mono Wuksache

This list is current as of the date of this document and is based on the information available to the Commission on the date it was produced.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code, or Section 5097.98 of the Public Resources Code.

**This list is only applicable for contacting local Native Americans Tribes for the proposed:
City of Porterville Villa Street Reconstruction Project, Tulare County.**



286 W. Cromwell Avenue
Fresno, CA 93711-6162
Tel: (559) 449-2700
Fax: (559) 449-2715
www.ppeng.com

May 19, 2021

Big Sandy Rancheria of Western Mono Indians
Elizabeth D. Kipp, Chairperson
PO. Box 337
Auberry, CA 93602

Subject: Notification for the Villa Street Reconstruction Project in the City of Porterville, Tulare County, CA.

Dear Ms. Kipp:

Provost and Pritchard Consulting Group, is providing cultural resources services in support of the City of Porterville Villa Street Reconstruction Project.

The City of Porterville is processing an application for the above-referenced project. The Project consists of the reconstruction of Villa Street between Olive and Henderson Avenues, approximately one mile, to provide safe, improved access to retail opportunities, job centers, housing and other facilities in the city. The proposed reconstruction would include the widening of Villa to the standard width of 60 ft right of way; upgrading traffic signal equipment at the intersections at Putnam Avenue and at Morton Avenue; the installation of a box culvert at Porter Slough; and the extension of the existing pipe culvert at the Porter Slough Ditch. The reconstruction will entail the installation of new concrete improvements where necessary along the one mile stretch.

Provost and Pritchard Consulting Group has requested a records search of the California Historic Resources Information System from the Southern San Joaquin Valley Information Center to identify any cultural resources within or adjacent to the Project Area. A search of the Native American Heritage Commission (NAHC) Sacred Lands File was completed with negative results. The NAHC provided your name and address as a tribal contact that is culturally affiliated to the project area. If you have any information that you wish to share, or have questions or would like more information about the project, please do not hesitate to contact me by phone (559) 636-1166, email (jlancaster@ppeng.com), or send a letter to my attention. I would appreciate any information you might provide to assist us with our inventory efforts.

Be assured that any locations of archaeological sites, cemeteries, or sacred places will be treated confidentially, as required by law, and not disclosed in any document available to the general public.

Sincerely,

Jacqueline Lancaster, Project Administrator

encl.: APE Map



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Fresno, CA 93711-6162
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Fax: (559) 449-2715
www.ppeng.com

May 20, 2021

Dunlap Band of Mono Indians
Benjamin Charley, Jr., Chair
PO. Box 14
Dunlap, CA 93621

Subject: Notification for the Villa Street Reconstruction Project in the City of Porterville, Tulare County, CA.

Dear Mr. Charley:

Provost and Pritchard Consulting Group, is providing cultural resources services in support of the City of Porterville Villa Street Reconstruction Project.

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Fresno, CA 93711-6162
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Fax: (559) 449-2715
www.ppeng.com

May 20, 2021

Dunlap Band of Mono Indians
Dick Charley, Tribal Secretary
5509 E. McKenzie Avenue
Fresno, CA 93727

Subject: Notification for the Villa Street Reconstruction Project in the City of Porterville, Tulare County, CA.

Dear Mr. Charley:

Provost and Pritchard Consulting Group, is providing cultural resources services in support of the City of Porterville Villa Street Reconstruction Project.

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encl.: APE Map



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Fax: (559) 449-2715
www.ppeng.com

May 20, 2021

Kern Valley Indian Community
Brandy Kendricks
30741 Foxridge Court
Tehachapi, CA 93561

Subject: Notification for the Villa Street Reconstruction Project in the City of Porterville, Tulare County, CA.

Dear Ms. Kendricks:

Provost and Pritchard Consulting Group, is providing cultural resources services in support of the City of Porterville Villa Street Reconstruction Project.

The City of Porterville is processing an application for the above-referenced project. The Project consists of the reconstruction of Villa Street between Olive and Henderson Avenues, approximately one mile, to provide safe, improved access to retail opportunities, job centers, housing and other facilities in the city. The proposed reconstruction would include the widening of Villa to the standard width of 60 ft right of way; upgrading traffic signal equipment at the intersections at Putnam Avenue and at Morton Avenue; the installation of a box culvert at Porter Slough; and the extension of the existing pipe culvert at the Porter Slough Ditch. The reconstruction will entail the installation of new concrete improvements where necessary along the one mile stretch.

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Sincerely,

Jacqueline Lancaster, Project Administrator

encl.: APE Map



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Fax: (559) 449-2715
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May 20, 2021

Kern Valley Indian Community
Robert Robinson, Chairperson
P.O. Box 1010
Lake Isabella, CA 93240

Subject: Notification for the Villa Street Reconstruction Project in the City of Porterville, Tulare County, CA.

Dear Mr. Robinson:

Provost and Pritchard Consulting Group, is providing cultural resources services in support of the City of Porterville Villa Street Reconstruction Project.

The City of Porterville is processing an application for the above-referenced project. The Project consists of the reconstruction of Villa Street between Olive and Henderson Avenues, approximately one mile, to provide safe, improved access to retail opportunities, job centers, housing and other facilities in the city. The proposed reconstruction would include the widening of Villa to the standard width of 60 ft right of way; upgrading traffic signal equipment at the intersections at Putnam Avenue and at Morton Avenue; the installation of a box culvert at Porter Slough; and the extension of the existing pipe culvert at the Porter Slough Ditch. The reconstruction will entail the installation of new concrete improvements where necessary along the one mile stretch.

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May 20, 2021

Kern Valley Indian Community
Julie Turner, Secretary
P.O. Box 1010
Lake Isabella, CA 93240

Subject: Notification for the Villa Street Reconstruction Project in the City of Porterville, Tulare County, CA.

Dear Ms. Turner:

Provost and Pritchard Consulting Group, is providing cultural resources services in support of the City of Porterville Villa Street Reconstruction Project.

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Fax: (559) 449-2715
www.ppeng.com

May 20, 2021

Santa Rosa Rancheria Tachi Yokut Tribe
Leo Sisco, Chairperson
P.O. Box 8
Lemoore, CA 93245

Subject: Notification for the Villa Street Reconstruction Project in the City of Porterville, Tulare County, CA.

Dear Mr. Sisco:

Provost and Pritchard Consulting Group, is providing cultural resources services in support of the City of Porterville Villa Street Reconstruction Project.

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Jacqueline Lancaster, Project Administrator

encl.: APE Map



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www.ppeng.com

May 20, 2021

Tubatulabals of Kern Valley
Robert L. Gomez, Jr., Tribal Chairperson
P.O. Box 226
Lake Isabella, CA 93240

Subject: Notification for the Villa Street Reconstruction Project in the City of Porterville, Tulare County, CA.

Dear Mr. Gomez:

Provost and Pritchard Consulting Group, is providing cultural resources services in support of the City of Porterville Villa Street Reconstruction Project.

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Jacqueline Lancaster, Project Administrator

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Fresno, CA 93711-6162
Tel: (559) 449-2700
Fax: (559) 449-2715
www.ppeng.com

May 20, 2021

Tule River Indian Tribe
Neil Peyron, Chairperson
P.O. Box 589
Porterville, CA 93258

Subject: Notification for the Villa Street Reconstruction Project in the City of Porterville, Tulare County, CA.

Dear Mr. Peyron:

Provost and Pritchard Consulting Group, is providing cultural resources services in support of the City of Porterville Villa Street Reconstruction Project.

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Jacqueline Lancaster, Project Administrator

encl.: APE Map



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Fresno, CA 93711-6162
Tel: (559) 449-2700
Fax: (559) 449-2715
www.ppeng.com

May 20, 2021

Wuksache Indian Tribe/Eshom Valley Band
Kenneth Woodrow, Chairperson
1179 Rock Haven Ct.
Salinas, CA 93906

Subject: Notification for the Villa Street Reconstruction Project in the City of Porterville, Tulare County, CA.

Dear Mr. Woodrow:

Provost and Pritchard Consulting Group, is providing cultural resources services in support of the City of Porterville Villa Street Reconstruction Project.

The City of Porterville is processing an application for the above-referenced project. The Project consists of the reconstruction of Villa Street between Olive and Henderson Avenues, approximately one mile, to provide safe, improved access to retail opportunities, job centers, housing and other facilities in the city. The proposed reconstruction would include the widening of Villa to the standard width of 60 ft right of way; upgrading traffic signal equipment at the intersections at Putnam Avenue and at Morton Avenue; the installation of a box culvert at Porter Slough; and the extension of the existing pipe culvert at the Porter Slough Ditch. The reconstruction will entail the installation of new concrete improvements where necessary along the one mile stretch.

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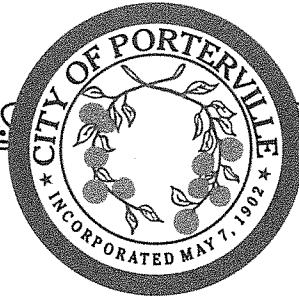
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Sincerely,

Jacqueline Lancaster, Project Administrator

encl.: APE Map

AB 52 Tribal Consultation



**Community Development
Department**

May 20, 2021

Santa Rosa Rancheria Tachi Yokut Tribe
Rueben Barrios Sr., Chairperson
P.O. Box 8
Lemoore, CA 93245

Subject: Notification pursuant to Assembly Bill 52 for Task Order No. 20 - Villa Street Reconstruction Project in the City of Porterville, Tulare County, CA.

Dear Mr. Barrios:

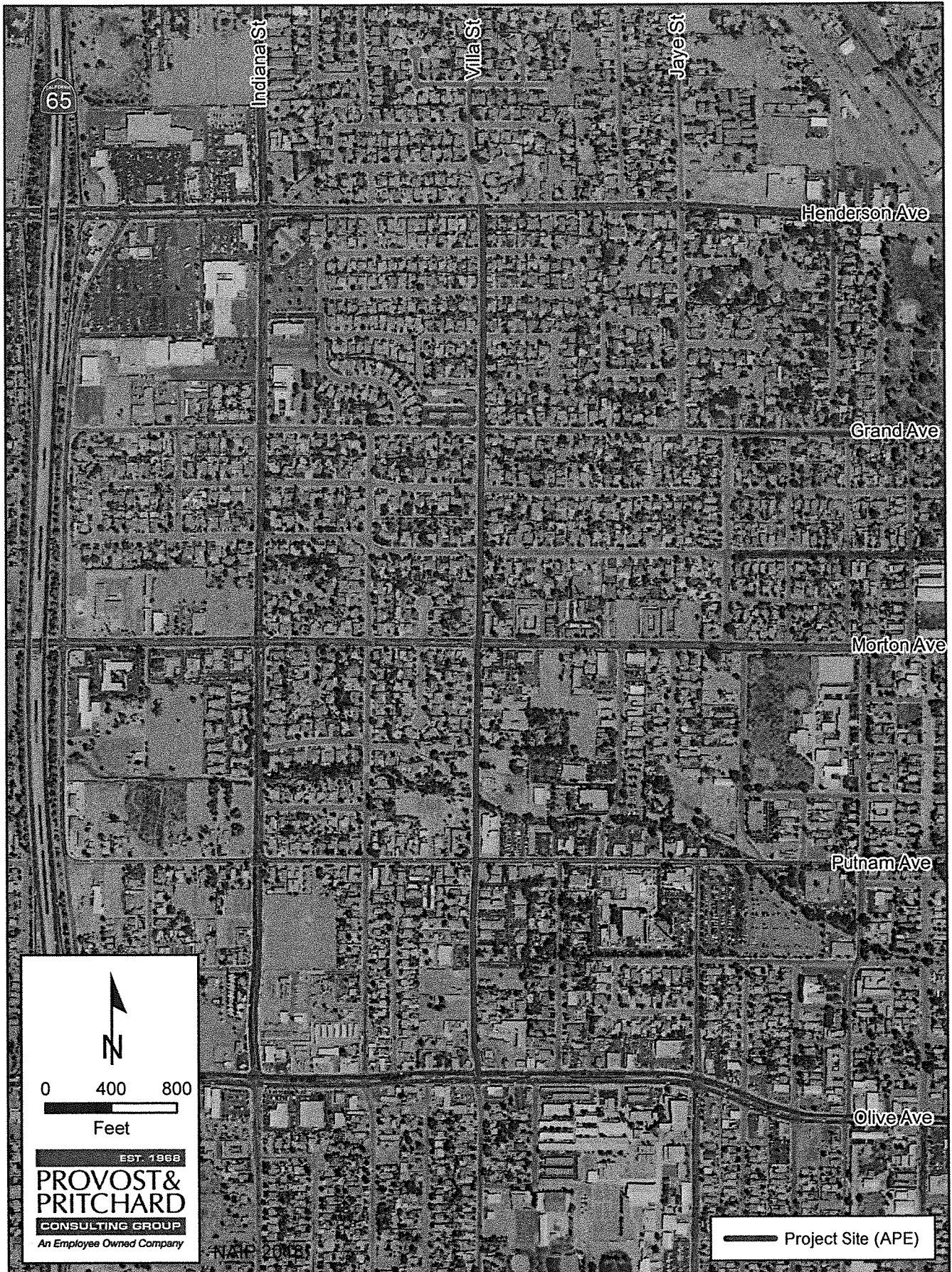
The City of Porterville is processing an application for the above-referenced project. The City is requesting your review to determine if formal consultation is appropriate pursuant to Public Resources Code Section 21080.3.1 (Assembly Bill 52). The Project consists of the reconstruction of Villa Street between Olive and Henderson Avenues, approximately one mile, to provide safe, improved access to retail opportunities, job centers, housing and other facilities in the city. The proposed reconstruction would include the widening of Villa to the standard width of 60 ft right of way; upgrading traffic signal equipment at the intersections at Putnam Avenue and at Morton Avenue; the installation of a box culvert at Porter Slough; and the extension of the existing pipe culvert at the Porter Slough Ditch. The reconstruction will entail the installation of new concrete improvements where necessary along the one mile stretch.

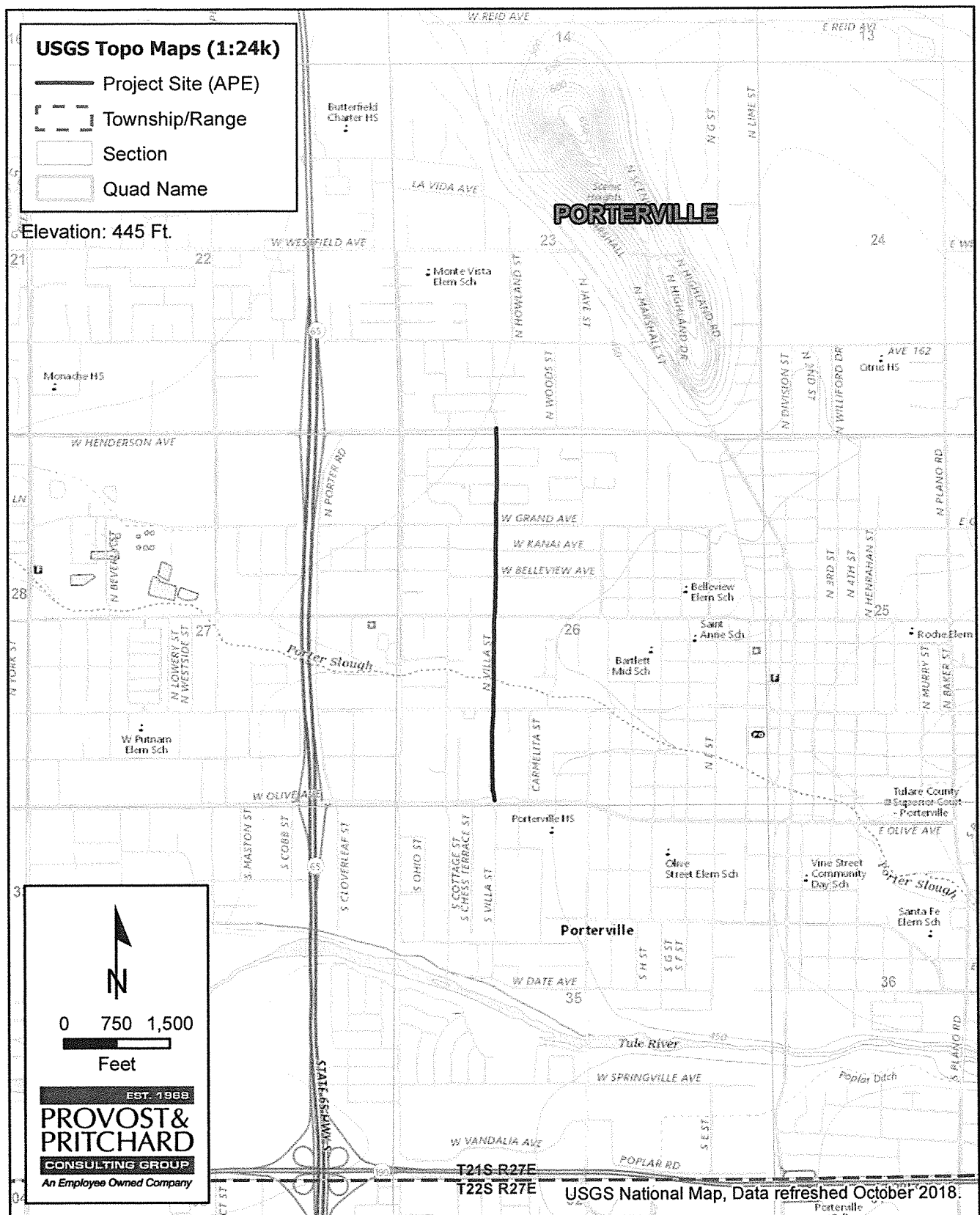
A copy of the Aerial/Area of Potential Effect map and Topographical map is attached for your reference. Pursuant to AB 52 the Tribe has 30 days to request formal consultation. Please feel free to contact me with any questions at (559) 782-7460 or jridenour@ci.porterville.ca.us.

Respectfully,

Jason Ridenour
Interim Community Development Director
City of Porterville

Enclosures: Aerial/Area of Potential Effect map
Topographic map





4/26/2021 : G:\Porterville_City_of-1016\101621004-TO 20 Villa Street\400 GISMap\Topo.mxd



CITY COUNCIL AGENDA – NOVEMBER 16, 2021

SUBJECT: Approval for Community Civic Event - Rotary Club of Porterville - Chamber of Commerce - Children's Christmas Parade - December 4, 2021

SOURCE: Finance

COMMENT: The Rotary Club of Porterville and the Porterville Chamber of Commerce are requesting approval to hold the annual Children's Christmas Parade along Main Street on December 4, 2021. Like most community civic events, the Children's Christmas Parade was cancelled last year due to the COVID-19 pandemic. As a cautionary measure, this year's parade is proposed to be held on a Saturday, during the day, starting at 10:00 a.m.

The following closures (amended according to staff recommendation) are requested from 5:00 a.m. to 12:00 p.m.:

STREETS

Main Street from Danner Avenue to Walnut Avenue (instead of Orange Avenue), including the side streets indicated on the attached map

SIDEWALKS

Main Street from Danner Avenue to Olive Avenue

Walnut Avenue (instead of Orange Avenue), from Main Street to Second Street

PARKING SPACES

Main Street in front of Chamber of Commerce office

Main Street, north end, in front of City Hall

Event organizers are required to adhere to all State and local guidelines and limitations pertaining to COVID-19. The City Council's COVID-19 Ad Hoc Committee reviewed the application and recommended additional safety measures as follows:

1. addition of announcer's stand along the parade route
2. live-streaming of the event as an option for viewing the parade
3. adequate signage encouraging parade spectators to maintain social distance
4. scheduling a vaccination incentive clinic in conjunction with the parade

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 City Departments involved. The requirements are listed on the attached copy of the application and agreement, exhibit A and

exhibit B. A map showing the requested street closures is included.

RECOMMENDATION: That the City Council consider the Community Civic Event Application and Agreement submitted by the Chamber of Commerce and the Rotary Club of Porterville to hold the Children's Christmas Parade on Saturday, December 4, 2021, at 10:00 a.m.

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

Appropriated/Funded:

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE

291 N. Main Street, Porterville, CA 93257

559-782-7451 Fax: 784-4569



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: October 15, 2021 Event date: Saturday December 04, 2021

Event time: 10:00 AM

Name of Event: Children's Christmas Parade

Sponsoring organization: Rotary club of Porterville, Chamber of Commerce, City of Porterville Phone # 784-7502

Address: 93 N. Main St St. A Porterville, CA 93257

Authorized representative: Christina Clausen Phone # 784-7502

Address: 93 N. Main St St. A Porterville, CA 93257

Event chairperson: _____ Phone # _____

Location of event (location map must be attached): _____

Main St. from Danner to Orange, side streets for assembly and disbursement

Type of event: Childrens Christmas Parade

Non-profit status determination: 501c6

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

Barricades (quantity): ✓ Street sweeping Yes ✓ No _____

Police protection Yes ✓ No _____ Refuse pickup Yes ✓ No _____

Other: _____

Parks facility application required: Yes _____ No ✓ Attached _____

Assembly permit required: Yes _____ No ✓ Attached _____

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

<u>Appr.</u>	<u>Deny</u>	
_____	_____	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.

Authorization: This permit must be submitted **NO LESS THAN 30 days PRIOR** to the date of the event in order to obtain City Council approval.

City Code requirements:

- At least 48" must remain clear on sidewalks for pedestrian traffic.
- Do not block any entrance to or exit from buildings.
- Area must be accessible to emergency and safety personnel and vehicles.
- Electrical cords must be approved and installation checked by the Fire Department.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville shall be named as additional insured. **When the location of the event is in Downtown Porterville, the Porterville Redevelopment Agency must also be named as additional insured.** The amounts of such insurance and any additional requirements are listed in Exhibit "A." A Certificate of Liability Insurance form sample is enclosed for your convenience. **This original certificate shall be submitted to the Finance Department prior to the City of Porterville Council's approval.**

CC Authorized Representative Initials

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.**

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

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.

Porterville Chamber of Commerce	<i>Charles C.</i>	10/15/2001
(Name of Organization)	(Signature)	(Date)

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

Name of event: _____

Sponsoring organization: Rotary club of Porterville, Chamber of Commerce, City of Porterville

Location: Main St. and side streets downtown Event date: Saturday December 04, 2021 Event time: 10:00 AM

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION.** Vendors with no valid City of Porterville business license are required to pay \$1 per day to the City, with the exceptions of non-profit organizations. This form should be completed at the time of application, but must be submitted **NO LESS THAN ONE** week prior to the event.

[illegible]

Municipal Code 15-1: ITINERANT VENDOR OR ITINERANT MERCHANT: All persons, both principal and agent, who engage in a temporary or transient business in the city, selling or offering to sell goods, wares or merchandise or any other thing of value, with the intention of conducting such business for a period of less than ninety (90) days, and who for the purpose of such business hires, leases or occupies any room, doorway, vacant lot, building or other place, for the exhibition for sale of goods, wares, merchandise or other thing of value. If any such place, occupied or used for such business, is rented or leased for a period of less than ninety (90) days, such fact shall be presumptive evidence that the business carried on therein is a transient business; and any person so engaged shall not be relieved from the provisions of this section or from payment of the license taxes herein provided for such business, by reason of any temporary association with local dealer, trader, merchant or auctioneer.

CITY OF PORTERVILLE

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

Name of event: Children's Christmas Parade

Sponsoring organization: Rotary club of Porterville, Chamber of Commerce, City of Porterville

Event date: Saturday December 04, 2021 Hours: 10:00 AM

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed

<u>Street Name</u>	<u>From</u>	<u>To</u>	<u>Activity</u>
Main St.	Danner Ave	Orange	Parade route & assembly
Orange	Hockett St.	B St.	Parade route
Morton, Harrison	Hockett St.	Second St.	Adjacent to Parade Route
* Thurman, (Cleveland), Putnam, Mill & Oak			
Garden Ave	Main St.	Second St.	Adjacent to Parade Route
School, Belleview, North & Doris	Main St.	Second & Division on east Division, Sunnyside on west	Parade assembly
B St.	Orange	Vine	Parade disbursement
<u>Sidewalks</u>	<u>From</u>	<u>To</u>	<u>Activity</u>
Main St.	Danner Ave	Olive Ave	View Parade and assembly area
Orange	Main St.	B St.	View Parade and assembly area
<u>Parking lots and spaces</u>	<u>Location</u>		<u>Activity</u>
Main St. (7 spaces)	Porterville Chamber, 93 N. Main St St. A Porterville, CA 93257		Judge's Stand
Main St. (5 northerly spaces)	City Hall, 291 N. Main St		Announcers Stand

*Cleveland will not be blocked or barricaded in front of the Fire Department on Cleveland.



* See note
page 4 of 4

Requirements for Community Civic Event

Children's Christmas Parade

December 04, 2021
10:00 am

Location: Main St,
Porterville CA 93257

Finance Director:
M. Bemis

City Engineer:
D. Cervantez

Community Development Manager:
J. Ridenour

Public Works Director:
M. Knight

Fire Marshall:
C. Dignam

Cleveland cannot be blocked or barricaded in front of the Fire Station.

Parks and Leisure Services Director:
D. Moore

Coordinate with Parks and Leisure on public address system if needed. Main St outlet needs to be expressed week prior to event. Public to remain out of Main St. planters.

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 the event organizer(s) is (are) required to comply with all local, state, and federal directors mandates concerning COVID-19.

Field Services:
B. Spry

We will have trash and recycle cans out the day before the event, and will have them emptied and picked up when the parade is over.

J. Baeza

Street Department will put up all the street closures and also supply the Street Sweepers for the end of the event.

Requirements for Community Civic Event

Sponsor: Rotary Club of Porterville-Chamber of Commerce,
City of Porterville

Event: Children's Christmas Parade

Event Chairman: Christina Clausen

Location: Main Street (from Danner Ave to Walnut Ave), Porterville CA

Date of Event: December 4, 2021 (10:00am)

RISK MANAGEMENT: Conditions of Approval

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

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

CITY OF PORTERVILLE - POLICE DEPARTMENT
Community Civic Event Application

Proposed Event: Children's Christmas Parade

Date of Event: December 4, 2021

Location of Event: Main Street

Recommendations/Requirements:

- City Council approval is required for all street closures.
- Ensure adequate barricades/barriers are used to warn motorists of non-access and prevent vehicle access to those designated areas.
- Parade Committee should meet with street vendors to coordinate rules regarding their activities, such as:
 - Staying off the parade route and crossing in front of floats or groups
 - Shall not sell silly string, snap caps or party poppers
 - Ensure each vendor has properly obtained a City business license
- Food vendors should be situated where they minimally block the sidewalk.
- Food vendors should provide inspection certificates from the Tulare County Health Department to ensure safe food products.
- Throwing candy from vehicles, floats, or any parade entry is prohibited. This results in children scampering to catch or find candy in a crowded environment, and causes others to run out into the street. This practice creates significant and unnecessary risk for parade goers. All registered parade entrants should be informed of this prohibition and efforts taken to cease this practice.
- An Outside Amplifier Permit has been requested and granted. However, event organizers shall not allow music or other amplifications to be played so loud as to unreasonably disturb the peace and good order of the business establishments or neighborhoods in the area.
- Event organizers shall coordinate all policing/traffic/parking/posting concerns with Lt. Bruce Sokoloff, Lt. Rose Gurule or Lt. Ron Moore well in advance of the event. They can be contacted at 559-782-7410/559-782-7400.

Lieutenant Rick Carrillo
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: Porterville Chamber, 93 N. Main St St. A Porterville, CA 93257
- 2 Address where amplification equipment is to be used: Main St.
- 3 Names and addresses of all persons who will use or operate the amplification equipment: Equipment will be on individual entries in the parade - names on file at the Chamber
- 4 Type of event for which amplification equipment will be used: Children's Christmas Parade
- 5 Dates and hours of operation of amplification equipment: Saturday December 04, 2021 10:00AM
- 6 A general description of the sound amplifying equipment to be used: Various types

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 therefor, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 6312)

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

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

[Signature]
Signature of Applicant

10/15/2021
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.

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

10/25/21
Date



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/26/2021

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

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

PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 2850 Golf Road Rolling Meadows IL 60008	CONTACT NAME: Ali Sulita	FAX (A/C. No.): 630-285-4062
	PHONE (A/C. No. Ext.): 1-833-3ROTARY	E-MAIL ADDRESS: rotary@ajg.com
INSURED All Active US Rotary Clubs & Districts The Rotary Club of Porterville ATTN: Risk Management Dept. 1560 Sherman Ave. Evanston, IL 60201-3698	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Lexington Insurance Company	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	

COVERAGES

CERTIFICATE NUMBER: 899307648

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ Liquor Liability Included GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC ☐ OTHER:		Y	015375594	7/1/2021	7/1/2022	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$4,000,000 PRODUCTS - COMP/OP AGG \$4,000,000 \$
A	☐ AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☒ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS ONLY			015375594	7/1/2021	7/1/2022	COMBINED SINGLE LIMIT (Ea accident) \$2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	☐ UMBRELLA LIAB ☐ EXCESS LIAB ☐ DED ☐ RETENTION \$			NOT APPLICABLE			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	NOT APPLICABLE			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)

The Certificate Holder is included as an additional insured where required by written contract or permit subject to the terms and conditions of the general liability policy, but only to the extent bodily injury or property damage is caused in whole or in part by the acts or omissions of the insured.

CERTIFICATE HOLDER

CANCELLATION

The City of Porterville and Successor Agency to the Porterville
Redevelopment Agency
291 N. Main St.
Porterville, CA 93257
The Rotary Club of Porterville / District 5230
RE: Porterville Children's Christmas Parade / December 4th, 2021

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

Cynthia L. DeMonte

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ENDORSEMENT #

This endorsement, effective 12:01 AM 07/01/2021

Forms a part of policy no.: 015375594

**Issued to: US ROTARY CLUBS & DISTRICTS
C/O ROTARY INTERNATIONAL**

By: LEXINGTON INSURANCE COMPANY

ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION

(Based on CG2026 04/13)

This endorsement modifies insurance provided by the following:

COMMERCIAL GENERAL LIABILITY POLICY

SCHEDULE

Name of Additional Insured Person(s) or Organization(s)

City of Porterville and Successor Agency to the Porterville Redevelopment Agency, its Officers, Employees, Agents and Volunteers
291 North Main Street
Porterville, CA 93257

RE: Rotary Club of Porterville
Children's Christmas Parade December 4, 2021

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

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

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

However:

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

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

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

1. Required by the contract or agreement; or

2. Available under the applicable Limits of Insurance shown in the Declarations;
whichever is less.

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

All other terms and conditions of the policy remain the same.



Authorized Representative



CITY COUNCIL AGENDA – NOVEMBER 16, 2021

SUBJECT: Request for Street Closure - Myers' 26th Annual Christmas Tree Memorial Service - December 14, 2021

SOURCE: Administrative Services

COMMENT: Myers Funeral Service and Crematory conducts an annual Christmas Tree Memorial Service at its location on "E" Street, with this year's service scheduled to take place on Tuesday, December 14, 2021. In conjunction with this event, and for the safety of those in attendance, Ernesto Alonzo, Funeral Director of Myers Funeral Service and Crematory, has requested the closure of "E" Street, between Putnam and Cleveland Avenues, from 5:00 p.m. to 9:00 p.m. The ceremony is scheduled to be held in front of Myers Chapel on "E" Street at 7:00 p.m.

In addition to the street closure, Alonzo submitted an Assemblies Permit for the estimated five hundred (500) people that are expected to attend this annual event. The Police Department has approved the Permit, which is attached for the City Council's reference, along with a copy of the required Certificate of Liability Insurance.

On November 9, 2021, the Council's COVID-19 Ad Hoc Committee reviewed the application and recommended that the applicant follow all local, state and federal protocols related to COVID-19 and requested that the City's large barricades be used for the street closure.

RECOMMENDATION: That the City Council consider the closure of "E" Street, between Putnam and Cleveland, on December 14, 2021, from 5:00 p.m. to 9:00 p.m., subject to the specified conditions and recommendations of the COVID-19 Ad Hoc Committee.

ATTACHMENTS:

1. Myers Request Letter - November 1, 2021
2. Assembly Permit
3. Certificate of Liability Insurance

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Deputy City Manager

Final Approver: John Lollis, City Manager

Myers Funeral Service & Crematory

248 NORTH "E" STREET
PORTERVILLE, CALIFORNIA 93217

(559) 784-5454



November 1, 2021

To: Porterville City Council

We respectfully request that "E" Street be blocked off at Putnam and Cleveland Avenues the evening of Tuesday, December 14, 2021 from approximately 5:00 to 9:00 PM, for the protection and safety of those who will be attending the Twenty-Sixth Annual Myers Christmas Memorial Tree Lighting. The response from the community has been well received, and we expect approximately 400 people from the local community and outlying areas in attendance.

The original purpose in beginning this tradition was to give back to the community in the way of service. It allows families to place memorial ornaments on the trees prior to the service, commemorating their loved ones.

A memorial service is planned for the evening of Tuesday, December 14th at 7:00 PM at Myers Funeral Service, when the community will be invited to attend and celebrate the season by remembering loved ones. At the conclusion of the service, the trees will be lit and remain lit through Christmas.

Find enclosed an "Assemblies Permit" signed by Chief Jake Castellow of the Porterville Police Department, along with a Certificate of Liability Insurance.

Thank you for your consideration of this request.

Sincerely,

Ernesto Alonzo
Funeral Director

cc: EA/jl
Enclosure

ORDINANCE NUMBER 927
Section 18-7.2

Application for ASSEMBLIES or MEETINGS on public streets, sidewalks or parks, within the City of Porterville.

This application MUST BE FILED WITHIN FOUR (4) DAYS PRIOR to the date of the assembly or meeting.

- A. Myers Funeral Service & Crematory (559) 784-5454
(Name/Address) (Telephone)
- B. 248 North E Street, Porterville, CA 93257
(Name & Address of Organization) (Telephone)
- Ernesto Alonzo, Funeral Director (559) 784-5454
(Authorized Head of Organization) (Telephone)
- C. Name of Event Chairman Ernesto Alonzo; Jill Lynch
- D. Purpose of event: Lighting of Memorial Trees and Memorial Service
(*26th Year)
- E. Date & Time of Event Tuesday, December 14, 2021 from 7:00 - 9:00 PM
- F. Number of persons Approximately 500
- G. Location of the assembly area of event Front Lawn at 248 North E Street,
Porterville, CA 93257 (Myers Funeral Service & Crematory)
- H. Security Guards required? [] yes [x] no If so, how many? _____
- I. Plans for the assembly & dispersment of the event. Indicate times thereof 5:00 PM to 9:00 PM
- J. Other information _____

I HEREBY AGREE TO ABIDE BY ALL PROVISIONS SET FORTH IN CITY ORDINANCE 927, SECTION 18-7.2 AND ALL OTHER APPLICABLE ORDINANCES OF THE CITY OF PORTERVILLE.

Legal signature of applicant

10/30/2021
Date Jill Lynch

789-2951
Telephone 784-5454

Application Approved [] Denied []

Chief of Police

10/96



MYERS-2

OP ID: JA

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/01/2021

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

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

PRODUCER NSE Insurance Agencies, Inc. United Valley Insurance Svcs 160 South D St., P.O. Box 704 Exeter, CA 93221 Patty L. Spott		559-592-9411		CONTACT NAME: Patty L. Spott	
				PHONE (A/C, No, Ext): 559-592-9411	
				FAX (A/C, No): 559-592-5059	
				E-MAIL ADDRESS: pspott@nseinsurance.com	
				INSURER(S) AFFORDING COVERAGE	
				NAIC #	
				INSURER A: West American	
				INSURER B: Technology Insurance Co., Inc.	
				INSURER C: American Fire and Casualty Co.	
				INSURER D:	
				INSURER E:	
				INSURER F:	

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ Funeral Directors GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:			BKW57832789	04/01/2021	04/01/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 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
C	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY			BAA57832789	04/01/2021	04/01/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
C	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☒ RETENTION \$ 10000			USA57832789	04/01/2021	04/01/2022	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000
B	☒ 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	TWC4008704	09/30/2021	09/30/2022	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

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

CERTIFICATE HOLDER

CANCELLATION

CITYP-1

City of Porterville
291 N Main
Porterville, CA 93257

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

AUTHORIZED REPRESENTATIVE



CITY COUNCIL AGENDA – NOVEMBER 16, 2021

SUBJECT: Approval for Community Civic Event - Porterville Chamber of Commerce - Paper Shredding Event - November 22, 2021

SOURCE: Finance

COMMENT: The Porterville Chamber of Commerce is requesting approval to conduct a paper shredding event in the City-owned parking lot located at Oak Street between Hockett Street and Division Street, on Monday, November 22, 2021, from 10:00 a.m. to 1:00 p.m.

The City Council's COVID-19 Ad Hoc Committee reviewed the application and made recommendations including notifying the businesses around the parking lot, particularly Family Health Care Network, of the inaccessibility of the parking lot during the event and the early morning placement of barriers to close the parking lot.

This request is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended. The application has been routed according to the Ordinance regulations and reviewed by all the Departments involved. All 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 approve the Porterville Chamber of Commerce application for a community civic event permit to hold the Paper Shredding Event on November 22, 2021, in the City parking lot on Oak Street, subject to the restrictions and requirements contained in the application and agreement, exhibit A and exhibit B.

ATTACHMENTS:

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

Appropriated/Funded:

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE

291 N. Main Street, Porterville, CA 93257

559-782-7451 Fax: 784-4569



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: 11/08/2021 Event date: 11/22/2021
Event time: 10:00 AM - 1:00 PM

Name of Event: PCoC Paper Shredding Event

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

Address: 93 N. Main St (Back of building in City of Porterville Parking lot

Authorized representative: Christina T. Clausen Phone # 559-784-7502

Address: 93 N. Main St

Event chairperson: Christina T. Clausen Phone # 559-784-7502

Location of event (*location map must be attached*):

Type of event: Community

Non-profit status determination: 501 C 6

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

Barricades (quantity): NA Street sweeping Yes No X

Police protection Yes No X Refuse pickup Yes No X

Other:

Parks facility application required: Yes No X Attached

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.

Authorization: This permit must be submitted **NO LESS THAN 30 days PRIOR** to the date of the event in order to obtain City Council approval.

City Code requirements:

- At least 48" must remain clear on sidewalks for pedestrian traffic.
- Do not block any entrance to or exit from buildings.
- Area must be accessible to emergency and safety personnel and vehicles.
- Electrical cords must be approved and installation checked by the Fire Department.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville shall be named as additional insured. **When the location of the event is in Downtown Porterville, the Porterville Redevelopment Agency must also be named as additional insured.** The amounts of such insurance and any additional requirements are listed in Exhibit "A." A Certificate of Liability Insurance form sample is enclosed for your convenience. **This original certificate shall be submitted to the Finance Department prior to the City of Porterville Council's approval.**

CC Authorized Representative Initials

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.**

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

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.

Porterville Chamber	<i>Chitra T. CC</i>	10/14/2021
(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

Sponsoring organization: Porterville Chamber of Commerce

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION.** Vendors with no valid City of Porterville business license are required to pay \$1 per day to the City, with the exceptions of non-profit organizations. This form should be completed at the time of application, but must be submitted **NO LESS THAN ONE** week prior to the event.

[illegible]

3 of 4

CITY OF PORTERVILLE

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

Name of event: PCoC Paper Shredding Event

Sponsoring organization: Porterville Chamber of Commerce

Event date: 11/22/2021 Hours: 10:00 AM- 1:00 PM

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed			
Street Name	From	To	Activity
N/A			
Sidewalks	From	To	Activity
N/A			
Parking lots and spaces	Location		Activity
Parking Spaces	Map included		Community event



W Oak Ave

N Hockett St

N Hockett St

N Division St

N Division St

N Division St

Main St

N Main St

N Main St

N Main St

N Main St

Chingons tacos
Takeout

Fashion Trend
Women's clothing store

Bethesda Lutheran
Communities

Leonardos Jewelry
Jewelry

Norris Furniture
Delivery

Fernandez
Insurance Agency

Mexishnacks
Candy store

Porterville Chamber
of Commerce

Yecenia's Fashion
Women's clothing store

Enter

Exit

TWO TRUCKS.
ONE FOR
SHREDDING
TRUCK AND
SMALLER FLATBED
TRUCK FOR
ELECTRONIC

Requirements for Community Civic Event

Porterville Chamber of Commerce
Paper Shredding Event

November 22, 2021
10:00 am-1:00 pm

Location: 93 N Main St,
Porterville CA 93257
(Oak St Parking Lot between Hockett St
And Division St)

Finance Director:
M. Bemis

City Engineer:
D. Cervantez

Community Development Manager:
J. Ridenour

Public Works Director:
M. Knight

Fire Marshall:
C. Dignam

Parks and Leisure Services Director:
D. Moore

No comments from Parks.

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 the event organizer(s) is (are) required to comply with all local, state, and federal directors mandates concerning COVID-19.

Field Services:
B. Spry

J. Baeza

No comments.

Requirements for Community Civic Event

Sponsor: Chamber of Commerce,
City of Porterville
Event: PCoC Paper Shredding Event
Event Chairman: Christina Clausen
Location: 93 N Main Street (Oak St parking lot between Hockett St and
Division St)
Date of Event: November 22, 2021 (10:00am-1:00pm)

RISK MANAGEMENT: Conditions of Approval

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

A. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than \$1,000.

B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A: VII, and the insurance company must be an 'admitted' insurer in the State of California.

CITY OF PORTERVILLE
Community Civic Event Application

Porterville Chamber of Commerce
Shredding Event
November 22, 2021 10:00 am – 1:00 pm

Proposed Conditions/Requirements for Shredding Event

- All street closures in the city require City Council approval.
- Ensure highly visible and adequate barricades/barriers are used to warn motorists of non-access to closed street and prevent vehicle access to those designated areas.
- At the conclusion of the event, event organizers shall ensure streets and parking lots are promptly cleared of any vehicles, equipment, booths or anything that could prevent a hazard to pedestrians or vehicles traveling in the area.

Rick Carrillo, Lieutenant
Police Department- Services Division

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: N/A
- 2 Address where amplification equipment is to be used: N/A
- 3 Names and addresses of all persons who will use or operate the amplification equipment: N/A
- 4 Type of event for which amplification equipment will be used: N/A
- 5 Dates and hours of operation of amplification equipment: N/A
- 6 A general description of the sound amplifying equipment to be used: N/A

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 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.

Clark T. Olson
Signature of Applicant

10/14/2021
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.

City of Porterville, Chief of Police/Designee

Date



PORTCHA-01

JMADRIGAL

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/8/2021

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

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

PRODUCER License # 0D44424

Walter Mortensen Insurance / INSURICA
PO Box 1960
Porterville, CA 93258

CONTACT NAME: Jacqueline Madrigal

PHONE (A/C, No. Ext): (559) 560-3215

FAX (A/C, No): (559) 781-3229

E-MAIL ADDRESS: Jacqueline.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 TR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY						
	☐ CLAIMS-MADE ☒ OCCUR						
		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
	GEN'L AGGREGATE LIMIT APPLIES PER:						
	☒ POLICY ☐ PRO-JECT ☐ LOC						
	OTHER:						
	AUTOMOBILE LIABILITY						
	☐ ANY AUTO						COMBINED SINGLE LIMIT (Ea accident) \$
	☐ OWNED AUTOS ONLY						BODILY INJURY (Per person) \$
	☐ HIRED AUTOS ONLY						BODILY INJURY (Per accident) \$
	☐ SCHEDULED AUTOS						PROPERTY DAMAGE (Per accident) \$
	☐ NON-OWNED AUTOS ONLY						
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB						AGGREGATE \$
	☐ OCCUR						
	☐ CLAIMS-MADE						
	☐ QED						
	RETENTION \$						
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						PER STATUTE \$
	If yes, describe under DESCRIPTION OF OPERATIONS below						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)
City of Porterville and successor agency to the Porterville redevelopment agency, its officers, employees, agents and volunteers 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 Event - Fall Paper Shredding and e-waste event November 22, 2021. @ City of Porterville Public Parking Lot.

CERTIFICATE HOLDER

City of Porterville
and Successor Agency to the Porterville
Redevelopment Agency
291 N Main Street
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.



CITY COUNCIL AGENDA – NOVEMBER 16, 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 November 2, 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-five (65) 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. On October 27, 2021, the State issued updated guidance to the "Beyond the Blueprint" in regard to Indoor "Mega Events," requiring all indoor events to confirm identification of all attendees age 18 and older to confirm the individual presenting proof of vaccination or negative test is the attendee entering the facility or venue beginning December 1, 2021.

During the past eighteen (18) months, the Council and its legislative bodies have conducted teleconferencing meetings as allowed pursuant to a series of Executive Orders, the most recent which expired on September 30, 2021 (Executive Order N-08-021, issued June 11, 2021), which waived all physical presence requirements under the Brown Act as a means of limiting the spread of COVID-19. Recently adopted State law, Assembly Bill 361 (AB 361), extends the authority of public agencies to conduct meetings by teleconference, including video conference, without compliance with all of the Brown Act's limitations on such meetings, which the status of emergency resulting from the COVID-19 pandemic and accompanying recommendations for social distancing remain in place. Consistent with AB 361, the Council must adopt a Resolution consistent with its proclamation of local emergency, and must review and renew such Resolution every thirty (30) days thereafter. AB 361 will sunset on January 1, 2024.

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 2020 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. At its meeting on October 5, 2021, the Council approved the Veterans Day Parade to occur on November 11, 2021, with health and safety precautions required including: 1) longer parade route, multiple announcing areas and signage to avoid gathering and encourage social distancing; 2) livestreaming the event for individuals who elect not to attend in-person; and 3) sponsoring a vaccine event in collaboration with Sierra View Medical Center.

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 October 31, 2021, there was \$1,187,992 in unpaid City utility accounts (water: \$559,589; sewer: \$331,194; and refuse: \$297,209), with the corresponding total loss in late fees of \$304,797 - 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. State Senate Bill 155 was chaptered on September 24, 2021, which extends the prohibition of shutoff of utilities until December 31, 2021.

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, electrology, body art professionals, tattoo parlors, piercing shops and massage therapy (in non-healthcare settings).

On September 30, 2020, the State announced a new health equity metric to be included in the Blueprint for a Safer Economy, requiring that test positivity rates in disadvantaged communities that comprise the lowest quartile of a county's Healthy Places Index census tracts do not significantly lag behind overall county test positivity rates. In order to advance to the next less restrictive tier (e.g. Purple-widespread to Red-substantial), a county will need to meet an equity metric and/or demonstrate targeted investments to eliminate disparities in levels of transmission. According to Tulare County's report as of October 13, 2020, the lowest quartile does not include Porterville areas exceeding 8%

positivity, with the census tracts of Cutler/Yettum (24.4%), Pixley/Teviston (18.9%), Earlimart (15.6%), Alpaugh/Allensworth/Richgrove (15.4%), South-Central Tulare (13.3%), Tipton/Woodville (12.5%), West-Central Tulare (11.8%) and Orosi (8.9%) being of greatest concern. As referenced by a Member of Council, at its meeting on October 6, 2020, the Tulare County Board of Supervisors adopted a Resolution, demanding clarity, consistency, and continuity from Governor Newsom regarding COVID-19 directives to counties.

On November 19, 2020, due to the observed significant rise in positive cases, the State announced a "Limited Stay At Home Order" that in all counties in the Purple (Widespread) tier under the State's Blueprint for a Safer Economy, requiring that all non-essential business and public activities cease to occur between 10:00 PM and 5:00 AM, effective November 21, 2020 through December 21, 2020 or as may be extended. On January 25, 2021, the State removed this Order effective immediately.

On December 3, 2020, due to the continued significant rise in positive cases and hospitalizations (especially ICU care), the State issued a "Regional Stay At Home Order" with the state separated into five regions by county and centered around maintaining a minimum of fifteen percent (15%) regional hospital ICU capacity, with Tulare County joining eleven (11) other counties in the "San Joaquin Valley" region. The San Joaquin Valley region experienced 14.1% ICU capacity on December 5th and 6.6% capacity on December 6th, causing the new regional order to go into effect in the San Joaquin Valley region at 11:59 P.M. on December 6th. 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. On October 1, 2021, Governor Newsom announced that the COVID-19 vaccine would be added to

the list of vaccines required for school attendance for middle and high school grades, once the vaccine receives full approval from the federal Food and Drug Administration (FDA).

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. With the conclusion of the eviction moratorium, \$850 million in State emergency rental assistance continues to be available to eligible low income tenants through the California COVID-19 Rent Relief Program.

Governor Newsom's Executive Order N-39-20, issued on March 30, 2020, provided broad waivers of certifications and licensing for healthcare providers

and locations to expand the provision of medical care in meeting an expected patient surge. During his press conference announcing the Order, Governor Newsom mentioned that Porterville would play a role in meeting the expected patient surge, which staff has learned will involve the reactivation of a portion of the General Treatment Area of the Porterville Developmental Center (PDC), including caring for up to potentially 350 COVID-19 patients in four (4) categories: 1) patients too sick to recover at home, but do not need hospitalization; 2) patients who have been hospitalized and who are recovering and require less care; 3) skilled nursing facility patients who don't require acute care; and 4) developmentally-disabled group home patients. Preliminary construction improvements have been completed to prepare the facility's infrastructure, with no timeline yet provided for necessary medical improvements expected to begin. The City has repeatedly asked the State to keep it involved in its planning efforts, including any actions by Council that would be supportive of its operation. On May 8, 2020, the City received notice from the County that the State intended to immediately relocate approximately forty (40) foster youth from across the state with COVID-19 to PDC, however, on May 9, 2020, the County notified the City that the State had changed its plans and would not be relocating the youth to PDC, likely to ensure regional patient surge capacity. On July 2, 2020, the City received notification from the County that the State would activate PDC as a regional alternate site on Friday, July 3, 2020, treating low-acute COVID-19 patients transferred from impacted hospitals from across the Central Valley. On August 19, 2020, the State notified the County that State personnel were being assigned to support the large fires in northern California and now across the state, and that PDC would not be accepting any new patients until further notice. As of September 12, 2020, there were no patients being treated at PDC, with the State designating the "warm closure" of the facility that can be reactivated within seventy-two (72) hours if necessary. The State has indicated that due to rising hospitalizations, it anticipated that PDC would be reopened as a regional alternate site, which was activated on December 15, 2020, and at the time of this report is currently not treating any patients and has been returned to "warm closure" status.

As part of the Governor's commitment to broader testing in rural and underserved areas of the state, the State established a contracted large-scale testing facility at the Veterans Memorial Building, beginning operations on Tuesday, May 5, 2020. Up to 130 tests are expected to be performed each day (Monday - Friday) for the next several months, which testing will be available to everyone by appointment. Given initial low utilization, City staff initiated a local messaging campaign for local residents to be tested, which precipitated improved community response beyond minimum State testing thresholds. City staff had been notified by County staff that the Veterans Memorial administration has given notice to the State to terminate the testing at its facility effective July 31, 2020, so that it may again use the facility for other purposes, however, the State and the Veterans Memorial administration have agreed to continue testing, 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 242,035 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/certificates 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. A second Community Roundup Event was held on September 16-18, 2021, with 795 individuals vaccinated. A third Community Roundup Event was held on October 7-9, 2021, with 1,249 individuals vaccinated. A fourth Community Roundup Event was

held on October 29-30, 2021, with 2,046 individuals vaccinated. A total of 4,450 local gift cards/certificates have been purchased and \$445,000 in City ARPA funds expended. Sierra View has expressed its interest in continuing to partner with the City in future vaccine incentive events, which the Council at its meeting on October 19, 2021, authorized continued Community Roundup Events for November 18-20, 2021. The Council also directed staff to coordinate with the local school districts in the potential planning of school-based vaccine events for youth ages 5-11 years. At its meeting on October 5, 2021, the Council approved a vaccine incentive event in conjunction with the Veterans Day Parade on November 11, 2021. Unfortunately, the vaccine event planned in conjunction with the Family Literacy Day on September 25, 2021, was canceled due to unhealthy air quality from the local Windy Fire, and due to a lack of staffing, Sierra View has been unable to conduct vaccine events at either of the Music on Main events in October. Family Healthcare Network has also expressed an interest to partner with the City on vaccine incentive events through its Downtown clinic.

Consistent with federal guidelines in the use of ARPA funds and the Council's priorities for the use of funds, at its meeting on October 19, 2021, the Council acted to support a request by UPHoldings and Self-Help Enterprises in the amount of \$250,000 toward the development of the Finca Serena affordable and permanent supportive housing project, and to apply the County of Tulare's \$500,000 appropriation of ARPA funds to address homelessness in the city of Porterville.

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 closed 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;
3. Approve the Draft Resolution authorizing local emergency virtual meetings; and
4. 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 - October 27, 2021
12. City Utilities Past Due Balances - October 2021
13. Vaccination Incentives Report
14. Draft Resolution - AB 361 Local Emergency Remote Access

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

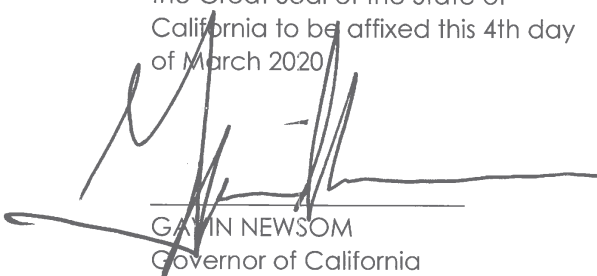
notification requirement of Civil Code section 1798.24, subdivision (i), is suspended.

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

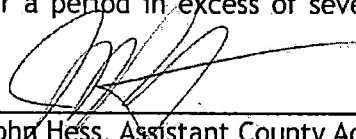
NOW THEREFORE, the Tulare County Coordinator of Emergency Services hereby:

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

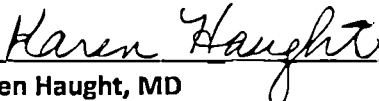
WHEREAS, the Board of Supervisors is not in session, and cannot immediately be called into session; and

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.

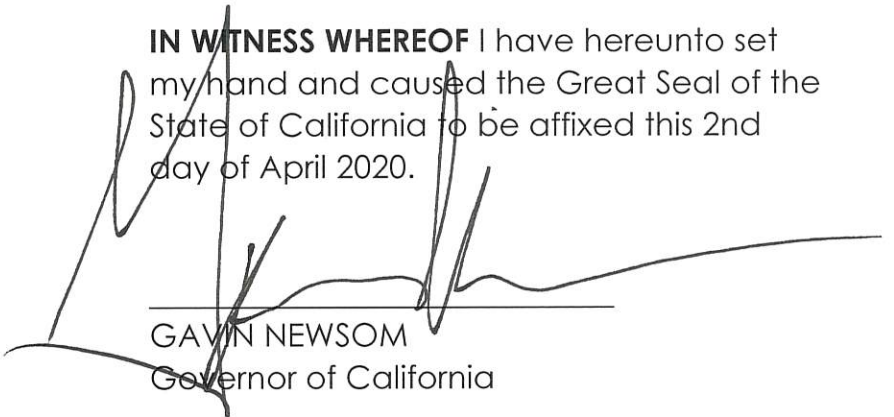
Nothing in this Order eliminates the obligation of water customers to pay for water service, prevents a water system from charging a customer for such service, or reduces the amount a customer already may owe to a water system.

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.

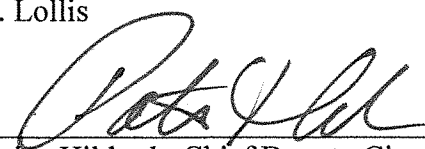
Section 6. This Ordinance is exempt from the requirements of CEQA pursuant to California Public Resources Code Section 21080(b) (4).

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)

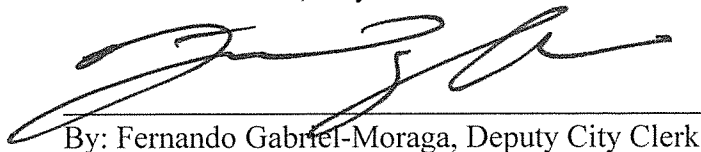
I, JOHN D. LOLLIS, the duly qualified City Clerk of the City of Porterville do hereby certify:

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**



October 27, 2021

TO: All Californians

SUBJECT: Beyond the Blueprint for Industry and Business Sectors

Related Materials: Beyond the Blueprint Q&A | Vaccination Record Guidelines & Standards

Updates as of October 27, 2021:

- Removed term date of November 1, 2021.
- Included requirement for all businesses and venue operators to confirm identification for all attendees age 18 and older.

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 leads the nation in emerging from the latest surge in COVID-19 infections, hospitalizations, and deaths caused by the Delta variant [1]. This is due in large part to the collective efforts of Californians to get vaccinated and wear masks. Vaccination remains the ultimate exit strategy out of the COVID-19 pandemic, but we still have a ways to go. Although infection rates had been decreasing, they seem to be levelling off, more than 25 counties continue to experience high transmission, as classified by the CDC. Hospital capacity remains impacted in some regions. People are still dying of this increasingly preventable disease.

Ongoing vigilance is necessary to protect against COVID-19. This continues to be the case for large, indoor events, which have the potential to cause large, substantial, and severe outbreaks. As we enter the winter season, more Californians and others entering California will be participating in indoor events and traveling across the state, country, and the globe, increasing the risk of spreading COVID-19.

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.

The risk of spreading COVID-19 is decreased when all parties are vaccinated. Vaccination or negative COVID-19 test result verification, especially indoors, is an additional, important strategy to reduce transmission in large gatherings, especially where masks are removed for eating, drinking and where activities (like singing, yelling, or cheering) that increase transmission risk are occurring, even when masks are being worn.

In the context of concerning levels of transmission throughout much of the state, country, and worldwide and the ongoing risk of large gatherings, it is important that these mitigation strategies remain in place. Additionally, beginning December 1st, all attendees age 18 and older must provide identification to confirm the individual presenting proof of vaccination or negative test is the attendee entering the facility or venue. This additional measure is important at this time given that the frequency of indoor events will rise during this winter season, and many individuals attending these events may be coming from states and other countries that are experiencing higher rates of COVID transmission. Many events may also include families with children who are unable to receive the vaccine, or those who may be at high-risk for severe illness or death. It is important that we continue to protect our communities by ensuring that all attendees have taken all required measures to protect themselves and those around them.

These restrictions and recommendations will continue to be updated as CDPH continues to assess conditions on an ongoing basis.

	Restrictions Applying to Indoor & Outdoor Settings
Definitions of Mega Events	Crowds greater than 1,000 (indoors) attendees Crowds greater than 10,000 (outdoors) attendees
UPDATE: Vaccine Verification / Negative Testing requirements to confirm identification	Required for Indoor Mega Events Recommended for Outdoor Mega Events Beginning December 1st - All attendees age 18 and older must provide identification to confirm the individual presenting proof of vaccination or negative test is the attendee entering the facility or venue.*
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.
- All businesses and venue operators must check the identification of all attendees age 18 and over to validate their vaccination record or proof of negative test.
 - Acceptable identification is any document that includes the name of the person and photograph.
- 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. Consistent with that guidance, attendees should also wear masks at outdoor events when they enter indoor areas, such as restrooms, restaurants, retail shops, concourses, or concession stands.
- 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.

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



CITY OF PORTERVILLE
UTILITIES
PAST DUE BALANCES

	AS OF 3/31/2020	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	AS OF 9/30/2021	AS OF 10/31/2021	Mar20-Oct21 Difference
WATER	\$155,942	\$519,526	\$571,536	\$527,676	\$463,170	\$470,677	\$503,738	\$481,955	\$543,626	\$602,471	\$559,589	\$403,647
SEWER	171,185	337,317	349,334	294,515	283,873	305,374	292,298	282,188	300,471	320,062	331,194	\$160,009
REFUSE	155,172	303,605	316,767	268,798	253,119	273,951	262,133	248,199	267,486	282,828	297,209	\$142,037
	<u>\$482,299</u>	<u>\$1,160,448</u>	<u>\$1,237,637</u>	<u>\$1,090,989</u>	<u>\$1,000,161</u>	<u>\$1,050,002</u>	<u>\$1,058,170</u>	<u>\$1,012,342</u>	<u>\$1,111,583</u>	<u>\$1,205,360</u>	<u>\$1,187,992</u>	<u>\$705,693</u>
<u>ESTIMATED PENALTIES</u>		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	AS OF 9/30/2021	AS OF 10/31/2021	
WATER		\$133,344	\$150,734	\$143,479	\$136,401	\$138,598	\$145,220	\$132,986	\$147,937	\$145,259	\$145,534	
SEWER		89,124	91,957	75,987	75,827	84,055	79,686	73,592	78,818	77,245	83,940	
REFUSE		82,219	84,750	69,309	68,561	75,935	71,125	65,677	70,806	68,894	75,323	
		<u>\$304,687</u>	<u>\$327,441</u>	<u>\$288,775</u>	<u>\$280,789</u>	<u>\$298,589</u>	<u>\$296,032</u>	<u>\$272,256</u>	<u>\$297,561</u>	<u>\$291,399</u>	<u>\$304,797</u>	
TOTALS		<u>\$1,465,135</u>	<u>\$1,565,077</u>	<u>\$1,379,764</u>	<u>\$1,280,950</u>	<u>\$1,348,590</u>	<u>\$1,354,201</u>	<u>\$1,284,597</u>	<u>\$1,409,144</u>	<u>\$1,496,759</u>	<u>\$1,492,789</u>	

Vaccination Incentives Report

	KUUG Event August 19, 2021	SVMC/Imperial Ambulance Clinic August 27, 2021	SVMC/Imperial Ambulance September 16-18, 2021	SVMC/Imperial Ambulance October 7-9, 2021	SVMC/Imperial October 28-30, 2021	Total Amount per Vendor
2.0 Coffee Co.				\$4,600		\$5,000
Airway Café			\$400	\$4,500		\$5,000
Chaguito's Bakery			\$500	\$2,500	\$5,000	\$10,000
China's Alley			\$1,100	\$3,900	\$5,000	\$10,000
Deli Delicious	\$500			\$3,000		\$3,500
Don Vinos	\$500	\$3,000	\$2,700	\$7,300	\$5,000	\$18,500
El Jacalito		\$2,000	\$3,200	\$6,800	\$5,000	\$17,000
El Nuevo Mexicali (Main Street)	\$500		\$2,200	\$2,800	\$5,000	\$10,500
El Nuevo Mexicali (Prospect)		\$2,000			\$5,000	\$7,000
El Tapatio	\$500		\$5,000	\$5,000	\$5,000	\$15,500
Giovanni's Pizzeria	\$500		\$5,000	\$5,000	\$5,000	\$15,500
Habi Sushi			\$5,000	\$5,000	\$5,000	\$15,000
Hergesheimer's Donuts				\$1,000	\$1,500	\$2,500
Java Express		\$2,500	\$4,000	\$1,000	\$10,000	\$15,000
Mom's U Bake		\$3,000	\$5,000	\$5,000	\$5,000	\$12,500
Nanlangka			\$5,000			\$8,000
Pho Sho			\$1,500	\$3,500	\$2,800	\$7,800
Plano Jerky					\$5,000	\$5,000
Porterville Grocery Outlet			\$4,400	\$5,600	\$15,000	\$25,000
RJ's Café			\$700	\$4,300	\$5,000	\$10,000
Rosa's Italian Restaurant			\$300	\$4,700	\$5,100	\$10,100
Stafford's	\$600	\$400	\$3,000	\$7,000	\$8,600	\$19,600
Subway	\$2,800	\$3,200	\$10,000	\$5,000	\$10,000	\$31,000
Super Burger			\$5,000	\$5,000	\$5,000	\$15,000
Taco Rico					\$5,000	\$5,000
Thai Kitchen		\$2,000	\$1,100	\$3,900	\$5,000	\$12,000
The Anvil		\$2,500	\$1,500	\$3,500	\$10,000	\$17,500
The Vault			\$3,500	\$6,500	\$10,000	\$21,500
Tony's Pizza	\$1,500			\$5,000	\$5,000	\$10,000
Town & Country Market		\$5,000	\$19,200	\$5,800	\$55,000	\$85,000
Total:	\$7,400	\$25,600	\$86,800	\$117,200	\$208,000	\$445,000
Vaccines	74	357	795	1249	??	

RESOLUTION 2021-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AFFIRMING ITS PROCLAMATION OF A LOCAL EMERGENCY, RATIFYING THE
PROCLAMATION OF A STATE OF EMERGENCY BY ASSEMBLY BILL 361 ISSUED
ON SEPTEMBER 16, 2021, AND AUTHORIZING REMOTE TELECONFERENCE
MEETINGS OF ALL LEGISLATIVE BODIES OF THE CITY OF PORTERVILLE FOR
THE PERIOD OF THIRTY (30) DAYS PURSUANT TO BROWN ACT PROVISIONS

WHEREAS, the City Council is committed to preserving and nurturing public access and participation in meetings of all City of Porterville legislative bodies; and,

WHEREAS, all meetings of the City's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950-54963), so that any member of the public may attend, participate, and watch the City's legislative bodies conduct their business; and,

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(s), subject to the existence of certain conditions; and,

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and,

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme period to the safety of persons and property within the jurisdictions that are within the City's boundaries, caused by natural, technological, or human-caused disasters; and,

WHEREAS, it is further required that State or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and,

WHEREAS, such conditions now exist in the City, specifically, a State of Emergency has been proclaimed by the Governor of the State of California; and,

WHEREAS, State and local officials continue to promote social distancing measures and City's conference chambers limited capacity would present imminent risk to health and safety of attendees; and,

WHEREAS, the City does hereby reaffirm its proclamation of a local emergency due to the novel coronavirus (COVID-19) that has caused, and will continue to cause, conditions of peril to the safety of persons within the City that are likely to be beyond the control of services, personnel, equipment, and facilities of the City, and desires to reaffirm its local emergency and ratify the proclamation of emergency by the Governor of the State of California; and,

WHEREAS, as a consequence of the local and state emergency, the City does hereby find that the legislative bodies of the City shall conduct their meetings without compliance with paragraph three (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph two (2) of subdivision (c) of section 54953; and,

WHEREAS, the City will give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body; and,

WHEREAS, the legislative body will not take any further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored; and,

WHEREAS, the legislative body will not require public comments to be submitted in advance of the meeting and specifies that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time; and,

WHEREAS, the legislative body will not close the public comment until the public comment period has elapsed or until a reasonable amount of time has elapsed as specified.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Porterville as follows:

SECTION 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference; and,

SECTION 2. Reaffirmation of Local Emergency. The City hereby reaffirms that a local emergency now exists through the City, and that State and local officials

continue to promote social distancing measures and City's conference chambers limited capacity would present imminent risk to health and safety of attendees; and,

SECTION 3. Ratification of Governor's Proclamation of a State of Emergency. The City hereby ratifies the Governor of the State of California's Proclamation of March 2, 2020; and,

SECTION 4. Remote Teleconference Meetings. The City Manager and legislative bodies of City of Porterville are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act; and,

SECTION 5. Effective Date of Resolutions. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of December 15, 2021, or such time the Council adopts a subsequent Resolution in accordance with Government Code section 54953 (e)(3) to extend the time during which the legislative bodies of City of Porterville may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED, APPROVED, AND ADOPTED this 16th day of November, 2021.

Adrian Monte Reyes, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____

Patrice Hildreth, Chief Deputy City Clerk