



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
NOVEMBER 1, 2022, 5:30 PM**

Pursuant to the provisions of Assembly Bill 361, signed into law by Governor Newsom on September 16, 2021, 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/UC5KuhSrNMNL9nwHJVtnJvvA>

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

Topic: City of Porterville – City Council Meeting of November 1, 2022

Please use the following link below to join the webinar:

<https://us06web.zoom.us/j/87813395728?pwd=RUxDUnozU0UrZkdSQmp0bHdhdp4Zz09>

Or via Telephone: **1-669-900-6833** Webinar ID: **878 1339 5728** Passcode: **098321**

Call to Order

Roll Call

ORAL COMMUNICATIONS

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

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: A portion of 302-110-054. Agency Negotiator: John Lollis and Jason Ridenour. Negotiating Parties: City of Porterville and Tule River Tribe of California. Under Negotiation: Terms and Price.
- 2** - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Rae Dean Strawn v. Bruce Sokoloff, et al., U.S. District Court, Eastern Div., Case No. 1:22-at-00742.
- 3** - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Angelica Aldaco v. California Department of Transportation, et al., Tulare County Superior Court Case No. PCU293166.
- 4** - 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 plaintiff.

5 - 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 Mayor Flores

Invocation

ORAL COMMUNICATIONS

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

AB 1234 REPORTS

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

1. Mighty 190 Committee - October 19, 2022
2. Tulare County Association of Governments Coordination Meeting - October 19, 2022
3. Tulare County Homeless Task Force - October 19, 2022
4. Tulare County Regional Transit Agency Board - October 20, 2022
5. Tulare County Economic Development Corporation Board - October 26, 2022
6. Internal City Audit Committee - October 26, 2022
7. City Fall Luncheon - October 27, 2022

REPORTS

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

II. Staff Informational Reports

Street Performance Measure Quarterly Report FY 2022-2023 (July - September 2022)

Charitable Car Washes Quarterly Report Calendar Year 2022

City Commission and Committee Attendance Quarterly Report FY 2022-2023 (July - September 2022)

City Council Member Appointments Attendance Quarterly Report FY 2022-2023 (July - September 2022)

Code Enforcement Quarterly Report FY 2022-2023 (July - September 2022)

Golf Course Quarterly Report FY 2022-2023 (July - September 2022)

CONSENT CALENDAR

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

1. **Authorization to Purchase Shade Structure**
Re: Consideration to authorize the purchase and installation of a shade structure at the skate park located at Veterans Park from California State Parks Per Capita Program funds for an amount not to exceed \$58,526.19.
2. **Purchase of Police Vehicles and Associated Equipment**
Re: Authorizing staff to negotiate the purchase of Police Department vehicles and equipment as identified in an estimated amount of \$670,000.
3. **Marching Through Time Agreement with Fine Art Conservation Laboratories.**
Re: Consideration to approve the Agreement with Fine Arts Conservation Laboratories for restoration services on the "Marching Through Time" mural located in Centennial Park.
4. **Approval of the City Library's Amended Rules of Conduct**
Re: Consideration to approve the draft Resolution adopting the proposed amended Rules of Conduct for the City Library.
5. **Approval of the Library's Internet Use Policy**
Re: Consideration to approve the Library's Internet Use Policy to be in compliance with the Children's Internet Protection Act.
6. **Financial Status Reports**
Re: Consideration to accept the Financial Status Report for the quarter ending September 30, 2022
7. **Quarterly Investment Portfolio**
Re: Consideration to accept the quarterly Investment Portfolio Summary Report.
8. **City Council Member Requested Agenda Item - Consider City Code Prohibiting Commercial Vehicles From Using Certain Streets**
Re: Consider Mayor Flores' request to consider and review the City's Code for prohibiting commercial vehicles from using certain streets.
9. **Reaffirm Conditions of State Assembly Bill 361 to Continue Remote Attendance at Public Meetings**
Re: Consider adoption of a draft Resolution consistent with AB 361 to continue to allow remote attendance at public meetings.
10. **Status and Review of Local Emergency: Drought**
Re: Considering approval of the continuance of the Declaration of Local Emergency.

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

PUBLIC HEARINGS

- 11. Consideration of Conditional Use Permit (PRC 2020-049-C) and Tentative Parcel Map No. 2022-001**
Re: Consideration to adopt the draft Resolution finding the proposal exempt from CEQA and approving Conditional Use Permit (PRC 2020-049-C) and Tentative Parcel Map No. 2022-001 subject to conditions of approval.
- 12. Adoption of the 2022 California Building Codes**
Re: Consideration to approve the draft Ordinances adopting the 2022 Editions of the California Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Green Building Standards, Historical Buildings, Existing Buildings, and Referenced Standards Codes
- 13. Adoption of the 2022 California Fire Code**
Re: Consideration of a draft Ordinance adopting the 2022 Edition of the California Fire Code.
- 14. Ordinance Amending the Porterville Municipal Code Concerning Code Enforcement Functions and Fire Department Personnel**
Re: Consideration of draft Ordinance amending Chapters 2, 12, and 17 of the Porterville Municipal Code as it pertains to the Fire Department to match and reflect current State standards and local practices.

SCHEDULED MATTERS

- 15. Review of Cannabis Operating Permit Application Scores**
Re: Consideration of results of the overall scoring procedure established by the City Council and directing staff to begin negotiations for a Development Agreement with Bloom Farms.
- 16. Consideration of Appointment to the Arts Commission**

Re: Considering the appointment of an individual to serve on the City's Arts Commission.
- 17. Review Process for Fireworks Sales**
Re: Consideration of the process by which fireworks sales are conducted annually by the City of Porterville.

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION

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

ADJOURNMENT - to the meeting of November 15, 2022 at 5:30 p.m.

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 1, 2022

SUBJECT: Street Performance Measure Quarterly Report FY 2022-2023 (July - September 2022)

SOURCE: Engineering and Project Management

COMMENT: The purpose of this staff report is to provide the City Council with an update on progress made on street reconstruction, overlay, micro-surfacing, and pothole repair efforts for the first quarter of FY 2022-2023 (July-September 2022). For Council's information, when reviewing the report, the light blue bar represents staff's estimated quantity of "work" for each category for the fiscal year. The black overlaid bar represents the quantity of work accomplished to date.

City street crews have focused mainly on overlay and pothole repair efforts during this first quarter reporting period. Main Street reconstruction (Olive Avenue to Morton Avenue), Newcomb Street reconstruction (Olive Avenue to Porter Slough), Villa Street reconstruction (Olive Avenue to Westfield Avenue), Henderson Avenue rehabilitation (Westwood Street to Patsy Street), Union Avenue reconstruction (Indiana Street to Jaye Street), Morton Avenue reconstruction (Westwood Street to Plano Street), Grand Avenue (Fourth Street to Plano Street) and Henrahan Street (Grand Avenue to Morton Avenue) reconstruction, Montgomery Avenue reconstruction (Jaye Street to H Street), and Date Avenue (Jaye Street to H Street) and Kessing Street (Date Avenue to River Avenue) widening are all under design.

RECOMMENDATION: Information Only

ATTACHMENTS: 1. Streets Performance Measure Quarterly Report (July - September 2022)

Appropriated/Funded:

Review By:

Department Director:
Javier Sanchez, Engineering & Project Management Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE
2022/2023 Level of Service Report
Prepared By J. Sanchez

1st QUARTER REPORT - July 1, 2022 - September 30, 2022

[illegible]

1st QUARTER REPORT - July 1, 2022 - September 30, 2022



CITY COUNCIL AGENDA – NOVEMBER 1, 2022

SUBJECT: Charitable Car Washes Quarterly Report Calendar Year 2022

SOURCE: Finance

COMMENT: In accordance with City Council direction, staff is providing a report on charitable car wash permits issued during the year. Article VI, Section 15-30 of the City Code allows up to four car washes by a charitable organization in a calendar year.

For the period of January 1 to September 30, 2022, there have been no charitable car wash applications received or permits issued.

RECOMMENDATION: Information Only

ATTACHMENTS: 1. Municipal Code Chapter 15 Article VI. Charitable Car Wash Permit Procedure

Appropriated/Funded:

Review By:

Department Director:
Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

ARTICLE VI. CHARITABLE CAR WASH PERMIT PROCEDURE

SECTION:

15-70: Definitions

15-71: Permit Required For Charitable Car Wash

15-72: Application For Permit

15-73: Issuance And Form Of Permit

15-74: Term Of Permit

15-75: Nontransferability Of Permit

15-76: Manner Of Car Wash

15-77: Fundraising As A Business

15-78: Revocation Of Permit

15-79: Violations

15-80: Car Washing As A Business

15-70: DEFINITIONS:

For purposes of this article, the following definitions shall apply:

APPLICANT: A member of a charitable organization who applies for a car wash permit on behalf of the charitable organization.

CHARITABLE: Benevolent, civil, religious, educational, fraternal, patriotic, political, philanthropic or other similar purposes.

CHARITABLE CAR WASH: A temporary vehicle washing operation conducted by members of a charitable organization for organization fundraising purposes. It shall not be deemed to include the operation of an authorized permanent vehicle washing business or service station authorized to wash vehicles on its premises, although a car wash, as defined above, may be conducted on such premises.

CHARITABLE ORGANIZATION: Means and includes an organization which is a duly organized governmental or not for profit charitable, religious, civic, patriotic or community service organization; and the organization must have a tax exempt identification number assigned to it.

PERMIT HOLDER: The charitable organization who has been granted a permit pursuant to this article for the purpose of conducting a charitable car wash.

PERSON: Any individual, firm, partnership, corporation, company, association, society, organization, church, congregation, assembly or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof.

RELIGIOUS OR RELIGION: Has the meaning established by the supreme court of the state or the supreme court of the United States.

RESIDENTIAL PROPERTY: A building designed for or occupied by one or more families as a residence including single-family residences, duplexes and apartments. (Ord. 1669 § 1, 6-21-2005)

15-71: PERMIT REQUIRED FOR CHARITABLE CAR WASH:

A. It is unlawful for any person to engage, directly or indirectly, in a charitable car wash without first obtaining a valid charitable car wash permit pursuant to the provisions of this article.

B. The permit application shall include a written application to sponsor the charitable car wash by the owner or lessee of the property upon which the car wash is to be held.

C. The car wash permit issued under this article to a charitable organization must be prominently displayed at the location where the car wash is conducted and shall be removed at the completion of the car wash. (Ord. 1669 § 1, 6-21-2005)

15-72: APPLICATION FOR PERMIT:

A. Applications for charitable car wash permits shall be made to the finance department upon forms prescribed by the city. The application shall be declared under penalty of perjury and filed with the finance department not less than five (5) consecutive business days prior to the time at which the applicant wishes to conduct said car wash.

B. A nonrefundable application fee an amount to be set by resolution shall be paid by the applicant. The application fee shall be based solely upon the administrative costs in processing the application and issuing the permits.

C. Such applications shall contain the following information and documentation:

1. The full name, mailing address, principal business and telephone number of the charitable organization or institution, the names and addresses of the organization's or institution's principal officers and executives, and the address of the national, state and local headquarters, if any.

2. The name and address of the sponsor, with a statement by the sponsor that he/she is the owner or lessee of the property where the car wash is to be held or is an employee or agent of the owner or lessee who has been delegated control of the premises by the owner or lessee, and that the sponsor assumes all liability regarding the car wash.

3. The full name and address of the person or persons who will be in charge of conducting the car wash. The names and addresses of each individual who will actually be engaged in the car wash shall be on file at the agency/organization conducting the car wash and shall be made available to the city police department upon request at any time.

4. The time when such car wash will be held, including preferred date and hours of the day for commencement and termination of the car wash.

5. A statement to the effect that if a permit is granted, it will not be used or represented in any way as an endorsement of the charitable organization by the city or any department or officer thereof.

6. Proof evidencing that the permit holder is a bona fide charitable organization.

7. The number of car washes that have been held by the charitable organization in that particular calendar year, and the number of car washes that have been held at that particular location in that particular calendar year.

8. Such supplemental information requested by the finance department as the finance department may require. The finance department may require that such information be updated during the time the permit is in force if changes occur subsequent to filing of the application in the planned dates and locations for the charitable car wash.

D. If, while the application is pending or during the term of any permit granted, there is a change in fact, policy or method that would alter the information to be given on the application, the applicant shall notify the finance director in writing thereof prior to five o'clock (5:00) P.M. the day before such change.

E. The application documents shall be available for public inspection. (Ord. 1669 § 1, 6-21-2005)

15-73: ISSUANCE AND FORM OF PERMIT:

A. The finance department shall issue the permit, unless it finds that:

1. Any statement made in the application is factually incorrect, and the applicant fails to correct the application after being requested to do so.

2. The applicant has not provided the information required by this article and fails to provide the missing information after being requested to do so.

3. The application indicates that the proposed car wash will violate any of the requirements of this article and the applicant fails to amend the application to indicate compliance with said section after being requested to do so.

4. The number of charitable car washes by the charitable organization applying for said permit exceeds four (4) in a calendar year, or the number of charitable car washes held at a particular location exceeds four (4) per calendar year. The location requirement shall not pertain to licensed commercial car washes.

5. The applicant has violated any of the provisions of this article within one year of the date the application is submitted, resulting in the imposition of a fine or the revocation of a prior permit.

B. Nothing set forth in this article shall be construed as granting to the finance department or any other person the authority to grant, deny, suspend, revoke or renew any permit by reason of disapproval or agreement with the philosophy, opinion or belief of the applicant, permit holder or person soliciting therefor, or for any other reason not specifically provided for in this article.

C. The finance department shall either issue or deny the requested permit within two (2) consecutive business days after the date the application is made. In the event of denial, the finance department shall give the applicant a written notice which states with specificity the reasons therefor. In the event the finance department fails to act within the time prescribed, the permit shall be deemed issued.

D. The permit, if issued, shall include the following information:

1. The name and address of the permit holder;
2. The date for which the permit is valid;
3. A statement that the permit does not constitute an endorsement by the city, or any of its departments, officers or employees, of the purpose of the car wash;
4. A permit number; and
5. The signature of the finance director or his/her designee. (Ord. 1669 § 1, 6-21-2005)

15-74: TERM OF PERMIT:

Permits issued under this article shall be valid only for the date specified in the application for the car wash and as stated on the permit. (Ord. 1669 § 1, 6-21-2005)

15-75: NONTRANSFERABILITY OF PERMIT:

No permit issued under this article shall be transferred or assigned, and any attempt at assignment or transfer shall be void. (Ord. 1669 § 1, 6-21-2005)

15-76: MANNER OF CAR WASH:

A. Car washes held pursuant to permits under this article:

1. Shall take place between the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M.
2. Shall be conducted for a one day period only.
3. Shall not be conducted by any person under the age of sixteen (16) years, unless supervised by an adult.
4. Shall not be conducted at any house, apartment or other dwelling nor an area zoned for residential use only.
5. Shall be conducted in an area zoned for commercial uses; and such location shall have a means of collecting the wash water and shall discharge the water to the city sewer collection system.
6. Shall use biodegradable soaps or detergents, and shall not violate any of the provisions of chapter 25 of this code, concerning wastewater discharge requirements.
7. Shall have a means in place to limit wastewater or runoff such as pistol grip nozzle or similar apparatus affixed to each garden hose or water source.
8. Shall not allow any person to solicit cars or other contributions from a position in or on any public right of way, including, but not limited to, sidewalks, traffic islands, driveways or the like as to endanger that individual

or others.

9. Shall not be conducted at any commercial property which has held four (4) prior car washes in the calendar year (excluding licensed commercial car wash locations).

10. Shall take place at a distance of more than twenty five feet (25') from the street curb, or from the near edge of the travel lane or lanes of any uncurbed street or road.

11. Shall utilize temporary signs, if any signs are utilized, in compliance with the city's applicable regulations concerning temporary signs.

12. Shall not be conducted by a charitable organization which has held four (4) prior car washes in the calendar year. Four (4) applications per tax exempt identification number, and four (4) permits per tax exempt identification number, will be allowed in the calendar year.

B. It is unlawful for a "permit holder", as defined herein, to:

1. Refuse to provide their name and a copy of the permit issued under this article, if requested by city representatives.

2. Misrepresent their identity or the identity of the charitable organization conducting the charitable car wash for which he or she is an agent.

3. Misrepresent that the charitable car wash permit issued under this article is an endorsement by the city, or any department or employee thereof, of the charitable car wash. (Ord. 1669 § 1, 6-21-2005)

15-77: FUNDRAISING AS A BUSINESS:

An organization in the business of fundraising (seeking a profit and paying its solicitors), even if engaged by a nonprofit organization, must comply with this article. If such an organization is soliciting on behalf of a nonprofit organization, the nonprofit organization shall obtain a permit pursuant to this article. (Ord. 1669 § 1, 6-21-2005)

15-78: REVOCATION OF PERMIT:

Any violation of this article by applicant or permit holder shall be cause for revocation of a permit issued pursuant to this article. Upon determination by an authorized representative of the city that a car wash is being conducted without a valid permit or in violation of the requirements of this article, said unlawful activity shall cease immediately, and all persons associated with said car wash shall be dispersed within one hour after the giving of said notice. Failure or refusal by the charitable organization and/or the owner/sponsor to cause a car wash in violation of these regulations to cease operations, after receiving such notification from the city official, shall constitute a separate violation of this article. Furthermore, any organization that violates this article shall be ineligible for the issuance of a permit for a period of one year. (Ord. 1669 § 1, 6-21-2005)

15-79: VIOLATIONS:

Every person who, for himself or herself, or as the agent of another, commences, engages in or conducts a car wash as provided in this article without procuring the permit as required under this article or who fails to comply with the conditions of this article shall be guilty of an infraction punishable by:

A. A fine not exceeding one hundred dollars (\$100.00) for a first violation;

B. A fine not exceeding two hundred dollars (\$200.00) for a second violation within one year; and

C. A fine not exceeding five hundred dollars (\$500.00) for each additional violation within one year. (Ord. 1669 § 1, 6-21-2005)

15-80: CAR WASHING AS A BUSINESS:

This article is expressly limited to charitable car washes. Any person, corporation, business or other entity who wishes to hold impromptu or temporary car washes on a for profit basis must comply with all city, county and state licensing or permitting requirements and does not fall within this article. (Ord. 1669 § 1, 6-21-2005)



CITY COUNCIL AGENDA – NOVEMBER 1, 2022

SUBJECT: City Commission and Committee Attendance Quarterly Report FY 2022-2023
(July - September 2022)

SOURCE: Administrative Services

COMMENT: Staff herein provides for the City Council's information the attendance reports as of the first quarter FY 2022-2023 for the following City Commissions and Committees:

- Animal Control Commission
- Arts Commission
- Library & Literacy Commission
- Parks & Leisure Services Commission
- Transactions & Use Tax Oversight Committee
- CDBG Advisory & Housing Opportunity Committee

RECOMMENDATION: Information Only

ATTACHMENTS:

1. Animal Control Commission
2. Arts Commission
3. Library & Literacy Attendance
4. Parks & Leisure Services Commission
5. Transactions and Use Tax Oversight Committee
6. CDBG Advisory and Housing Opportunities Committee

Appropriated/Funded:

Review By:

Department Director:
Patrice Hildreth, Deputy City Manager

Final Approver: John Lollis, City Manager

**Animal Control Commission
Attendance Records**

30-Sep-22

	2022 May	2022 June	2022 July	2022 11-Aug	2022 Sept	2022 Oct	2022 Dec	Notes:
Kathy Guinn	*	*	*	P				
Jerry Hall	*	*	*	A				
Art Duron	*	*	*	P				
Kat Harris	*	*	*	P				
Shawn Schwartzenberger		*	*	P				

*Meeting cancelled due to lack of quorum.

**Meeting cancelled due to holiday and/or scheduling.

	2021 Oct	2021 Nov	2021 Dec	2022 Jan	2022 Feb	2022 Mar	2022 Apr	Notes:
Florenza Pizanis	*	*	*	*	*	*		
Jerry Hall	*	*	*	*	*	*		
Kathy Guinn	*	*	*	*	*	*		
Kat Harris	*	*	*	*	*	*		
Art Duron	*	*	*	*	*	*		

*Meeting cancelled due to lack of quorum.

**Meeting cancelled due to holiday and/or scheduling.

	2021 Mar	2021 Apr	2021 May	2021 June	2021 July	2021 Aug	2021 Sept	Notes:
Florenza Pizanis		P	P	**	**	P		
Jerry Hall		P	A	**	**	A		
Kathy Guinn		P	P	**	**	P		
Kat Harris		P	P	**	**	P		
Art Duron		A	A	**	**	P		

*Meeting cancelled due to lack of quorum.

**Meeting cancelled due to holiday and/or scheduling.

	2020 Aug	2020 Sept	2020 Oct	2020 Nov	2020 Dec	2021 Jan	2021 Feb	Notes:
Florenza Pizanis	No meetings held due to COVID.							
Jerry Hall								
Kathy Guinn								
Kat Harris								
Vacant								

*Meeting cancelled due to lack of quorum.

**Meeting cancelled due to holiday and/or scheduling.

**Arts Commission
Attendance Records**

As of September 30, 2022

	2022 Apr	2022 May	2022 June	2022 July	2022 Aug	2022 Sept	2022 Oct	2022 Nov	
Kyree Perkins	P	P	P	**	P				
Emily Luna	P	P	P	**	P				
Diego Monterrubio	A	A	A	**	A				
Eden Santos	A	A	P	**	Vacated seat 8/22				
Maria Menga	P	P	P	**	P				

* No meeting held due to lack of quorum.

** No meeting due to scheduling.

	2020 Aug	2021 Sept	2021 Oct	2021 Nov	2021 Dec	2022 Jan	2022 Feb	2022 Mar	
Kyree Perkins	*P	**	P	*P	P	P	P	P	
Emily Luna	*P	**	P	*P	P	P	P	P	
Diego Monterrubio	*A	**	A	*A	A	A	A	A	
Eden Santos	*A	**	P	*A	P	P	A	A	
Maria Menga		**	P	*A	P	P	P	P	

* No meeting held due to lack of quorum.

** No meeting due to scheduling.

	2020 Dec	2021 Jan	2021 Feb	2021 Mar	2021 Apr	2021 May	2021 June	2021 July	
Vacant	No meetings held due to COVID.							**	
Kyree Perkins					*P	*P	*A	**	
Emily Luna					*P	*P	*A	**	
Diego Monterrubio					*A	*A	*A	**	
Eden Santos					*A	*A	*P	**	
(Student) vacancy								**	

* No meeting held due to lack of quorum.

** No meeting due to scheduling.

	2020 April	2020 May	2020 June	2020 July	2020 Aug	2020 Sept	2020 Oct	2020 Nov	
Vacant	No meetings held due to COVID-19.								
Kyree Perkins									
Emily Luna									
Diego Monterrubio									
David Mason									
(Student) vacancy									

	2019 28-Aug	2019 25-Sep	2019 23-Oct	2019 27-Nov	2019 25-Dec	2020 22-Jan	2020 4-Mar	2020 24-Mar	
Donna Serna	A*	**	A	**	**	**		**	
Kyree Perkins	P*	**	P	**	**	**	P	**	
Emily Luna	P*	**	P	**	**	**	P	**	
Diego Monterrubio	A*	**	A	**	**	**		**	
David Mason			P	**	**	**	P	**	
(Student) vacancy									

* No meeting due to lack of quorum.

** Meeting Cancelled

LIBRARY & LITERACY COMMISSION - Attendance Record

As of September 30, 2022

P = Present; A = Absent; E = Excused absence; T = Tardy

 = Summer Hiatus

** = No meeting held

	2022 Aug	2022 Sept	2022 Oct	2022 Nov	2022 Dec	2023 Jan	2023 Feb	2023 Mar	2023 Apr	2023 May	
Kim Baumgardner	P	P									
Patience Christenson	P	P									
Esther Figueroa	P	P									
Edith LaVonne	P	P									
Susan Uptain	P	P									
Fernando Serrano											
Sonya Lopez											

	2021 Oct	2021 Nov	2021 Dec	2022 Jan	2022 Feb	2022 Mar	2022 Apr	2022 May	2022 June	2022 July	
Catherine May	P	P	P	P	P	P	P	P			
Esther Figueroa	P	P	P	P	P	P	P	P			
Edith La Vonne	P	P	P	P	P	P	P	P			
Patience Christenson	P	E	P	E	P	P	P	P			
Kim Baumgardner	P	P	P	P	P	P	P	P			
Susan Uptain	P	P	P	E	P	P	P	P			
Leslie Pelon	P										
Karen Stover		P	P	P	P	P	E	P			

	2020 Jan	2020 Feb	2020 Mar	2020 Nov	2021 Feb	2021 May	2021 June	2021 July	2021 Aug	2021 Sept	
Catherine May	P	E	P	P	P	P			**	P	
Esther Figueroa	P	P	P	P	P	P			**	P	
Edith La Vonne	P	P	P	P	P	P			**	P	
Patience Christenson	P	E	P	P	P	P			**	P	
Kim Baumgardner	P	P	P	P	P	P			**	P	
Susan Uptain	P	P	P	P	P	E			**	P	
Leslie Pelon	P	P	P	P	P	P			**	E	

Parks & Leisure Services Commissioner's Record of Attendance

	2022	2022	2022	2022	2022	2022	2023	2023	2023	2023	2023	2023
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Phillip Duncan	**	**	P									
Diane Graybehl	**	**	E									
Kieran Daly	**	**	P									
Janet Uresti	**	**	P									
Tom Fiormonti	**	**	P									
Jason Gurrola	**	**	E									
Jason Pommier	**	**	P									
Arlene Pena	**	**	P									

**No meeting held. * Due to lack of quorum, an informal discussion only took place.
P = Present; E = Excused Absence; A = Absent; T = Tardy

Parks & Leisure Services Commissioner's Record of Attendance

	2021	2021	2021	2021	2021	2021	2022	2022	2022	2022	2022	2022
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Phillip Duncan	**	**	P	P	P	**	P	E	P	P	P	A
Diane Graybehl	**	**	P	P	P	**	P	P	P	P	P	P
Kieran Daly	**	**	P	P	P	**	A	E	P	P	P	P
Janet Uresti	**	**	P	P	E	**	P	P	P	P	P	P
Tom Fiormonti	**	**	P	P	P	**	P	P	P	P	P	P
Jason Gurrola	**	**	P	P	E	**	P	P	P	E	P	P
Jason Pommier	**	**	P	P	P	**	P	P	P	P	P	P
Arlene Pena		**	P	P	P	**	A	P	P	P	P	P

**No meeting held. * Due to lack of quorum, an informal discussion only took place.
P = Present; E = Excused Absence; A = Absent; T = Tardy

Parks & Leisure Services Commissioner's Record of Attendance

	2020	2020	2020	2020	2020	2020	2021	2021	2021	2021	2021	2021
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Phillip Duncan	**	P	**	**	P	**	**	A	**	**	A	E
Diane Graybehl	**	P	**	**	P	**	**	P	**	**	P	E
Kieran Daly	**	E	**	**	P	**	**	A	**	**	E	E
Janet Uresti	**	P	**	**	P	**	**	P	**	**	P	P
Tom Fiormonti	**	P	**	**	P	**	**	P	**	**	P	P
Jason Gurrola	**	P	**	**	P	**	**	P	**	**	P	P
Jason Pommier	**	P	**	**	P	**	**	P	**	**	P	P

**No meeting held. * Due to lack of quorum, an informal discussion only took place.
P = Present; E = Excused Absence; A = Absent; T = Tardy

**Transactions and Use Tax Oversight Committee
Attendance Records**

30-Sep-22

	2022 25-Aug							
John Simonich	P							Term expires 5/2026
Margaret Stinson	P							Term expires 5/2024
John Billiou	P							Term expires 5/2026
Jerry Hall	P							Term expires 5/2026
Janice Kovars	P							Term expires 5/2024
Shawn Byars	P							Term expires 5/2026
Joshua Sulier	A							Term expires 5/2024
Angela Dennis	P							Apptd 12/20; Term exp 5/2024
Rae Dean Strawn	P							Apptd 07/19; Term exp 5/2026
Robert K. Falls Sr.	A							Apptd 07/19; Term exp 5/2024

* Meeting cancelled

	2020 23-Sep	2020 18-Nov	2021 26-May	2021 25-Aug	2021 17-Nov	2022 24-Feb	2022 19-May	
John Simonich	P	P	P	P	A	P	P	Term expires 5/2026
Margaret Stinson	P	P	P	P	P	P	P	Term expires 5/2024
Russell "Buck" Fletcher	A	P	P	A	A	A	A	Term ended
John Billiou	P	P	P	P	P	P	P	Term expires 5/2026
Jerry Hall	A	P	A	A	P	P	P	Term expires 5/2026
Janice Kovars	P	P	P	P	A	P	P	Term expires 5/2024
Shawn Byars	P	A	P	P	P	P	P	Term expires 5/2026
Joshua Sulier	P	P	P	P	P	P	P	Term expires 5/2024
Angela Dennis			P	P	P	P	P	Apptd 12/20; Term exp 5/2024
Rae Dean Strawn								Apptd 07/19; Term exp 5/2026
Robert K. Falls Sr.								Apptd 07/19; Term exp 5/2024

* Meeting cancelled

	2018 13-Nov	2019 9-Jan	2019 12-Feb	2019 28-May	2019 27-Aug	2019 6-Nov	2020 26-Feb	
John Simonich	A	P	A	P	A	A	*	
Margaret Stinson	P	P	P	A	P	P	*	
Russell "Buck" Fletcher	P	P	P	P	P	P	*	
John Angell	A	A	A	P	P	P	*	
Mike Boudreaux Sr.	A	P	P	P	P	A	*	
Virginia Gurrola	P	P	P	A				
John Billiou	P	P	A	P	P	P	*	
Jerry Hall	P	P	P	P	P	P	*	
Janice Kovars	P	P	P	P	P	P	*	
Shawn Byars	P	P	P	P	P	P	*	
Joshua Sulier						P	*	

* Meeting cancelled

**CDBG Citizens' Advisory and Housing Opportunity Committee
Attendance Records**

As of September 30, 2022

Committee Member	Reg. Mtg 3/4/2020	Reg. Mtg 2/25/2021	Reg. Mtg 3/14/2022	Reg. Mtg	Reg. Mtg
Pat Contreras	P	P	P		
Linda Mendez	P	P	P		
Grace Munoz-Rios	P				
Doug Heusdens	A	A	A		
Rebecca Vigil	A	A	P		
Kelle Jo Lowe	P	P			
Maria Gonzalez	P				
Eriselda Lizarraga		P	A		
Isabel Olmos			P		
Rebecca Contreras			P		

* No meeting was held due to COVID.

Committee Member	Reg. Mtg 4/27/2015	Reg. Mtg 3/28/2016	Reg. Mtg 3/1/2017	Reg. Mtg 2/28/2018	Reg. Mtg 2/26/2019
Pat Contreras	P	A	P	P	P
Linda Mendez	P	A	P	P	A
Grace Munoz-Rios	P	P	P	P	P
Doug Heusdens	P	P	P	P	A
Rebecca Vigil	P	P	A	P	P
Kelle Jo Lowe	P	P	P	P	P
Maria Gonzalez	P	A	P	P	P

Committee Member	Year Originally Appointed	Reg. Mtg 3/14/2011	Reg. Mtg 3/12/2012	Reg. Mtg 3/11/2013	Reg. Mtg 3/10/2014
Pat Contreras	1988	P	P	P	P
Linda Olmedo	1997	P	P	P	P
Grace Munoz-Rios	1992	P	P	P	A
Doug Heusdens	2012	N/A	P	P	P
John Dennis	1998	P	P	A	P
Rebecca Vigil	2008	P	P	A	P
Kelle Jo Lowe	2009	P	P	P	P

This Committee typically meets on an annual basis in February or March.



CITY COUNCIL AGENDA – NOVEMBER 1, 2022

SUBJECT: City Council Member Appointments Attendance Quarterly Report FY 2022-2023 (July - September 2022)

SOURCE: Administrative Services

COMMENT: At its meeting on January 21, 2020, the City Council directed that staff prepare a quarterly report on Council Member attendance at meetings of boards to which Council Members were appointed. This report represents attendance at meetings during the first quarter of FY 2022-2023 (July through September, 2022).

RECOMMENDATION: Information Only

ATTACHMENTS:

1. Quarterly Report (July 1 - 17, 2022)
2. Quarterly Report (July 18 - September 30, 2022)

Appropriated/Funded:

Review By:

Department Director:
Patrice Hildreth, Deputy City Manager

Final Approver: John Lollis, City Manager

City Council Attendance - FY 2022-2023 First Quarter Report

July 1, 2022 through July 17, 2022

Committee/Board	Member/Alternate	JULY	AUGUST	SEPTEMBER
Ad Hoc Committee- COVID-19	Kellie Carrillo-Member Lawana Tate - Member			
Ad Hoc Committee - Proposition 64 Regulation of Marijuana	Monte Reyes - Member Lawana Tate-Member			
Ad Hoc Library Facility Planning Committee	Kellie Carrillo - Member			
Ad Hoc Committee - Provision of Local Water Services	Kellie Carrillo - Member Lawana Tate - Member			
Council of Cities	Martha Flores - Member Milt Stowe - Member			
Eastern Tule Groundwater Sustainability Agency JPA (ETGSA)	Monte Reyes - Member Michael Knight-Alternate	7/7 P		
Internal City Audit Committee	Martha Flores - Member Kellie Carrillo - Member	7/13 P 7/13 P		
Joint City/School District Committee	Milt Stowe-Member Kellie Carrillo-Member			
Local Initiatives Navigation Center Committee (LINC)	Lawana Tate - Member Claudia Calderon -Alternate	7/6 P		
Mighty190 Committee	Kellie Carrillo - Member Lawana Tate - Member			
Porterville Area Development Authority (PADA)	Monte Reyes - Member Milt Stowe - Member	7/15 P		
PDC Advisory Board	John Lollis - Member Mayor - Alternate			
San Joaquin Valley Air Pollution Control District ("SJVAPCD") Board	Monte Reyes - Member			
San Joaquin Valley Special City Selection Committee	Milt Stowe - Member Monte Reyes - Alternate			
San Joaquin Valley REAP Committee	Martha Flores- Member			
Tulare County Association of Governments/Tulare County Transportation Authority (TCAG/TCTA)	Martha Flores - Member Milt Stowe - Alternate			
Tulare County Association of Governments (TCAG) - Sustainable Corridors Committee	Martha Flores - Member			
Tulare County City Selection Committee	Mayor- City Member Designee - Alternate			
Tulare County Economic Development Corporation (TCEDC)	Martha Flores - Member John Lollis - Alternate			
Tulare County Regional Transit Agency (TCRTA)	Monte Reyes - Member Milt Stowe - Alternate			
Tulare County Taskforce on Homelessness	Martha Flores - Member Claudia Calderon - Alternate			
Tule River Improvement JPA	Monte Reyes - Member Michael Knight-Alternate	7/11 P		

P = Present A = Absent

City Council Attendance - FY 2022-2023 First Quarter Report

July 18, 2022 through September 30, 2022

Committee/Board	Member/Alternate	JULY	AUGUST	SEPTEMBER
Ad Hoc Committee- COVID-19	Kellie Carrillo-Member Lawana Tate - Member			
Ad Hoc Committee - Proposition 64 Regulation of Marijuana	Lawana Tate - Member Don Weyhrauch - Member			9/21 P 9/21 P
Ad Hoc Library Facility Planning Committee	Kellie Carrillo - Member		8/18 P	
Ad Hoc Committee - Provision of Local Water Services	Kellie Carrillo - Member Lawana Tate - Member			
Council of Cities	Martha Flores - Member Milt Stowe - Member			9/21 P
Eastern Tule Groundwater Sustainability Agency JPA (ETGSA)	Don Weyhrauch - Member Michael Knight-Alternate		8/4 P	9/1P
Internal City Audit Committee	Martha Flores - Member Kellie Carrillo - Member		8/24 P	9/28 P 9/28 P
Joint City/School District Committee	Milt Stowe-Member Kellie Carrillo-Member			
Local Initiatives Navigation Center Committee (LINC)	Lawana Tate - Member Claudia Calderon -Alternate		8/3 P	9/7 P
Mighty190 Committee	Kellie Carrillo - Member Lawana Tate - Member			
Porterville Area Development Authority (PADA)	Milt Stowe - Member Don Weyhrauch - Member			
PDC Advisory Board	John Lollis - Member Mayor - Alternate			
San Joaquin Valley Air Pollution Control District ("SJVAPCD") Board	Don Weyhrauch - Member			
San Joaquin Valley Special City Selection Committee	Milt Stowe - Member Don Weyhrauch - Alternate			
San Joaquin Valley REAP Committee	Martha Flores- Member			
Tulare County Association of Governments/Tulare County Transportation Authority (TCAG/TCTA)	Martha Flores - Member Milt Stowe - Alternate		8/15 P	9/19 P
Tulare County Association of Governments (TCAG) - Sustainable Corridors Committee	Martha Flores - Member			
Tulare County City Selection Committee	Mayor - City Member Designee - Alternate			
Tulare County Economic Development Corporation (TCEDC)	Martha Flores - Member John Lollis - Alternate	7/27P	8/24 P	9/29 P
Tulare County Regional Transit Agency (TCRTA)	Milt Stowe - Member Don Weyhrauch - Alternate Kellie Carrillo - Advisory		8/24 P	9/28 P 9/28 P
Tulare County Taskforce on Homelessness	Martha Flores - Member Claudia Calderon - Alternate	7/20 P	8/17 P	9/21 P
Tule River Improvement JPA	Michael Knight - Alternate			

P = Present A = Absent



CITY COUNCIL AGENDA – NOVEMBER 1, 2022

SUBJECT: Code Enforcement Quarterly Report FY 2022-2023 (July - September 2022)

SOURCE: Fire

COMMENT: This informational report utilizes data from the “myPorterville” application for tracking code enforcement activity between July 1 and September 30, 2022. During the first quarter of fiscal year 2022-2023, each Department of the City contributed towards recording 596 code enforcement issues. Of these, 397 were corrected and 199 were continued into the second quarter of 2022-2023 for additional corrective action. The Code Enforcement Division issued forty-seven (47) Administrative Citations.

At its meeting on July 20, 2021, the City Council reviewed its Ordinance related to the parking and storing of recreational vehicles, boats, and trailers. During the past quarter, Code Enforcement received seven complaints specific to recreational vehicles, boats, and trailers, of which none had been completed at the time of this report.

RECOMMENDATION: Information Only

ATTACHMENTS: 1. Code Enforcement Quarterly Report (July - September 2022)

Appropriated/Funded:

Review By:

Department Director:
Bryan Cogburn, Deputy Fire Chief

Final Approver: John Lollis, City Manager

Code Enforcement Report, Quarter 1, FY 22-23

Q1 Code Enforcement Activity	# Requests	# Completed	% Closed
Abandoned Vehicle (Street)	39	37	94.87%
Animal Control Services	1	1	100.00%
Animals- agricultural animals	1	1	100.00%
Animals- barking dogs	8	8	100.00%
Animals- keeping too many or unauthorized species	3	3	100.00%
Animals- roosters	3	3	100.00%
Building Department/ Permits	17	1	5.88%
CEO, Building Permit Check	1	1	100.00%
CEO, Business License	2	2	100.00%
CEO, Shopping Carts	38	38	100.00%
CEO, Sign Removal	1	1	100.00%
Code Enforcement, General	37	29	78.38%
Community Development, General or MULTIPLE violations	4	0	0.00%
Engineering	3	0	0.00%
Fences and freestanding walls	6	1	16.67%
Fire Hazard	2	2	100.00%
Fire Lane Blocked	1	1	100.00%
Fireworks	2	2	100.00%
Garbage Collection/ Illegal Dumping	16	1	6.25%
Graffiti	7	7	100.00%
Health Hazard	18	7	38.89%
Housing Issue (Structure Related)	1	1	100.00%
Itinerant Vendor, Solicitor, Peddler	14	14	100.00%
Landscaping/trees- private property	13	0	0.00%
Meter Request	66	17	25.76%
Neglected property/trash & debris	15	1	6.67%
Outdoor Storage	1	0	0.00%
Parks	8	7	87.50%
Police/ Traffic Enforcement	45	33	73.33%
Potholes	4	4	100.00%
Refuse Can Replacement / Repair	10	8	80.00%
Report Leak	21	5	23.81%
Sheds or second units	1	0	0.00%
Sidewalk Condition	3	0	0.00%
Stop Light Issue	14	13	92.86%
Street Light Issue	4	4	100.00%
Street Sweeping	1	1	100.00%
Transit Department	1	0	0.00%
Vehicles- inoperable vehicles	11	8	72.73%
Vehicles- Parked on lawn	5	2	40.00%
Vehicles- RVs/boats/etc	7	0	0.00%
Water Waste	39	37	94.87%
Water Waste Admin Cite	15	15	100.00%
Water Waste NOV	72	72	100.00%
Weed Abatement	12	7	58.33%
Yard Sales, Frequent	3	2	66.67%
Q1 Total	596	397	64.42%

Administrative Citations	Q1	Q2	Q3	Q4	Total
\$100	11				\$1,100
\$200	3				\$600
\$500	8				\$4,000
\$1,000	2				\$2,000
\$2,500	23				\$57,500
FY 22-23 Total Assesment	47	0	0	0	\$65,200

Shopping Carts	Q1	Q2	Q3	Q4	Total
Collected	39				39
Disposed (Lbs.)					0

Private Property Vehicle Abatements	Q1	Q2	Q3	Q4	Total
Voluntary Abatement	3				3
Certified Voluntary Abatement	0				0
Towed	5				5
Total Vehicles Abated	8	0	0	5	8

Weed Abatement	Q1	Q2	Q3	Q4	Total
Properties Noticed	12				12
Completed by Owner	116				116
Assigned to Contractor (private)	0				0
Assigned to Contractor (city owned)	0				0
Completed by Contractor	0				0
Admin Citations	0				0



CITY COUNCIL AGENDA – NOVEMBER 1, 2022

SUBJECT: Golf Course Quarterly Report FY 2022-2023 (July - September 2022)

SOURCE: Parks and Leisure Services

COMMENT: At the request of the City Council, staff is providing a report on participation numbers at the Porterville Golf Course for informational purposes. The report reflects the First Quarter FY 2022/23.

RECOMMENDATION: Information Only

ATTACHMENTS: 1. Golf Course Quarterly Report (July - September 2022)

Appropriated/Funded:

Review By:

Department Director:
Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

PORTERVILLE GOLF COURSE STATISTICS

	Jul-21	Jul-22	Aug-21	Aug-22	Sep-21	Sep-22
Golfers	2382	2321	2439	2139	2513	2108
Repeat 9/Twilight	1273	1446	1230	1190	1253	1154
Tickets Used	1028	850	1154	916	1048	834
Passes Sold	44	35	36	54	34	35
Carts	1998	1015	2120	946	2077	870
Footgolf	0	0	0	0	\$200	\$220
Total	\$ 20,358.00	\$ 23,128.00	\$ 19,763.00	\$ 20,681.00	\$ 20,754.00	\$19,848.00

* **Repeat 9:** Additional 9 hole rounds after first 9

* **Twilight:** Afternoon discount rate

* **Tickets:** Surcharge with monthly play pass \$1.00 9-hole, \$2.00 18-hole

* **Passes:** Monthly Passes sold



CITY COUNCIL AGENDA – NOVEMBER 1, 2022

SUBJECT: OHV Park Quarterly Report FY 2022-2023 (July - September 2022)

SOURCE: Parks and Leisure Services

COMMENT: At the request of the City Council, staff is providing a report on participation numbers at the Porterville OHV Park for informational purposes. The report reflects the First Quarter FY 2022-23.

RECOMMENDATION: Information Only

ATTACHMENTS: 1. OHV Park Quarterly Report (July - September 2022)

Appropriated/Funded:

Review By:

Department Director:
Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

PORTERVILLE OHV RIDERSHIP

	Jul-21	Jul-22	Aug-21	Aug-22	Sep-21	Sep-22
Riders	233	191	68	104	159	91
Revenue	\$5,395.00	\$4,625.00	\$1,610.00	\$2,610.00	\$3,615.00	\$2,225.00



CITY COUNCIL AGENDA – NOVEMBER 1, 2022

SUBJECT: Building Permit Activity Quarterly Report FY 2022-2023 (July - September 2022)

SOURCE: Engineering and Project Management

COMMENT: The Building Permit Activity Report (BPAR) presented herein to the City Council covers the months of July, August and September 2022. The two main categories include new residential permits issued and new commercial permits issued.

First Quarter of FY 2022-2023 compared to First Quarter of FY 2021-2022

New residential permits issued during the first quarter of FY 2022-2023 (11) are down 71.05% from the first quarter of FY 2021-2022 (38). New commercial permits issued during the first quarter of 2022-2023 (1) are down 66.7% from the first quarter of 2021-2022 (3).

RECOMMENDATION: Information Only

ATTACHMENTS:

1. Building Permit Activity - July 2022
2. Building Permit Activity - August 2022
3. Building Permit Activity - September 2022

Appropriated/Funded:

Review By:

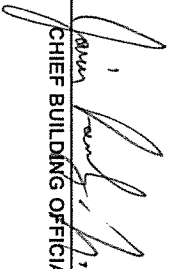
Department Director:
Javier Sanchez, Engineering & Project Management Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE - BUILDING DIVISION
REPORT FOR THE PERIODS OF
7/1/2021 - 7/31/2021 AND
7/1/2022 - 7/31/2022

PERMIT	NUMBER OF PERMITS ISSUED					ACTUAL VALUATION OF PERMITS ISSUED					BUILDING FEES TOTALS FOR PERMITS ISSUED				
	JULY 2022	JULY 2021	THIS YEAR TO DATE	LAST YEAR TO DATE		JULY 2022	JULY 2021	THIS YEAR TO DATE	LAST YEAR TO DATE		JULY 2022	JULY 2021	THIS YEAR TO DATE	LAST YEAR TO DATE	
NEW RESID	1	15	1	15		200,000	3,630,042	200,000	3,630,042		2,219.10	30,326.45	2,219.10	30,326.45	
NEW COMM	0	2	0	2		0	2,892,000	0	2,892,000		0.00	21,549.22	0.00	21,549.22	
RESID IMPROV	3	10	3	10		418,896	153,935	418,896	153,935		1,770.35	4,613.30	1,770.35	4,613.30	
COMM IMPROV	0	0	0	0		0	0	0	0		0.00	0.00	0.00	0.00	
OTHER	25	23	25	23		1,110,161	607,395	1,110,161	607,395		9,438.05	7,507.40	9,438.05	7,507.40	
ELECT	84	48	84	48		1,512,698	810,100	1,512,698	810,100		16,166.00	10,044.00	16,166.00	10,044.00	
PLUMB	52	65	52	65		195,058	109,716	195,058	109,716		7,973.00	9,313.00	7,973.00	9,313.00	
TOTALS	165	163	165	163		3,436,814	8,203,189	3,436,814	8,203,189		37,566.50	83,353.37	37,566.50	83,353.37	

	NEW DWELLING UNITS TOTALS				
	JULY 2022	JULY 2021	THIS YEAR TO DATE	LAST YEAR TO DATE	
SINGLE FAMILY	1	15	1	15	
MULTI FAMILY	0	0	0	0	
TOTAL	1	15	1	15	

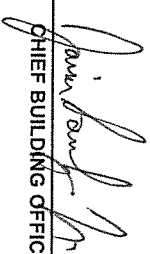


 CHIEF BUILDING OFFICIAL

CITY OF PORTERVILLE - BUILDING DIVISION
REPORT FOR THE PERIODS OF
7/1/2021 - 8/31/2021 AND
7/1/2022 - 8/31/2022

PERMIT	NUMBER OF PERMITS ISSUED				ACTUAL VALUATION OF PERMITS ISSUED				BUILDING FEES TOTALS FOR PERMITS ISSUED			
	AUGUST 2022	AUGUST 2021	THIS YEAR TO DATE	LAST YEAR TO DATE	AUGUST 2022	AUGUST 2021	THIS YEAR TO DATE	LAST YEAR TO DATE	AUGUST 2022	AUGUST 2021	THIS YEAR TO DATE	LAST YEAR TO DATE
NEW RESID	6	12	7	27	1,071,210	2,751,114	1,271,210	6,381,156	11,700.18	23,456.63	13,919.28	53,783.08
NEW COMM	1	1	1	3	400,000	379,000	400,000	3,271,000	1,055.70	5,049.79	1,055.70	26,599.01
RESID IMPROV	8	12	11	22	121,424	249,720	540,320	403,655	4,120.35	5,100.25	5,890.70	9,713.55
COMM IMPROV	0	0	0	0	0	0	0	0	0.00	0.00	0.00	0.00
OTHER	32	24	57	47	592,614	595,872	1,702,775	1,203,267	7,136.00	6,890.70	16,574.05	14,398.10
ELECT	107	82	191	130	2,457,757	1,402,928	3,970,455	2,213,028	20,999.00	17,027.00	37,165.00	27,071.00
PLUMB	47	94	99	159	132,178	237,739	327,236	347,456	7,077.00	14,546.00	15,050.00	23,859.00
TOTALS	201	225	366	388	4,775,182	5,616,373	8,211,996	13,819,562	52,088.23	72,070.37	89,654.73	155,423.74

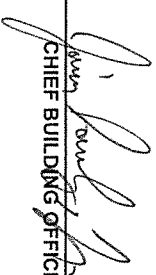
	NEW DWELLING UNITS TOTALS			
	AUGUST 2022	AUGUST 2021	THIS YEAR TO DATE	LAST YEAR TO DATE
SINGLE FAMILY	6	12	7	27
MULTI FAMILY	0	0	0	0
TOTAL	6	12	7	27


CHIEF BUILDING OFFICIAL

CITY OF PORTERVILLE - BUILDING DIVISION
REPORT FOR THE PERIODS OF
7/1/2021 - 9/30/2021 AND
7/1/2022 - 9/30/2022

PERMIT	NUMBER OF PERMITS ISSUED					ACTUAL VALUATION OF PERMITS ISSUED					BUILDING FEES TOTALS FOR PERMITS ISSUED				
	SEPTEMBER 2022	SEPTEMBER 2021	THIS YEAR TO DATE	LAST YEAR TO DATE		SEPTEMBER 2022	SEPTEMBER 2021	THIS YEAR TO DATE	LAST YEAR TO DATE		SEPTEMBER 2022	SEPTEMBER 2021	THIS YEAR TO DATE	LAST YEAR TO DATE	
NEW RESID	4	11	11	38		714,180	2,495,836	1,985,390	8,876,992		7,800.14	23,279.99	21,719.42	77,063.07	
NEW COMM	0	0	1	3		0	0	400,000	3,271,000		0.00	0.00	1,055.70	26,599.01	
RESID IMPROV	3	6	14	28		160,870	79,126	701,190	482,782		1,526.66	3,592.35	7,417.36	13,305.90	
COMM IMPROV	0	0	0	0		0	0	0	0		0.00	0.00	0.00	0.00	
OTHER	22	30	79	77		338,814	502,699	2,041,588	1,705,966		5,157.00	6,792.00	21,731.05	21,190.10	
ELECT	120	71	311	201		3,155,679	1,747,470	7,126,134	3,960,498		23,928.00	13,802.00	61,093.00	40,873.00	
PLUMB	58	80	157	239		197,944	182,120	525,180	529,576		8,585.00	12,070.00	23,635.00	35,929.00	
TOTALS	207	198	573	586		4,567,487	5,007,252	12,779,483	18,826,814		46,996.80	59,536.34	136,651.53	214,960.08	

	NEW DWELLING UNITS TOTALS				
	SEPTEMBER 2022	SEPTEMBER 2021	THIS YEAR TO DATE	LAST YEAR TO DATE	
SINGLE FAMILY	4	11	11	38	
MULTI FAMILY	0	0	0	0	
TOTAL	4	11	11	38	


JOHN PAUL
CHIEF BUILDING OFFICIAL



CITY COUNCIL AGENDA – NOVEMBER 1, 2022

SUBJECT: Authorization to Purchase Shade Structure

SOURCE: Parks and Leisure Services

COMMENT: The City received a California State Parks Per Capita Program grant in the amount of \$177,952. At its meeting on September 7, 2021, the City Council provided direction on a project for the grant funds to be used at the skatepark to add skate elements, solar lights and a shade structure. Four vendors previously used by the City were contacted to submit a quote for the shade structure. The responses were as follows:

Zoom Recreation	\$53,205.63
MRC Gametime	\$62,703.41
Dave Bang Associates Inc.	\$62,973.03
Park Planet	\$70,673.36

Zoom Recreation was the lowest quote and is a member of BuyBoard, a national purchasing cooperative government discount program. The City has purchased various playground amenities from Zoom Recreation throughout the years.

RECOMMENDATION: That the City Council authorize the purchase and installation of a shade structure at the skatepark from Zoom Recreation for an amount not to exceed \$58,526.19, which includes a ten percent (10%) contingency.

ATTACHMENTS: 1. Shade Structure Quotes

Appropriated/Funded:

Review By:

Department Director:
Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

Zoom Recreation

4000 Barranca Parkway Suite 250-659
Irvine, CA 92604
+1 8662343392
dan@zoomrecreation.com



Quote

ADDRESS

Donnie Moore
City of Porterville
291 North Main Street
Porterville, CA 93257

SHIP TO

Donnie Moore
City of Porterville
1501 W Henderson Ave,
Porterville, CA 93257

QUOTE # 2167**DATE** 10/19/2022**EXPIRATION DATE** 11/18/2022**PROJECT MANAGER**

Dan Smith

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
	PRODUCT_Shade Structure	Shade Type: Flat Sail Cantilever Manufacturer: Custom Canopies Length: 75' Width: 10' Entry Height: 10' Mounting Style: In-Ground	1	19,466.00	19,466.00T
	PRODUCT_Engineered Sealed Drawings	Engineered Sealed Drawings with Calculations for Permitting Purposes -Sealed Drawings & Calculations Provided In 11"x17" Format -(4) Copies of Sealed Drawings & (2) Of Calculations, Digital Copies With Pier And Spread Footer Analysis Included. -Engineered Sealed Drawings will be Performed to Meet Current Published Local Codes and Conditions. -Includes Epoxy Analysis with True Surface Mount Designs. -Check With The City Ordinances To Verify Any Special Requirements Prior To Sealing Structure. -Additional Alterations/Revisions Will Be Subject To Added Fees. -If Available Include A Soils/Geotechnical Report (Location Specific To This Design). -One Seal per Design and per Location Excludes: -Obtaining permits (permit submittal to be handled by client) -Architectural site plans or any other items	1	1,290.00	1,290.00T

LICENSE # 1067651 (C61/D34)
DIR #1000655676

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
		needed in the permit application			
	PRODUCT	Rebar Cages for Footers	1	840.00	840.00T
	SERVICE	Professional Installation of Flat Sail Cantilever Shade Structure In-Ground -Prevailing Wage	1	26,612.00	26,612.00
	SERVICE	Temporary Construction Fencing	1	1,800.00	1,800.00

Installations scheduled after 90 days of proposal acceptance may be subject to price adjustments.

This proposal does not provide for the following:

- Service items, unless stated: receipt, inventory, loading, unloading, storage, security of equipment, or security fencing
- Site sub-grade issues: material not suitable for footings, material requiring demolition, or contaminates that may require remediation, or in-place mechanical systems, including, but not limited to: irrigation, water, electric, sewer, or gas.

Client acknowledges that Zoom Recreation is not liable for any damage to existing concrete, landscaping or other surfaces while installing and/or using heavy machinery on-site.

This proposal does not include any bonding, permits, permitting fees, 3rd party inspection fees, or other related fees.

All invoices past due 30 days are subject to a 2% late fee.

Actual structure colors may vary slightly from renderings.

A 50% deposit and signed contract are required upon approval.

SUBTOTAL	50,008.00
TAX	1,997.63
SHIPPING	1,200.00
TOTAL	\$53,205.63

Accepted By

Accepted Date

General Notes

Triple flat cantilever shade sails

No.	Revision/Issue	Date

Site Name and Address

Custom Canopies inc.

Project Name and Address

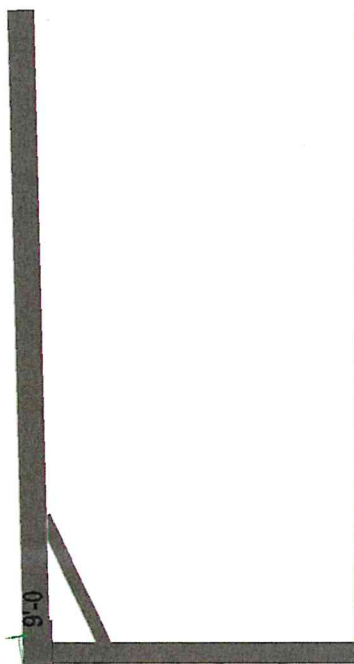
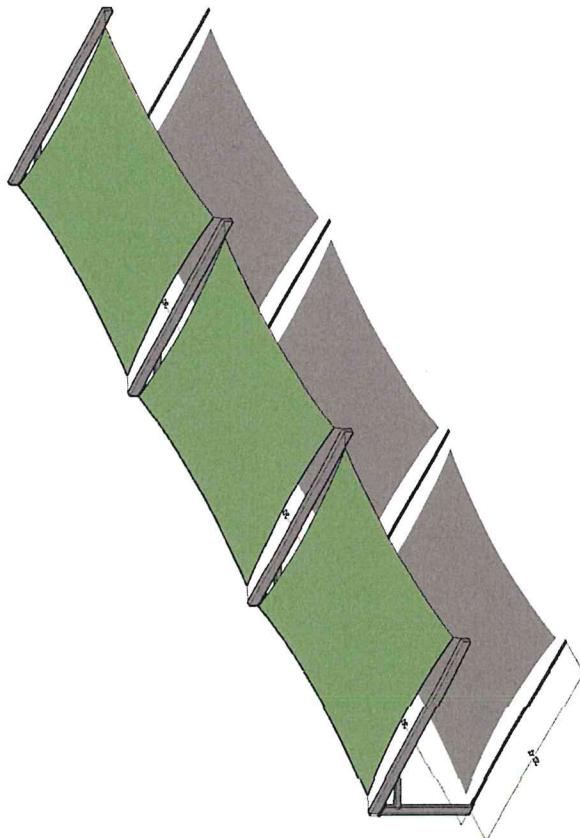
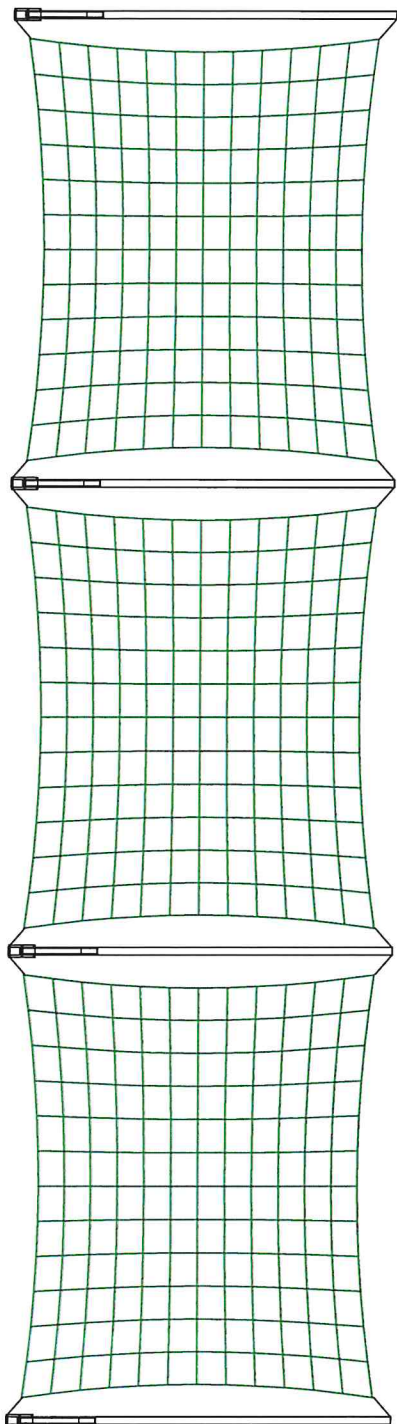
Project

Date

Scale

S1-1

NTS





C/O MRC
PO Box 106
Spring Lake, NJ 07762
Ph: 732-458-1111 Fx: 732-974-0226
Email: MRC@GAMETIME.COM
Web: www.mrcrec.com

10/13/2022
Quote #
104975-01-06

CA Porterville City of Veteran's Skate Park Shade 10.13.22

Porterville City of
Attn: Donnie Moore
1501 W. Henderson Ave
Porterville, CA 93257
Phone: 559-782-7539
dmoore@ci.porterville.ca.us

Ship to Zip 93257

Quantity	Part #	Description	Unit Price	Amount
1	45203HANGINGCANTILEVER	Superior - 25'X10'X10' Hanging Cantilever- 3 Dome Base Plate Standard Elbow	\$20,955.00	\$20,955.00
1	DRAWING	Superior - Signed & Sealed Drawings w/ Calculations	\$1,100.00	\$1,100.00
1	INSTALL	Superior - Installation by a Certified Installer- Includes: -Installation of Superior Custom DSA - Hanging Cantilever - 75'x10'x10'Includes: Drill pier footings, provide & install rebar cages, set post & frame & set fabric -Installation of temporary fencing around work area while project is under construction. -Offload and store equipment at HC yard, Transport to jobsite once construction begins	\$34,414.00	\$34,414.00
			Sub Total	\$56,469.00
			Freight	\$4,194.32
			Tax	\$2,040.09
			Total	\$62,703.41



To: **City of Porterville**
Attn: Donnie Moore
291 N Main Street
Porterville, CA 93257

Estimate Date	Salesperson
10/04/2022	Kelvin Fountano

Cantilever Shade-Skate Park

Due to current market conditions, our estimates are valid for only 14 days and are subject to change due to market volatility

Estimated Shipping Date	Shipped Via	FOB	Terms
8-10 Weeks	Truck - CA	Porterville	Net 30
Quantity	Description	Unit Price	Total Extended
1	Custom Canopies, 75'x10' Cantilever Umbrella Fabric Shade with (4) Post, (3) Top and 8' Entry Height. Color: ____ with ____ Frame	\$17,073.00	\$17,073.00
4	Rebar Cages and Threaded Rod Assemblies for Fabric Shade Shelters	\$390.00	\$1,560.00
1	Engineering	\$1,317.00	\$1,317.00
1	Post Pads at 54" High Color: ____	\$805.00	\$805.00
	Subtotal		\$20,755.00
1	Shipping *Due to current freight cost volatility, please contact us to confirm shipping price is valid prior to ordering.	\$1,463.00	\$1,463.00
THIS ESTIMATE IS SUBJECT TO THE ATTACHED TERMS AND CONDITIONS		Subtotal	\$22,218.00
THANK YOU FOR THIS CHANCE TO ESTIMATE		Tax (9.25%)	\$1,798.03
Dave Bang Associate, INC. IS PLEASED TO SUBMIT THE ABOVE ESTIMATE FOR YOUR CONSIDERATION. SHOULD YOU PLACE AN ORDER, BE ASSURED IT WILL RECEIVE OUR PROMPT ATTENTION. THIS ESTIMATE IS SUBJECT TO THE ATTACHED TERMS AND CONDITIONS, AND IS VALID FOR 14 DAYS. THEREAFTER, IT IS SUBJECT TO CHANGE WITHOUT NOTICE.		Total	\$24,016.03

Accepted By
 Print Name: _____ Signature: _____ Date: _____

PLEASE SIGN AND RETURN ONE COPY WHEN ORDERING.

THANK YOU!

To: **City of Porterville**
Attn: Donnie Moore
291 N Main Street
Porterville, CA 93257

Estimate Date

10/04/2022

Salesperson

Kelvin Fountano

City of Porterville-Skate Park-Shade Installation

Due to current market conditions, our estimates are valid for only 14 days and are subject to change due to market volatility

Estimated Shipping Date	Shipped Via	FOB	Terms
8-10 Weeks	Truck - CA	Porterville	Net 30
Quantity	Description	Unit Price	Total Extended
1	Installation by a Factory Certified Licensed Contractor: - Installation only of (1) Custom Canopies Multi Sail-T-Bar Shade System, (3) Bays 25x10, (4) Post Baseplate 8' high. - INCLUDES Temp Fencing	\$38,957.00	\$38,957.00
THIS ESTIMATE IS SUBJECT TO THE ATTACHED TERMS AND CONDITIONS		Subtotal	\$38,957.00
THANK YOU FOR THIS CHANCE TO ESTIMATE		Tax (0%)	\$0.00
Dave Bang Associate, INC. IS PLEASED TO SUBMIT THE ABOVE ESTIMATE FOR YOUR CONSIDERATION. SHOULD YOU PLACE AN ORDER, BE ASSURED IT WILL RECEIVE OUR PROMPT ATTENTION. THIS ESTIMATE IS SUBJECT TO THE ATTACHED TERMS AND CONDITIONS, AND IS VALID FOR 14 DAYS. THEREAFTER, IT IS SUBJECT TO CHANGE WITHOUT NOTICE.		Total	\$38,957.00

Accepted By
 Print Name: _____

Signature: _____

Date: _____

PLEASE SIGN AND RETURN ONE COPY WHEN ORDERING.

THANK YOU!



Park Planet

a Division of Park Associates Inc
415 Elm Street
Red Bluff California 96080
(530) 244-6116

QUOTE

Quoted To:

City of Porterville

291 N Main St

Porterville, CA 93257

Contact: Donnie Moore

Phone: (559) 782-7536 / Email: dmoore@ci.porterville.ca.us

Quote #:

Q22-3759

Date:

October 12, 2022

Project:

Porterville Skate Park Shade

City:

Porterville

Sales Rep - Email:

Kasanna Coulter -
kasanna@parkplanet.com

Terms:

Net 10dys / Install

#	Description	Vendor	Item No	Qty	Rate	Amount
1	10' x 75' x 10' Triple Flat Cantilevered Sail 4 Posts 3 Pieces of fabric Baseplated footing design CA Fire Marshal Approved Fabric - Fireblock Includes Rebar Footing Cages	Custom Canopies	CC Hypar	1	22,685.00	22,685.00
2	Engineering, drawings & calculations	Custom Canopies	ENG-CC	1	1,440.00	1,440.00
3	Custom Canopies Freight	Custom Canopies	CCF	1	1,600.00	1,600.00
4	Engineering is for structure only. Manufacturer's engineer is NOT to be considered 'Design Professional in Charge' of project. Fabrication cannot begin until customer has provided a city approved copy of the structure's engineering or a waiver of release has been signed. Engineering submittal, permit, fees and inspections not included in suppliers quote.					
5	Offloading & storage of equipment is the customer's responsibility. For most products a forklift rated for 5000lbs or more is recommended.					
6	PROJECT SCHEDULE/LEAD TIMES: Engineering lead time is 8-10 weeks. Once engineering has been approved, fabrication lead time is 11-13 weeks. Please discuss the timeline of your project and possible storage needs with your Park Planet rep before ordering.					

Installation by Park Associates Inc. CA - Lic# 959805 DIR# PW-LR-1000423561 Prevailing Wage

7	Installation assumes normal digging conditions with standard bobcat & auger. Bobcat & concrete truck access required.					
8	IF APPLICABLE: 1. Park Planet installers are not signatory to any unions and will not sign any PLA for the installation of the playground or special playground surfacing. The following supply and/or installation estimates do not include signing a PLA or paying any union labor or fees. All of the labor quoted herein will need to be excluded from a PLA agreement and union labor requirement waived by the purchasing agency, owner or District. 2. Skilled & Trained Workforce – If this project is a Lease Lease-Back, or Design-Build Project, or a contract that triggers the Skilled and Trained Workforce requirements for a Public Works project, please contact Park Planet immediately. The Following estimate for equipment and/or labor does NOT include such compliance. Park Planet and					

#	Description	Vendor	Item No	Qty	Rate	Amount
	their subcontractors will NOT comply with Skilled and Trained Workforce labor and reporting. Park Planet's portion of work (and our subcontractor's work) will need to fall within an exception or waiver to the Skilled and Trained Workforce requirements or our estimate will not be valid.					
9	Installation of Custom Canopies Fabric Cantilever Structure 10' x 75' x 10' Includes: drill pier footings (3' x 8') & cages (provided by manufacturer), set posts & frame, set & secure fabric, concrete pump, offsite disposal	Park Associates Inc.	INST-CA	1	38,650.00	38,650.00
10	Installation of temp fencing around work area while project is under construction	Park Associates Inc.	INST-CA	1	3,125.00	3,125.00
11	Transport equipment from city yard to jobsite once construction begins	Park Associates Inc.	INST-CA	1	1,075.00	1,075.00
12	Exclusions: Offloading and storage of equipment. Site preparation not specifically stated. Site is assumed flat and suitable for construction. Drainage Consideration Inspections or applicable permits and fees Removal of obstacles to reach construction site. Site security *Additional fees may apply if Bonding or Special Insurance required* **Location and Marking of utility, plumbing and irrigation lines is the responsibility of the customer. Park Planet is not responsible for repairing unmarked underground utilities and pipes. ** By signing below, you acknowledge and agree to our Contract; Exclusions, Conditions & Payment Terms, which are to be included in, and supersede any additional contracts or sub-contract agreements made separately based on this "Estimate". Unless otherwise specified above we Exclude Responsibility for: material delivery &/or offloading equipment, storing of equipment, removal of packaging accumulated by equipment supplied by others, project security, landscape & hardscape repair based on access route to site, delays or returns due to layout conflicts, locating underground utilities; utilities, pipes, obstructions in work area, conditions unforeseen and/or not disclosed at time of estimate, permits, engineering, material testing, soil samples. Conditions: Grades; stable, compacted, & workable (rough grade to be taken + or - one tenth of one inch), adequate access to work site provided for workmen, materials, tools & equipment. Quote assumes all labor to be completed without interruption.					

QUOTE GOOD FOR 30 DAYS - DUE TO THE CURRENT INDUSTRY WIDE VOLATILITY OF STEEL, AFTER 30 DAYS STEEL PRICES MAY ADJUST. CURRENTLY EXPERIENCING SIGNIFICANTLY EXTENDED LEAD TIMES DUE TO NATIONWIDE TRANSPORTATION DELAYS - LEAD TIMES MAY EXCEED 20 WEEKS, PLEASE DISCUSS WITH A PARK PLANET REPRESENTATIVE.

Sub Total	68,575.00
CA-Tulare-Porterville (9.25%)	2,098.36
Total	\$70,673.36

ORDER / DELIVERY INFORMATION:

A PURCHASE ORDER OR SIGNED CHANGE ORDER MUST BE RECEIVED BEFORE ADDITIONAL EQUIPMENT, INSTALLATION, OR SERVICES CAN PROCEED. IF PAYING BY CREDIT CARD, A SURCHARGE WILL BE ASSESSED ON PAYMENT AMOUNT FOR 3.5% VISA/MC OR 5% AMEX.

Authorized Signature: _____ Date: _____

**Purchasing agent who is authorized to enter into binding agreement for quoted entity.

**By signing this quote, I have read and agree to the quote Terms & Conditions listed below, on the following 2 pages.



CITY COUNCIL AGENDA – NOVEMBER 1, 2022

SUBJECT: Purchase of Police Vehicles and Associated Equipment

SOURCE: Police

COMMENT: The Police Department finds it necessary annually to purchase vehicles to replace aging vehicles in its fleet. As always, a careful evaluation is made of each particular vehicle to determine the actual need for replacement. In light of the commitment to strong budget fiscal management, this part of the Department's vehicle replacement process is even more critical to ensure that a vehicle is not replaced only because it was scheduled to be replaced. Department staff has conducted an evaluation of the fleet considering age of the vehicle, mileage, maintenance costs, etc. In addition, the evaluation includes examining the assignment of vehicles to determine if reassignment of vehicles can increase overall efficiency and cut costs.

Department staff has determined that ten (10) vehicles need to be replaced. In addition to this, as part of this fiscal year's approved budget, the Department was authorized to increase its fleet with the creation of the homeless/crisis outreach team. It has also been determined that three of the current administrative Police Dodge Chargers can be converted to Patrol Operation use.

The Department has been notified that Dodge could discontinue manufacturing of gas-powered V8 Dodge Chargers as soon as 2023. As ninety percent (90%) of the Department's fleet is currently Dodge Chargers, the conversion of these administrative Dodge Chargers will increase longer service life for patrol and save on current budget costs. Due to strong fiscal management and strategic contributions to the vehicle depreciation plan, the monies for the replacement vehicles have already been accumulated and allocated in this fiscal year approved Department budget.

Summary of replaced/new additional vehicle(s):

Four Unmarked Police Vehicles - Ford Explorer – Administration - \$238,463.12 (under State contract)

Four replacement vehicles (Ford Explorers) are being purchased through the Department's current vendor. 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 #091521-NAF. Included in the quote was the cost to upfit each vehicle with the necessary emergency equipment by Cook's Communications. While National Auto Fleet Group is contracting with Cook's Communications for vehicle upfits, who also has been upfitting the Department's current vehicles. it should

be noted that Cook's Communications also holds negotiated contracts with Fresno County (#A-21-374) and Cook's Communication's is providing the upfit under this contract.

Three Unmarked Police Vehicles – To Be Determined – Investigations Units
Two Unmarked Police Vehicles – To Be Determined – Professional Standards and Training Unit
One Marked Police Vehicle – To Be Determined - Homeless/Crisis Intervention Specialist

Staff is requesting that the City Council authorize staff to negotiate for the purchase of the six standardized vehicles (excluding the Ford Explorers) up to a total cost not to exceed \$291,000, which is based on Manufacturer's Suggested Retail Price plus tax, license, and applicable fees, to include the upfit of necessary emergency equipment including lights, sirens, radios, and other tools required to place the vehicles into service. The vehicles will be negotiated either separately or as a unit through a process requesting quotes from not less than three vendors. Due to the unique purchasing parameters requested, staff is further requesting a ten percent (10%) contingency for the total purchase of the vehicles based on the current economic market in regards to new and used vehicles. The upfit of all new and retrofitted vehicles will be performed by Cooks Communications, who holds a State contract (#A-21-374).

Conversion of current three Unmarked Administrative Police Dodge Chargers to be converted to Patrol Operations vehicles - \$19,989.72.

Staff is also requesting to purchase eight Police vehicle radios for each of these new vehicles (excluding the training 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 vehicles and handheld radios, and additionally has a current County of Los Angeles contract. A quote for eight (8) police vehicle radios is attached.

The total cost for these police vehicle radios is:
Eight Police Vehicle Radios - \$43,322.50.

With these vehicle purchases, a total of eleven (11) Dell laptop Mobile Data Terminals (MDT's) and associated equipment and software will need to be purchased. This purchase will allow the Department to add MDT's to seven of the current General Investigations Unit vehicles, including GPS, and outfit the additional purchased vehicles as needed. 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.

A quote with associated cost for eleven (11) MDT's is attached:
Eleven (11) Dell Latitude 7220 Rugged MDTs:\$32,279.17

A quote for related hardware/software/install of MDTs \$17,727.24.

The total cost for the purchase and outfitting of ten (10) Police vehicles (which includes the upfit of the administrative vehicles to patrol vehicles) is approximately \$670,000. The replacement vehicles and related equipment, and the conversion cost of the three unmarked Dodge Chargers, will be funded through the Equipment Replacement Fund. The homeless/crisis outreach vehicle and upfit will be funded by American Rescue Plan Act (ARPA) funds.

RECOMMENDATION:

That the City Council:

1. Authorize staff to negotiate the purchase of four police vehicles with upfit from National Auto Fleet;
2. Authorize staff to negotiate for the purchase of six standardized vehicles up to a total cost not to exceed \$291,000, which is based on the Manufacturer's Suggested Retail Price plus tax, license, and applicable fees, as well as upfit of emergency equipment. Due to the unique purchasing parameters requested, staff is further requesting a ten percent (10%) contingency for the total purchase;
3. Authorize staff to negotiate the retro upfit of three Administration Dodge Chargers to patrol vehicles;
4. Authorize staff to negotiate the purchase of eight APX 6500 unit radios from J's Communications;
5. Authorize staff to negotiate the purchase of eleven (11) Dell Latitude 7220 laptop MDT's from Dell;
6. Authorize staff to negotiate the installation of seven MDTs and associated equipment with Cook's Communications; and
7. Authorize payment to respective vendors upon receipt of listed equipment.

ATTACHMENTS:

1. National Auto Fleet Group Quote - Ford Explorers
2. Cook's Communications Estimate- 2019 Charger Retrofit Administration to Patrol
3. Cook's Communications Estimate- 2021 Charger Retrofit Administration to Patrol 1
4. Cook's Communications Estimate- 2021 Charger Retrofit Administration to Patrol 2
5. Motorola Solutions Quote - Radios
6. Dell Technologies Quote - MDT's
7. Cook's Communications Estimate - MDT Install

Appropriated/Funded:

Review By:

Department Director:
Jake Castellow, Chief of Police

Final Approver: John Lollis, City Manager



National Auto Fleet Group

A Division of Chevrolet of Watsonville

490 Auto Center Drive, Watsonville, CA 95076

(855) 289-6572 • (855) BUY-NJPA • (831) 480-8497 Fax

Fleet@NationalAutoFleetGroup.com

October 27, 2022

Lieutenant Ron Moore
Porterville Police Dept.
350 North D Street
Porterville, Ca 93257
Delivery Via Email

Dear, Lt. Moore,

In response to your inquiry, we are pleased to submit the following for your consideration:

National Auto Fleet Group will sell, service and deliver at Fresno, new/unused 2023 Ford Police Interceptor Utility Non-Hybrid Unit responding to your requirement with the attached specifications for \$44,739 plus Upfit, State Sales Tax, and \$8.75 tire tax (non-taxable). These vehicles are available under the Sourcewell (Formerly Known as NJPA) master vehicle contract# 091521-NAF. Units to be all Black Patrol Unit.

	One unit MSRP	Selling Price	Total Savings	Extended units (4)	Total Savings
2023 Ford Police interceptor Utility Non Hybrid	47,880.00	44,739.00	6.56%	178,956.00	12,564.00
Cooks Upfit		9,337.00		37,348.00	
Sub Total		54,076.00		216,304.00	
Sales Tax		5,002.03		20,008.12	
Tire Tax		8.75		35.00	
Transport		529.00		2,116.00	
Total		59,615.78		238,463.12	

Terms are net 30 days.

Delivery 120-180 Days ARO

National Auto Fleet Group welcomes the opportunity to assist you in your vehicle requirements.

Kevin Buzzard
National Law Enforcement Sales Manager
National Auto Fleet Group
Wondries Fleet Group
626-457-5590 O
714-264-1867 C





Estimate

160 North Broadway
Fresno, CA 93701-1592

Customer No.: PORTERVILLE

Quote No.: 12277

Phone: (559) 233-8818

(559) 268-8506

Quote To: **City of Porterville**

291 N Main St
Accounts Payable
Porterville, CA 93257-0000

Ship To: **City of Porterville**

291 N Main St
Porterville, CA 93257

Phone: (559) 782-7566

Fax: (559) 782-4050

Phone:

Email:

Date	Ship Via	F.O.B.	Terms	
07/13/22		Origin	Net Next EOM	
Purchase Order Number		Sales Person		Expiration Date
		David Burchfield		08/12/22
Quantity Required	Item Number	Description	Unit Price	Amount
		2019 DODGE CHARGER ADMIN TO PATROL RETROFIT		
1	PK1134CGR11	Setina 8XL Partition 1/2 Poly 1/2 Mesh	773.00	773.00
1	GK10271U	Setina Single T Rail Weapon Mount 1 XL Lock	314.00	314.00
1	WK0513CGR11	Setina Window Barriers Steel Vertical fits '11-'19 Dodge Charger	246.00	246.00
1	DK0100CGR11	Setina TPO Door Panel Kit fits '11-'19 Dodge Charger	263.00	263.00
1	DC02	PTS Transport Seat w/OS Belts fits Dodge Charger	751.00	751.00
		CONSOLE/COMPUTER		
1	DS-DELL-604-2	Havis Docking Station for Dell Latitude 12 Rugged Tablet. Dual Pass. Int. P/S	784.00	784.00
1	C-DMM-3005	Havis Dash Mount fits '15-'19 Dodge Charger	400.00	400.00
1	PKG-KB-208	Havis Rugged Keyboard & Mount	502.00	502.00
1	C-MD-204	Low Profile Tilt Swivel Motion Device	67.00	67.00
1	S3511K	Stop Stick Rack Kit	738.00	738.00
1	MATERIALSFEE2	Installation Material Bundle	75.00	75.00
8.000	LAISREG	Shop Installation Admin to Patrol Retrofit 2019 Charger 2019 DODGE CHARGER	125.00	1000.00

Thank You



Estimate

160 North Broadway
Fresno, CA 93701-1592

Customer No.: PORTERVILLE

Quote No.: 12277

Phone: (559) 233-8818

(559) 268-8506

Quote To: **City of Porterville**

291 N Main St
Accounts Payable
Porterville, CA 93257-0000

Ship To: **City of Porterville**

291 N Main St
Porterville, CA 93257

Phone: (559) 782-7566

Fax: (559) 782-4050

Phone:

Email:

Date	Ship Via	F.O.B.	Terms	
07/13/22		Origin	Net Next EOM	
Purchase Order Number	Sales Person			Expiration Date
	David Burchfield			08/12/22
Quantity Required	Item Number	Description	Unit Price	Amount

UNIT#
VIN#
LIC#
MILEAGE:
TECH:

Subtotal	5913.00
Freight charges	340.00
Sales tax @ 8.35000%	410.24
Total	6663.24

We appreciate your continued patronage

Thank You



Estimate

160 North Broadway
Fresno, CA 93701-1592

Customer No.: PORTERVILLE

Quote No.: 12278

Phone: (559) 233-8818

(559) 268-8506

Quote To: **City of Porterville**

291 N Main St
Accounts Payable
Porterville, CA 93257-0000

Ship To: **City of Porterville**

291 N Main St
Porterville, CA 93257

Phone: (559) 782-7566

Fax: (559) 782-4050

Phone:

Email:

Date	Ship Via	F.O.B.	Terms	
07/13/22		Origin	Net Next EOM	
Purchase Order Number		Sales Person		Expiration Date
		David Burchfield		08/12/22
Quantity Required	Item Number	Description	Unit Price	Amount

2021 DODGE CHARGER
ADMIN TO PATROL RETROFIT

1	PK1134CGR11	Setina 8XL Partition 1/2 Poly 1/2 Mesh	773.00	773.00
1	GK10271U	Setina Single T Rail Weapon Mount 1 XL Lock	314.00	314.00
1	WK0513CGR11	Setina Window Barriers Steel Vertical fits '11-'19 Dodge Charger	246.00	246.00
1	DK0100CGR11	Setina TPO Door Panel Kit fits '11-'19 Dodge Charger	263.00	263.00
1	DC02	PTS Transport Seat w/OS Belts fits Dodge Charger	751.00	751.00
CONSOLE/COMPUTER				
1	DS-DELL-604-2	Havis Docking Station for Dell Latitude 12 Rugged Tablet. Dual Pass. Int. P/S	784.00	784.00
1	C-DMM-3005	Havis Dash Mount fits '15-'19 Dodge Charger	400.00	400.00
1	PKG-KB-208	Havis Rugged Keyboard & Mount	502.00	502.00
1	C-MD-204	Low Profile Tilt Swivel Motion Device	67.00	67.00
1	S3511K	Stop Stick Rack Kit	738.00	738.00
1	MATERIALSFEE2	Installation Material Bundle	75.00	75.00
8.000	LAISREG	Shop Installation Admin to Patrol Retrofit 2021 Charger 2021 DODGE CHARGER	125.00	1000.00

Thank You



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Date	Ship Via	F.O.B.	Terms	
07/13/22		Origin	Net Next EOM	
Purchase Order Number	Sales Person			Expiration Date
	David Burchfield			08/12/22
Quantity Required	Item Number	Description	Unit Price	Amount

UNIT#
VIN#
LIC#
MILEAGE:
TECH:

Subtotal	5913.00
Freight charges	340.00
Sales tax @ 8.35000%	410.24
Total	6663.24

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Date	Ship Via	F.O.B.	Terms	
07/13/22		Origin	Net Next EOM	
Purchase Order Number		Sales Person		Expiration Date
		David Burchfield		08/12/22
Quantity Required	Item Number	Description	Unit Price	Amount

2021 DODGE CHARGER
ADMIN TO PATROL RETROFIT

1	PK1134CGR11	Setina 8XL Partition 1/2 Poly 1/2 Mesh	773.00	773.00
1	GK10271U	Setina Single T Rail Weapon Mount 1 XL Lock	314.00	314.00
1	WK0513CGR11	Setina Window Barriers Steel Vertical fits '11-'19 Dodge Charger	246.00	246.00
1	DK0100CGR11	Setina TPO Door Panel Kit fits '11-'19 Dodge Charger	263.00	263.00
1	DC02	PTS Transport Seat w/OS Belts fits Dodge Charger	751.00	751.00
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1	PKG-KB-208	Havis Rugged Keyboard & Mount	502.00	502.00
1	C-MD-204	Low Profile Tilt Swivel Motion Device	67.00	67.00
1	S3511K	Stop Stick Rack Kit	738.00	738.00
1	MATERIALSFEE2	Installation Material Bundle	75.00	75.00
8.000	LAISREG	Shop Installation Admin to Patrol Retrofit 2021 Charger 2021 DODGE CHARGER	125.00	1000.00

Thank You



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Email:

Date	Ship Via	F.O.B.	Terms	
07/13/22		Origin	Net Next EOM	
Purchase Order Number	Sales Person			Expiration Date
	David Burchfield			08/12/22
Quantity Required	Item Number	Description	Unit Price	Amount

UNIT#
VIN#
LIC#
MILEAGE:
TECH:

Subtotal	5913.00
Freight charges	340.00
Sales tax @ 8.35000%	410.24
Total	6663.24

We appreciate your continued patronage

Thank You

Billing Address:
PORTERVILLE, CITY OF
291 N MAIN ST
PORTERVILLE, CA 93257
US

Quote Date:10/25/2022
Expiration Date:12/23/2022
Quote Created By:
Randy Emerzian
randye@js-comm.com

End Customer:
PORTERVILLE, CITY OF

Contract: 18105 - LA COUNTY , CA
1740313

Line #	Item Number	Description	Qty	List Price	Sale Price	Ext. Sale Price
	APX™ 6500 / Enh Series	ENHANCEDAPX6500				
1	M25QSS9PW1BN	APX6500 ENHANCED UHF R1 MOBILE	8	\$3,253.00	\$2,374.69	\$18,997.52
1a	G48BD	ENH: CONVENTIONAL OPERATION APX6500	8	\$550.00	\$401.50	\$3,212.00
1b	G67DT	ADD: REMOTE MOUNT E5 APXM	8	\$327.00	\$238.71	\$1,909.68
1c	G78AT	ENH: 3 YEAR ESSENTIAL SVC	8	\$176.00	\$176.00	\$1,408.00
1d	GA01606AA	ADD: NO GPS/WI-FI ANTENNA NEEDED	8	\$0.00	\$0.00	\$0.00
1e	G444AH	ADD: APX CONTROL HEAD SOFTWARE	8	\$0.00	\$0.00	\$0.00
1f	G806BL	ENH: ASTRO DIGITAL CAI OP APX	8	\$567.00	\$413.91	\$3,311.28
1g	GA01670AA	ADD: APX E5 CONTROL HEAD	8	\$717.00	\$523.41	\$4,187.28
1h	W22BA	ADD: STD PALM MICROPHONE APX	8	\$79.00	\$57.67	\$461.36
1i	B18CR	ADD: AUXILIARY SPKR 7.5 WATT APX	8	\$66.00	\$48.18	\$385.44
1j	G843AH	ADD: AES ENCRYPTION AND ADP	8	\$523.00	\$381.79	\$3,054.32



Any sales transaction following Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the "Underlying Agreement") that authorizes Customer to purchase equipment and/or services or license software (collectively "Products"). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of Use and Motorola's Standard Terms and Conditions of Sales and Supply shall govern the purchase of the Products.
Motorola Solutions, Inc.: 500 West Monroe, United States - 60661 ~ #: 36-1115800

Line #	Item Number	Description	Qty	List Price	Sale Price	Ext. Sale Price
1k	G426AD	ADD: ANT 1/4 WAVE WHIP 450-470 MHZ	8	\$28.00	\$20.44	\$163.52
1l	W969BG	ADD: MULTIKEY OPERATION	8	\$363.00	\$264.99	\$2,119.92

Subtotal \$39,210.32

\$3,626.95

Estimated Freight \$485.23

Grand Total **\$43,322.50(USD)**





Purchase Order Checklist

Marked as PO/ Contract/ Notice to Proceed on Company Letterhead
(PO will not be processed without this)

PO Number/ Contract Number

PO Date

Vendor = Motorola Solutions, Inc.

Payment (Billing) Terms/ State Contract Number

Bill-To Name on PO must be equal to the *Legal* Bill-To Name

Bill-To Address

Ship-To Address (If we are shipping to a MR location, it must be documented on PO)

Ultimate Address (If the Ship-To address is the MR location then the Ultimate Destination address must be documented on PO)

PO Amount must be equal to or greater than Order Total

Non-Editable Format (Word/ Excel templates cannot be accepted)

Bill To Contact Name & Phone # and EMAIL for customer accounts payable dept

Ship To Contact Name & Phone #

Tax Exemption Status

Signatures (As required)



A quote for your consideration

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

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

Quote No. 3000134008384.1
Total \$32,279.17
Customer # 4023319
Quoted On Oct. 18, 2022
Expires by Nov. 17, 2022
Contract Name Dell NASPO Computer Equipment PA - California
Contract Code C000000181156
Customer Agreement # MNWNC-108/7157034003

Sales Rep Brittnie Hall
Phone (800) 456-3355, 6184609
Email Brittnie_Hall@Dell.com
Billing To ACCOUNTS PAYABLE
CITY OF PORTERVILLE
291 N MAIN ST
PORTERVILLE, CA 93257-3737

Message from your Sales Rep

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

Regards,
Brittnie Hall

Shipping Group

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

Product	Unit Price	Quantity	Subtotal
Dell Latitude 7220	\$2,930.47	11	\$32,235.17
Subtotal:			\$32,235.17
Shipping:			\$0.00
Environmental Fee:			\$44.00
Non-Taxable Amount:			\$32,279.17
Taxable Amount:			\$0.00
Estimated Tax:			\$0.00
Total:			\$32,279.17

Shipping Group Details

Shipping To

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

Shipping Method

Standard Delivery

	Quantity	Subtotal
Dell Latitude 7220	11	\$32,235.17

Estimated delivery if purchased today:

Nov. 04, 2022

Contract # C000000181156

Customer Agreement # MNWNC-108/7157034003

Description	SKU	Unit Price	Quantity	Subtotal
Dell Latitude 7220 Rugged, CTO	210-ATEF	-	11	-
8th Generation Intel Core i7-8665U Processor (4 Core,8MB Cache,1.9GHz,15W)	379-BDQU	-	11	-
Windows 10 Pro (Includes Windows 11 Pro License) English, French, Spanish	619-AQMP	-	11	-
No Microsoft Office License Included	658-BCSB	-	11	-
Intel Core i7-8665U with u-blox NEO-M8 GPS card 16GB Memory	338-BTPS	-	11	-
No Out-of-Band Systems Management - vPro Disabled	631-ACHF	-	11	-
16GB 2133MHz LPDDR3 Memory	370-AFDB	-	11	-
M.2 512GB PCIe NVMe Class 40 Solid State Drive	400-BNRE	-	11	-
11.6", FHD (1920 x 1080), 1000 Nit Outdoor-Readable, AG/AS/AP, Glove-Capable Touchscreen	391-BEVG	-	11	-
Intel Wi-Fi AX200 Driver with Bluetooth	555-BFIW	-	11	-
Intel AX200 Wireless Card Rugged	555-BFJX	-	11	-
No Mobile Broadband Card	362-BBBB	-	11	-
2-cell 34wH) Lithium Ion Primary Battery	451-BCCD	-	11	-
45 Watt AC Adapter	450-AEHK	-	11	-
No Security Software	650-AAJS	-	11	-
No Media	620-AAOH	-	11	-
E4 Power Cord 1M for US	537-BBBL	-	11	-
Latitude Rugged 7220 Getting Started Guide	340-COCF	-	11	-
No Secondary Battery	451-BCOI	-	11	-
Custom Configuration	817-BBBB	-	11	-
System Regulatory Label	389-DRXP	-	11	-
Regulatory Label (WLAN)	389-DRXQ	-	11	-
Windows 10 Additional Software	658-BEPO	-	11	-
Shipping Material, Shuttle	340-AQMD	-	11	-
System Shipment, Latitude 72x2	340-AQME	-	11	-
Directship Info Mod	340-CKTD	-	11	-
No Option Included	340-ACQQ	-	11	-
ENERGY STAR Qualified	387-BBNJ	-	11	-

5 MP HD IR webcam /8 MP rear camera with Flash and Dual Microphone	319-BBHH	-	11	-
WLAN Chassis with NFC	321-BEVS	-	11	-
Connector for I/O Expansion	750-ABNN	-	11	-
Mini Serial Port	325-BDNX	-	11	-
Hazardous Locations Certification	340-CNKH	-	11	-
Full Security Options (FPR, Contacted SC, Contactless SC)	461-AAHE	-	11	-
VMWCB Endpoint Stnd NGAV B-EDR w/ProSupport 1yr	528-CHEC	-	11	-
ProSupport Plus: Next Business Day Onsite, 2 Year Extended	804-0512	-	11	-
ProSupport Plus: Next Business Day Onsite, 3 Years	804-0513	-	11	-
Dell Limited Hardware Warranty Extended Year(s)	975-3461	-	11	-
Dell Limited Hardware Warranty Initial Year	997-6988	-	11	-
ProSupport Plus: Accidental Damage Service, 5 Years	997-7015	-	11	-
ProSupport Plus: Keep Your Hard Drive, 5 Years	997-7016	-	11	-
ProSupport Plus: 7x24 Technical Support, 5 Years	997-7038	-	11	-
Thank you for choosing Dell ProSupport Plus. For tech support, visit www.dell.com/contactdell or call 1-866-516-3115	997-8367	-	11	-

Subtotal:	\$32,235.17
Shipping:	\$0.00
Environmental Fee:	\$44.00
Estimated Tax:	\$0.00
Total:	\$32,279.17

Important Notes

Terms of Sale

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

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

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

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

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

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

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

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

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

^DELL BUSINESS CREDIT (DBC): Offered to business customers by WebBank, who determines qualifications for and terms of credit. Taxes, shipping and other charges are extra and vary. The Total Minimum Payment Due is the greater of either \$20 or 3% of the New Balance shown on the statement rounded up to the next dollar, plus all past due amounts. Dell and the Dell logo are trademarks of Dell Inc.



Estimate

160 North Broadway
Fresno, CA 93701-1592

Customer No.: PORTERVILLE

Quote No.: 12686

Phone: (559) 233-8818

(559) 268-8506

Quote To: **City of Porterville**

291 N Main St
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Porterville, CA 93257-0000

Ship To: **City of Porterville**

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Phone: (559) 782-7566

Fax: (559) 782-4050

Phone:

Email: [Irene Anaya <ianaya@ci.porterville>](mailto:irene.anaya@ci.porterville)

Date	Ship Via	F.O.B.	Terms	
10/12/22		Origin	Net Next EOM	
Purchase Order Number		Sales Person		Expiration Date
		David Burchfield		11/11/22
Quantity Required	Item Number	Description	Unit Price	Amount
		4-2016 2-2018 1-2020 FPI U DASH MOUNTED MDT SOLUTIONS		
7	DC5E8Q-25MB	Patch Cable	19.00	133.00
7	DS-DELL-608-2	Havis Docking Station for Dell Latitude 12 Rugged Tablet. Dual Pass. Int. P/S	784.00	5488.00
6	C-DMM-3001	Havis Swing Up Device Mount fits '20 FPI Utility	505.00	3030.00
6	MD-ARM-0306-L	Havis Swivel Arm Mount w/Side Mount Bracket 3" Base 6" Extension	138.00	828.00
1	C-DMM-3015	Havis Dash Monitor Mount fits '20 FPI Utility	520.00	520.00
1	PKG-KBM-108-1	Havis Premium USB Keyboard Mount Pkg Havis Rugged keyboard with integrated touchpad (KB-108) Havis Rugged keyboard mount (C-KBM-201) Height adjusting bracket, mounts to side of console. (C-LDM-0003) Articulating swivel arms with built-in tilt swivel mounting plate with AMPS & VESA (MD-ARM-0603)	642.00	642.00
6	PKG-KB-208	Havis Rugged Keyboard & Mount	502.00	3012.00
7	MATERIALSFEE1	Installation Material Bundle	50.00	350.00
17.500	LAISREG	Shop Installation 2.5 hrs per vehicle	125.00	2187.50

Thank You



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Fresno, CA 93701-1592

Customer No.: PORTERVILLE

Quote No.: 12686

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(559) 268-8506

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291 N Main St
Porterville, CA 93257

Phone: (559) 782-7566

Fax: (559) 782-4050

Phone:

Email: [Irene Anaya <ianaya@ci.porterville>](mailto:Irene.Anaya@ci.porterville)

Date	Ship Via	F.O.B.	Terms	
10/12/22		Origin	Net Next EOM	
Purchase Order Number	Sales Person			Expiration Date
	David Burchfield			11/11/22
Quantity Required	Item Number	Description	Unit Price	Amount

Subtotal	16190.50
Freight charges	420.00
Sales tax @ 7.97500%	1116.74
Total	17727.24

We appreciate your continued patronage

Thank You



CITY COUNCIL AGENDA – NOVEMBER 1, 2022

SUBJECT: Marching Through Time Agreement with Fine Art Conservation Laboratories.

SOURCE: Parks and Leisure Services

COMMENT: At its meeting on September 20, 2022, the City Council authorized Fine Art Conservation Laboratories (FACL) to restore the Marching Through Time mural in Centennial Park for \$38,227. FACL is to perform the work in two phases. The first phase will be focused on stopping deterioration. After that portion is complete, the artist will undertake pictorial restoration as a separate phase of the project from FACL's work. Once the artist has finished his work, FACL will conduct phase two, which will be the application of the protective layers. The protective measures will ensure greater longevity than has existed with past varnish layers. The FACL portion of the project will be paid for out of the City Council's Special Purposes Reserve Fund as approved by City Council per Resolution No. 98-2022, up to \$40,000.

The terms of the City's Development Agreement for the opening of two cannabis dispensaries states that the owner agrees to provide a historical/artistic feature as a component of its project, located at or near the property. Work on the feature must be commenced within one year of the opening of the business. It also stipulates the payment of one percent (1%) of annual gross revenues or \$30,000 (whichever is greater) toward a Community Benefits Program (including community beautification efforts and physical improvements to the benefit of the community). At its meeting on September 20, 2022, the Council provided direction to pay for the artist's portion of the project, which is not to exceed \$37,500, from the City's Development Agreement by the two cannabis dispensaries.

RECOMMENDATION: That the City Council approve the Agreement with Fine Art Conservation Laboratories and authorize and direct the Mayor to execute the same.

ATTACHMENTS: 1. Draft Agreement

Appropriated/Funded:

Review By:

Department Director:
Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

CENTENNIAL PARK MURAL AGREEMENT BETWEEN CITY OF PORTERVILLE AND FINE ART CONSERVATION LABORATORIES

Recognizing the value to the community, the following agreement has been adopted by the City of Porterville ("City") and the Fine Art Conservation Laboratories ("FACL"). This Agreement establishes preservation services regarding the "Marching Through Time" mural located in Centennial Park.

A. TERM

The term of this Agreement shall commence October 4, 2022, and end upon FACL's completion of work, or October 4, 2024, whichever comes first. This Agreement may be extended for an additional year under the terms and conditions below commencing on the expiration date with mutual agreement of both parties.

B. INSURANCE

FACL shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than \$1,000,000.00 per occurrence for bodily injury, personal injury, and property damage, including without limitation, blanket contractual liability. FACL's general liability policies shall, be primary and shall not seek contribution from the City's coverage, and be endorsed using insurance Insurance Services Office Form CG 20 10 (or equivalent) to provide that City and its officers, employees, and agents shall be additional insureds under such policies. FACL shall also provide auto liability coverage for owned, non-owned, and hired autos using ISO Business Auto Coverage form CA 00 01, or the exact equivalent, with a limit of no less than \$1,000,000.00 per accident.

C. INDEPENDENT CONTRACTOR

In the performance of the services herein provided for, FACL shall be, and is, an independent contractor and is not an agent or employee of the CITY. FACL has and shall retain the right to exercise full control and supervision of all persons assisting FACL in the performance of said services hereunder. FACL shall be solely responsible for all matters relating to the payment of its employees including compliance with social security and income tax withholding and all other regulations governing such matters.

D. RESPONSIBILITIES

The total amount to be paid by the CITY to FACL shall be \$38,227.000, for the scope of work specified below. CITY shall pay upon receipt of invoices from FACL on a time and materials basis as costs for the project are incurred, with any remaining balance of the total specified sum paid upon completion and acceptance of the project.

FACL, for this two-phase project, shall provide all equipment required, all labor, all materials and supplies, travel time and expenses, liability insurance with limits satisfactory of CITY, and final reporting of materials used.

FACL Phase 1 treatments proposed are focused on:

Stopping deterioration is not part of the process to make the mural look better. It is the essential step to stabilize the condition of the paint layers so they will not continue to fall apart. Consolidation of the paint and resin layers, absorbing highly penetrating conservation grade adhesives/resins into the paint layer structure, will restore cohesion. Then, once absorbed into the paint structure, the consolidation adhesives can be “activated” with local applications of heat and pressure to reattach the delaminating layers. The adhesives/resin used for this purpose will not yellow nor fall apart. Although giving a guarantee of performance of this treatment and the material would be unethical, and outside the standards of Practice of the American Institute for the Conservation of Artistic and Historic Works (AIC), this treatment is considered professionally as a long-term resolution of the problems.

The timeline for Phase 1 is 1 week for 2 people from FACL. Afterwards the artist will undertake the pictorial restoration phase of the project, which is not included as part of this project

FACL Phase 2 will take place after the artist has completed his part of the project. FACL’s final treatment will be the application of the final coatings, or protective layers. The proposed protective measures to ensure greater longevity than has existed with past protective measures (varnish layers) – the entire mural will be coated with a protective coating vetted and approved by the Department of Cultural Affairs of Los Angeles (DCA) and CalTrans for outdoor public art murals. The product recommended is MuralGuard, manufactured by RainGuard Pro. We will apply 3 coats of this material. There will be no toxicity issues and this product complies with State VOC laws. This will provide excellent protection for decades.

The timeline for Phase 2 is 1 week for 2 people from FACL.

This Agreement and budget DO NOT INCLUDE:

1. The production of media as a result of the project,
2. Educational/proposal in-person presentations
3. Performance bonds, etc (see next item)
4. Art restoration is not a construction trade. It is considered a professional service and therefore the State of CA does not issue a contractor’s license.
5. We will try and not harm the plants in front of the mural but we require an indemnity for damage to plants.
6. Repair of the attachment of the Diebond panels to the substructure. If you want us to do this job then we are able but it may be the type of job that normally requires a

contractor's license. We would require a letter of release from this requirement and indemnification.

7. Any work on the mural on the "back side" of the wall.
8. Any touch up or repainting of the mural.
9. Any work/repair on the bird abatement measures along the top of the wall.
10. If we are detained from working when we are on-site for any reason (including inclement weather... we will not work in rain or high winds (over 25 mph) and if our time on site is extended beyond the timelines mentioned above for any reason other than our own scheduling, we will bill, and the City of Porterville agrees to pay, an additional \$3,500.00 per day.

E. MODIFICATION, ASSIGNMENT, AND SUBCONTRACTING

This Agreement may be modified at any time by written agreement of the parties. Written modifications shall require prior approval by the City Council and the FACL, unless authority for such modifications has been expressly delegated to others acting on their behalf. Assignment of responsibilities under this Agreement by any of the parties shall be effective only upon prior written consent of the other party, which may be withheld for any reason. No portion of the obligations set forth in the Agreement shall be subcontracted without prior consent of the CITY, which may be withheld for any reason.

F. NO GRANT OF AGENCY/TERMINATION

Except as the parties may specify in writing, neither party shall have authority, express or implied, to act on behalf of the other party in any capacity whatsoever as an agent. Neither party shall have any authority, express or implied, pursuant to this Agreement, to bind the other party to any obligation whatsoever. If either party breaches this Agreement, the other party may terminate the Agreement by given written notice of any alleged breach and the party receiving notice shall have ten (10) days from the date of such notice in which to cure the breach before the Agreement is terminated. In addition to termination as provided above, either party may terminate this Agreement without regard to cause upon ninety (90) day notice to the other party.

Post-Termination:

1. In the event the CITY terminates this Agreement with or without cause, the CITY may procure, upon such terms and such manner as it may determine appropriate, services similar to those terminated.
2. Except with respect to defaults of subconsultants, FACL shall not be liable for any excess costs if the failure to perform this Agreement arises out of causes beyond the control and without the fault or negligence of FACL. Such causes include, but are not limited to,

acts of God or of the public enemy, floods, epidemics, quarantine restrictions, strikes, and unusually severe weather.

3. Upon termination, with or without cause, FACL will be compensated for the services satisfactorily completed to the date of termination according to compensation provisions contained herein. In no event, shall the total compensation paid FACL exceed the total compensation agreed to herein.
5. If, after notice of termination of this Agreement, as provided for in this article, it is determined for any reason that the FACL was not in default under the provisions of this article, then the rights and obligations of the parties shall be the same as if the Agreement was terminated without cause.

Termination of this Agreement shall not terminate any obligation to indemnify, to maintain and make available any records pertaining to the Agreement, to cooperate with any audit, to be subject to offset, or to make any reports of pre-termination activities.

G. INDEMNIFICATION

Each party (the "Indemnifying Party") agrees to indemnify, defend and hold harmless the other party (the "Indemnified Party") and its respective officers, agents, employees, and volunteers from any and all claims, actions, and losses related to the sole acts or omissions of the Indemnifying Party, in its performance of this Agreement, except for such loss of damage arising from the sole negligence or willful misconduct of the indemnified party. This provision shall survive the term of the Agreement.

H. GOVERNING LAW AND VENUE

The parties agree that this Agreement shall be governed by and construed in accordance with the laws of the State of California. The parties agree that this Agreement is entered into and is to be performed in Tulare County, California. To the fullest extent permitted by law, the parties waive any applicable jurisdiction/venue removal provisions per California Code of Civil Procedure 394.

I. MISCELLANEOUS

The individuals signing below have the authority to commit the party they represent to the terms of this Agreement, and do so commit by signing.

Each party and its legal counsel have had the opportunity to participate fully in the review and revision of this Agreement. Any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in interpreting

this Agreement. The language in this Agreement shall be interpreted as to its fair meaning and not strictly for or against any party.

This Agreement supersedes and takes the place of all prior oral or written representations and agreements between the parties, and constitutes the entire understanding of the parties hereto. No oral statements or prior written material not specifically incorporated herein shall be of any force or effect.

Any waiver granted by either party must be in writing, and shall apply solely to the specific instance expressly stated. A waiver of any term or condition of this agreement shall not be construed as a waiver of any other terms and conditions of this Agreement, nor shall any waiver constitute a continuing waiver.

FINE ART CONSERVATION
LABORATORIES

CITY OF PORTERVILLE

Scott M. Haskins

Marth A. Flores, Mayor

ATTEST:

APPROVED AS TO FORM

John D. Lollis, City Clerk

Julia M. Lew, City Attorney



CITY COUNCIL AGENDA – NOVEMBER 1, 2022

SUBJECT: Approval of the City Library's Amended Rules of Conduct

SOURCE: Parks and Leisure Services

COMMENT: Establishing Rules of Conduct or guidelines for the public to follow when using services provided by a library is very common in the United States. The purpose of the rules is for conformity, as to protect the community of library users who expect the facility to be clean, comfortable, and safe. The rules, applicable to patrons, volunteers and staff, are designed to foster an atmosphere of mutual respect and courtesy. As a municipal library, staff is responsible for establishing rules of conduct to protect the rights and safety of library patrons, volunteers, and staff, and for preserving and protecting the library's materials, equipment, facilities, and grounds.

At its meeting on September 4, 2018, the City Council approved a draft Resolution adopting the proposed Rules of Conduct and process for appeal for the City Library. Due to some recent actions by patrons, along with it having been over four years since staff last assessed the Library's Rules of Conduct, staff took the initiative to evaluate the current state of the rules. Staff then took a Rules of Conduct item before the Library and Literacy Commission on September 13, 2022, in order for the Commission to analyze the current rules. The Library and Literacy Commission reviewed and recommended making the proposed amendments to the Library Rules of Conduct which are attached to the staff report. The amendments included the addition of the following rules which are considered unacceptable conduct that is not allowed on City Library properties:

#20- Sleeping or lying on the floor or furniture or blocking aisles, exits or entrances.

#21- Depositing bodily fluids on property, including library collections, equipment, and furnishings.

#22- Entering barefoot, shirtless, or removing footwear or clothes while in the library.

RECOMMENDATION: That the City Council approve the draft Resolution adopting the proposed amended Rules of Conduct for the City Library.

ATTACHMENTS:

1. Draft Resolution
2. 2018 Library Rules of Conduct

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. _____-2022

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE RESCINDING RESOLUTION 63-2018
AND ESTABLISHING THE RULES OF CONDUCT FOR THE
CITY OF PORTERVILLE PUBLIC LIBRARY**

BE IT RESOLVED by the City Council of the City of Porterville that Resolution No. 63-2018 is herein rescinded.

BE IT FURTHER RESOLVED that the amended Rules of Conduct be followed by the public when visiting library facilities:

Welcome to the City of Porterville Public Library. The City library is supported by the taxes of the people of this community who expect our facility to be a clean, comfortable, and a safe place for selecting materials, reading, researching, studying, writing, and/or attending programs and meetings. The City library is responsible for establishing rules of conduct to protect the rights and safety of patrons, volunteers, and staff, and for preserving and protecting materials, equipment, facilities, and grounds owned/or leased by the City of Porterville.

We expect patrons to respect other patrons' use of our library facilities and its resources. As a courtesy to others, we ask that you place your cell phones on "vibrate" and take any phone calls outside.

For the comfort and safety of patrons, volunteers, and staff, and the protection of library property, the following are considered unacceptable conduct that is not allowed on City library properties:

1. Engaging in any activity in violation of Federal, State, local and other applicable law, or library policy.
2. Willfully damaging library materials, buildings, furnishing, equipment, or grounds.
3. Brining animals, other than service animals, into the library.
4. Engaging in noisy or boisterous activities that interfere with or are disruptive to other patrons' use of the library. (CPC§370; CPC§415)
5. Leaving children unattended anywhere on library premises if they cannot care for themselves or if such children interfere with or disrupt other patrons' use of the library.
6. Giving speeches or handing out printed materials in the library. However, such conduct may be allowed in the library public meeting room upon receiving permission from the appropriate City Official.
7. Soliciting money or engaging in commercial activity on library premises.
8. Smoking of tobacco products or vaping in the library or within 20 feet of the library facility.
9. Eating and drinking in the library except in designated areas.
10. Bathing inside or outside of the library facility.
11. Theft and/or vandalism to library property, or the personal property of library patrons or staff. (CPC§484, CPC§490.5, CPC§594)
12. Carrying firearms or other dangerous weapons of any kind on library premises.

13. Having unsanitary bodily hygiene which is so offensive to other patrons that it constitutes a nuisance in the library. (CPC§370)
14. Engaging in sexual conduct on library premises. (CPC§647)
15. Using or taking illegal drugs or alcoholic beverages or being under the influence of either. (CPC§647)
16. Engaging in conduct which threatens the safety of other patrons or library staff. (CPC§422, CPC§602.1, CPC§415)
17. Loud talking, abusive language, profanity, or non-verbal attention that is willful, malicious, or repeated harassment. (CPC§370, CPC§415)
18. Fighting, running, pushing, shoving, or throwing things. (CPC§415)
19. Graffiti and littering. (CPC§594, CPC§374.4)
20. Sleeping or lying on the floor or furniture or blocking aisles, exits or entrances.
21. Depositing bodily fluids on property, including library collections, equipment, and furnishings.
22. Entering barefoot, shirtless, or removing footwear or clothes while in the library.
23. Obstructing the front of the library and disturbing patrons entering/exiting the library, or delaying or lingering without a lawful purpose for being on the property and for the purpose of committing a crime as opportunity may be discovered.

The foregoing, including but not limited to the respective references to the California Penal Code, is not intended to be a complete list of unacceptable behaviors but is intended for guidance only. In enforcing the Rules of Conduct, persons who violate this code of conduct will be asked to leave the library and understand that the City reserves the right to take action that is necessary to preserve any of its rights and remedies under the law. This includes, but is not limited to, suspension of library privileges, and/or pursuing legal action for monetary damages against a patron who causes damage to or loss of materials, buildings, furnishings, equipment, or grounds.

PASSED, APPROVED, and ADOPTED this ____ day of November, 2022.

Martha A. Flores, Mayor

ATTEST:

John D. Lollis, City Clerk

Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – SEPTEMBER 4, 2018

SUBJECT: Adoption of the City Library's Rules of Conduct

SOURCE: Parks and Leisure Services

COMMENT: At their scheduled meeting on August 14, 2018, the Library and Literacy Commission reviewed the 2006 Library Rules of Conduct and made moderate changes. The Commission also discussed incorporating an appeals process for suspended privileges.

The purpose of the rules is for conformity as to protect our community of Library users who expect our facility to be a clean, comfortable, and safe place for selecting materials, reading, researching, studying, writing, and attending programs and meetings. As a City municipal library, we are responsible for establishing rules of conduct to protect the rights and safety of Library patrons, volunteers, and staff, and for preserving and protecting the Library's materials, equipment, facilities, and grounds.

RECOMMENDATION: That the City Council approve the draft resolution adopting the proposed Rules of Conduct for the City Library and process for appeal.

ATTACHMENTS:

1. Draft Resolution
2. Proposed Library Rules of Conduct
3. Request for Appeal of Library Suspension Form

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. ____-2018

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE ADOPTING CITY OF PORTERVILLE
PUBLIC LIBRARY RULES OF CONDUCT**

WHEREAS, the adoption and enforcement of city library rules of conduct helps these facilities to continue to be a safe, comfortable, and valuable resource for community residents;

WHEREAS, the Porterville Library Commission has recommended that the City of Porterville adopt revised rules of conduct in order to better protect the rights and safety of library patrons, volunteers and staff; and preserve and protect the facility materials, equipment, facilities and grounds; and

WHEREAS, the revised rules of conduct include a suspension appeals process to assist in better enforcement and the maintenance of due process.

NOW THEREFORE BE IT RESOLVED:

1. The City Council of the City of Porterville hereby adopts the City of Porterville Public Library: Rules of Conduct, attached hereto as Exhibit "A."
2. The City Council of the City of Porterville hereby approves the Request for Appeal of Library Suspension Form, attached as Exhibit "B."

PASSED, APPROVED, and ADOPTED this ____ day of September, 2018.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

CITY OF PORTERVILLE PUBLIC LIBRARY: RULES OF CONDUCT

Welcome to the City of Porterville Public Library. The City library is supported by the taxes of the people of this community who expect our facility to be a clean, comfortable, and safe place for selecting materials, reading, researching, studying, writing, and attending programs and meetings. The City library is responsible for establishing rules of conduct to protect the rights and safety of patrons, volunteers, and staff, and for preserving and protecting materials, equipment, facilities, and grounds owned by the City of Porterville.

We expect patrons to respect other patrons' use of our library facilities and its resources. As a courtesy to others, we ask that you place your cell phones on "vibrate" and take any phone calls outside or to the public restrooms.

For the comfort and safety of patrons, volunteers, and staff, and the protection of Library property, the following are considered unacceptable conduct that is not allowed on City library properties.

1. Engaging in any activity in violation of Federal, State, local or other applicable law, or Library policy.
2. Willfully damaging Library materials, buildings, furnishings, equipment or grounds.
3. Bringing animals, other than service animals, into the Library.
4. Engaging in noisy or boisterous activities that interfere with or are disruptive to other patrons' use of the Library. (CPC§370; CPC§415)
5. Leaving children unattended anywhere on Library premises if they cannot care for themselves or if such children interfere with or disrupt other patrons' use of the Library.
6. Giving speeches or handing out printed materials in the Library. (However, such conduct may be allowed in the Library public meeting rooms upon receiving permission from the appropriate City official).
7. Soliciting money or engaging in commercial activity on Library premises.
8. Eating, drinking, smoking (including vaping), or bathing in the Library.
9. Theft and/or vandalism to library property, or the personal property of library patrons or staff. (CPC§484, CPC§490.5, CPC§594)
10. Carrying firearms or other dangerous weapons of any kind on Library premises.
11. Having unsanitary bodily hygiene which is so offensive to other persons that it constitutes a nuisance in the Library. (CPC§370)
12. Engaging in sexual conduct on Library premises. (CPC§647)
13. Using or taking illegal drugs or alcoholic beverages or being under the influence of either. (CPC§647)
14. Engaging in conduct which threatens the safety of other patrons or library staff. (CPC§422, CPC§602.1, CPC§415)
15. Loud talking, abusive language, profanity, or non-verbal attention that is willful, malicious, or repeated harassment. (CPC§370, CPC§415)
16. Fighting, running, pushing, shoving, or throwing things. (CPC§415)
17. Graffiti and littering. (CPC§594, CPC§374.4)
18. Obstructing the front of the Library and disturbing patrons entering/exiting the Library, or delaying or lingering without a lawful purpose for being on the property and for the purpose of committing a crime as opportunity may be discovered.

The foregoing, including but not limited to the respective references to the California Penal Code, is not intended to be a complete list of unacceptable behaviors but is intended for guidance only. In enforcing the Rules of Conduct, persons who violate this code of conduct will be asked to leave the library and understand that the City reserves the right to take any action that is necessary to preserve any of its rights and remedies under the law. This includes, but is not limited to, suspension of library privileges, and/or pursuing legal action for monetary damages against a patron who causes damage to or loss of materials, buildings, furnishings, equipment, or grounds.

If you wish to challenge a suspension you can obtain a Request for Appeal of Library Suspension form at the City Clerk's office at 291 North Main Street within 10 days from the start of the suspension. City Library privileges suspension appeals shall be processed at the City Clerk's office, 291 North Main Street. The following procedures shall apply to appeals:

1. Any person, who has had their Library borrowing and/or visiting privileges at Library facilities revoked, may appeal the suspension by completing an appeals form within 10 business days of the start of suspension.
2. The City Manager and/or other designee shall serve as the Hearing officer for any appeal.
3. The City Library staff shall submit to the Hearing Officer a written report specifying the reasons leading to the suspension, within 3 business days of the City Clerk's receipt of the request for appeal.
4. The Hearing Officer shall render a written decision within 21 business days of the City Clerk's receipt of the request for appeal. The Hearing Officer may extend the 21 day period, in writing, in order to gather and consider additional evidence and/or information. The decision by the Hearing Officer is final.



Request for Appeal of Library Suspension Form

Date: _____

Name: _____

Address: _____

City: _____ State: _____ Zip code: _____

Email Address: _____

Phone numbers: _____ (home) _____ (cell) _____ (work)

Reason for appeal: _____

.If necessary, please attach additional pages.

X _____
Signature and Date

Please return this form to the City Clerk's Office, 291 North Main Street, within 10 business days of the start of suspension. The suspension will remain in effect during the appeals process. The Hearing Officer will render a written decision within 21 business days of the City's receipt of the Request for Appeal.



CITY COUNCIL AGENDA – NOVEMBER 1, 2022

SUBJECT: Approval of the Library's Internet Use Policy

SOURCE: Parks and Leisure Services

COMMENT: The Children's Internet Protection Act (CIPA) was enacted by Congress in 2000 to address concerns about children's access to obscene or harmful content on the internet. CIPA imposes certain requirements on libraries that receive discounts for internet access or internal connections through the E-Rate program - a federal program that makes certain communications services and products more affordable for eligible libraries. In early 2001, the Federal Communications Commission (FCC) issued rules implementing CIPA and provided updates to those rules in 2011.

Libraries subject to CIPA may not receive the discounts offered by the E-Rate program unless they certify that they have an internet safety policy that includes technology protection measures. The protection measures must block or filter internet access to pictures that are harmful to minors. Before adopting this internet safety policy, libraries must provide reasonable notice and hold at least one public meeting to address the proposal. Libraries subject to CIPA are required to adopt and implement an internet safety policy addressing:

- Access by minors to inappropriate matters on the internet;
- The safety and security of minors when using electronic mail, chat rooms and other forms of direct electronic communications;
- Unauthorized access, including so-called "hacking," and other unlawful activities by minors online;
- Unauthorized disclosure, use, and dissemination of personal information regarding minors; and
- Measures restricting minors' access to materials harmful to them.

At its meeting on October 11, 2022, the Library and Literacy Commission was informed by staff that the San Joaquin Valley Library System's Administrative Librarian notified the City that its Internet Use Policy approved by the City Council at its meeting on October 15, 2002, was not considered CIPA compliant during a recent E-rate audit. The San Joaquin Valley Library System E-rate Consultant provided a template for policy compliance, which staff completed accordingly.

RECOMMENDATION: That City Council approve the Library's Internet Use Policy to be in compliance with the Children's Internet Protection Act.

ATTACHMENTS: 1. Draft Policy

Appropriated/Funded:

Review By:

Department Director:
Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

Porterville Public Library- Internet Safety Policy:

Introduction

It is the policy of the Porterville Public Library to: (a) prevent user access over its computer network to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communications; (b) prevent unauthorized access and other unlawful online activity; (c) prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and (d) comply with the Children's Internet Protection Act [Pub. L. No. 106-554 and 47 USC 254(h)].

Definitions

Key terms are as defined in the Children's Internet Protection Act.

Access to Inappropriate Material

To the extent practical, technology protection measures (or "Internet filters") shall be used to block or filter Internet traffic, or other forms of electronic communications, to prevent access to inappropriate information.

Specifically, as required by the Children's Internet Protection Act, blocking shall be applied to visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors.

Subject to staff supervision, technology protection measures may be disabled for adults or, in the case of minors, minimized only for bona fide research or other lawful purposes.

Inappropriate Network Usage

To the extent practical, steps shall be taken to promote the safety and security of users of the Porterville Public Library online computer network when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications.

Specifically, as required by the Children's Internet Protection Act, prevention of inappropriate network usage includes: (a) unauthorized access, including so-called 'hacking,' and other unlawful activities; and (b) unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

Education, Supervision and Monitoring

It shall be the responsibility of all members of the Porterville Public Library staff to educate, supervise and monitor appropriate usage of the online computer network and access to the Internet in accordance with this policy, the Children's Internet Protection Act, the Neighborhood Children's Internet Protection Act, and the Protecting Children in the 21st Century Act.

Procedures for the disabling or otherwise modifying any technology protection measures shall be the responsibility of the Library and/or designated Library Staff.

Adoption

This Internet Safety Policy was adopted by the Porterville City Council at a public meeting, following normal public notice, on November 1, 2022.



CITY COUNCIL AGENDA – NOVEMBER 1, 2022

SUBJECT: Financial Status Reports

SOURCE: Finance

COMMENT: The City Charter requires financial status reports to be provided to City Council on a monthly basis. Council Minute Order No. 10-011607 approved the recommended change in submittal of the interim financial status reports and established requirements and parameters in the presentation of the reports.

In accordance with Council Minute Order No. 10-011607, the financial status reports for the quarter ending September 30, 2022, are submitted.

RECOMMENDATION: That the City Council accept the Financial Status Reports as presented.

ATTACHMENTS: 1. Quarterly Financial Status Reports as of September 30, 2022

Appropriated/Funded:

Review By:

Department Director:

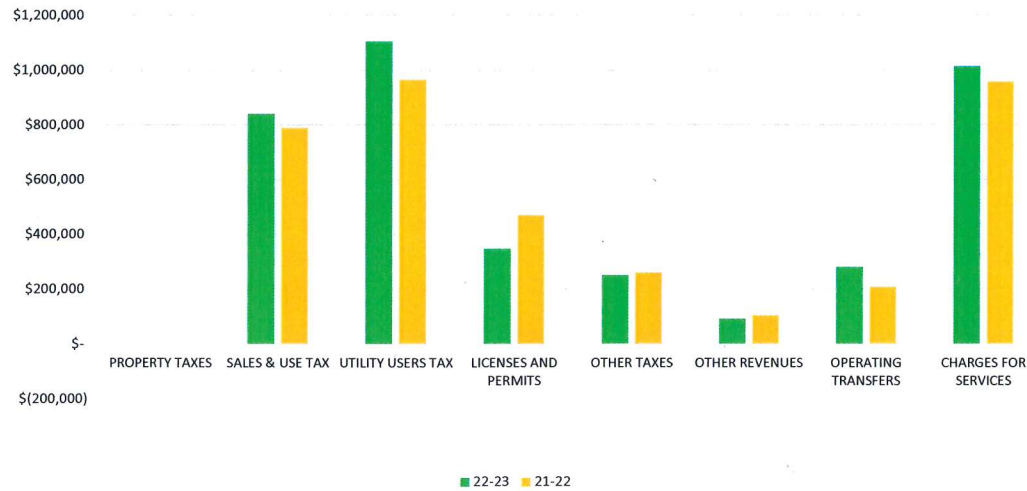
Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE

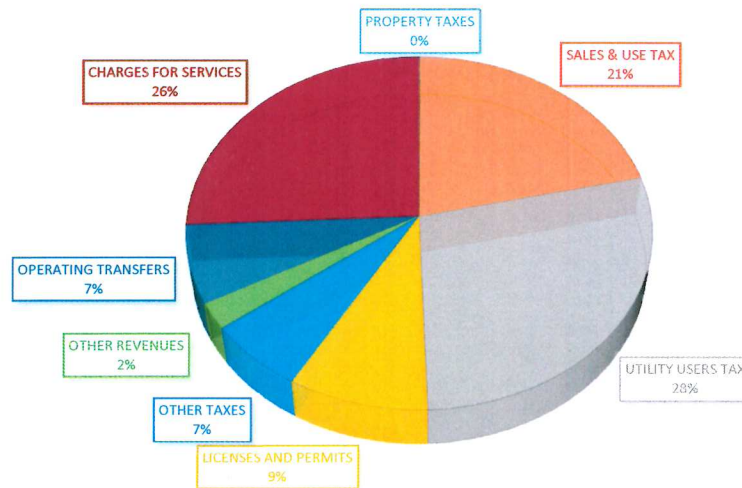
**REVENUE STATUS REPORT - GENERAL FUND
FOR THE QUARTERS ENDED
SEPTEMBER 30, 2022 AND SEPTEMBER 30, 2021**

REVENUE SOURCE	2022-2023 ESTIMATED REVENUE	2022-2023 YEAR-TO-DATE REVENUE	% OF ESTIMATE	2021-2022 ESTIMATED REVENUE	2021-2022 YEAR-TO-DATE REVENUE	% OF ESTIMATE
PROPERTY TAXES	\$ 8,373,700	\$ 1,396	0.02%	\$ 8,083,000	\$ (2)	0.00%
OTHER TAXES:						
SALES AND USE TAX	8,361,626	798,527	9.55%	6,771,812	749,270	11.06%
UTILITY USERS TAX	4,600,000	1,105,740	24.04%	4,000,000	967,473	24.19%
TRANSIENT OCCUPANCY TAX	840,000	939	0.11%	575,000	-	-
PROPERTY TRANSFER TAX	120,000	-	-	105,000	12,233	11.65%
FRANCHISE TAX	1,661,134	250,291	15.07%	1,651,134	250,291	15.16%
SALES TAX - PUBLIC SAFETY	300,000	42,403	14.13%	260,000	41,268	15.87%
LICENSES AND PERMITS:						
BUSINESS AND OTHER LICENSES	511,300	202,153	39.54%	437,100	227,569	52.06%
CONSTRUCTION PERMITS	750,000	147,076	19.61%	620,000	243,783	39.32%
REVENUE FROM AGENCIES-TAXES:						
VEHICLE LICENSE FEES	68,000	-	-	43,000	-	-
SALES TAX, MEASURE R	-	-	-	100,000	-	-
OTHER TAXES	22,000	-	-	24,000	-	-
REVENUE FROM AGENCIES-GRANTS	167,538	8,502	5.07%	191,507	-	-
USE OF MONEY AND PROPERTY	304,000	70,080	23.05%	397,414	87,923	22.12%
FINES AND FORFEITURES	32,500	1,756	5.40%	22,200	4,194	18.89%
CHARGES FOR SERVICES:						
PLANNING AND ENGINEERING	123,000	30,114	24.48%	123,500	23,675	19.17%
POLICE	351,500	29,706	8.45%	363,000	28,441	7.84%
FIRE	40,500	57,065	140.90%	26,500	117,464	443.26%
LIBRARY	10,000	2,861	28.61%	10,000	34	0.34%
RECREATIONAL	3,098,755	133,180	4.30%	1,931,000	58,364	3.02%
INTERDEPARTMENTAL	2,600,000	741,620	28.52%	2,400,000	712,594	29.69%
OTHER	48,636	20,459	42.07%	21,590	18,117	83.92%
OTHER REVENUES	71,000	13,116	18.47%	59,000	13,924	23.60%
SUBTOTALS	\$ 32,455,189	\$ 3,656,983	11.27%	\$ 28,215,757	\$ 3,556,615	12.61%
OPERATING TRANSFERS	1,282,345	175,969	13.72%	1,254,945	144,489	11.51%
DEBT SERVICE TRANSFERS	269,264	53,063	19.71%	244,828	64,752	26.45%
TOTALS	\$ 34,006,798	\$ 3,886,014	11.43%	\$ 29,715,530	\$ 3,765,857	12.67%

City of Porterville
General Fund Revenues
Quarters Ended September 30, 2022 and September 30, 2021



City of Porterville
General Fund Revenues
Quarter Ended September 30, 2022

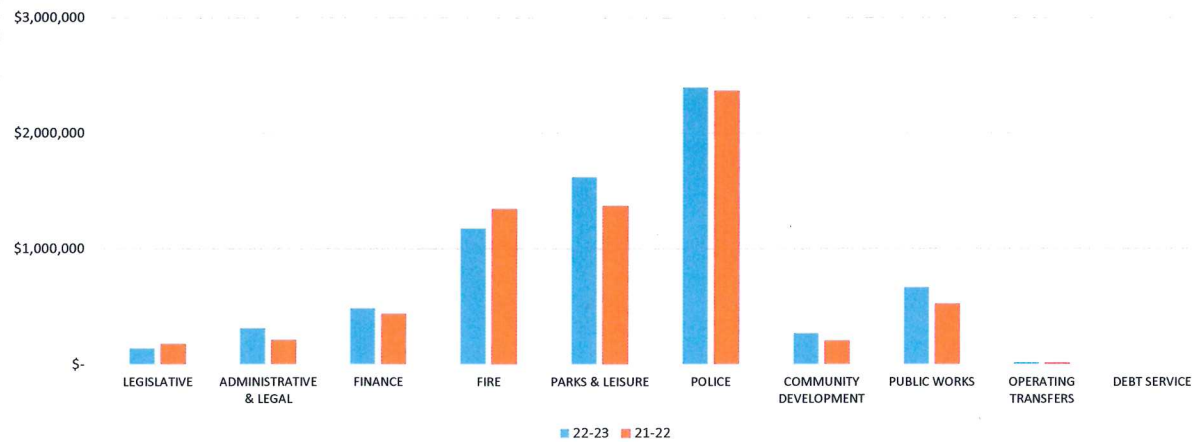


CITY OF PORTERVILLE

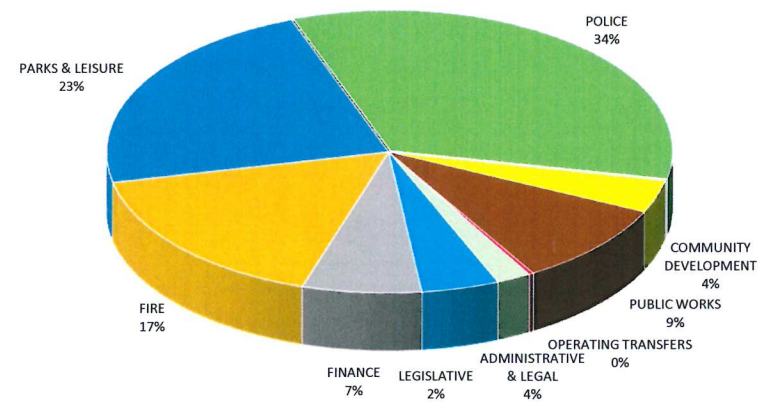
**EXPENDITURE STATUS REPORT - GENERAL FUND
FOR THE QUARTERS ENDED
SEPTEMBER 30, 2022 AND SEPTEMBER 30, 2021**

	2022-2023 AMENDED APPROP	2022-2023 YEAR-TO-DATE EXPEND	% OF APPROP	2021-2022 AMENDED APPROP	2021-2022 YEAR-TO-DATE EXPEND	% OF APPROP
LEGISLATIVE:						
CITY COUNCIL	\$ 222,917	\$ 14,809	6.6%	\$ 459,917	\$ 11,734	2.6%
COMMUNITY PROMOTION	330,952	63,200	19.1%	269,920	70,140	26.0%
EMERGENCY - LIBRARY	336,105	62,468	18.6%	580,000	84,242	14.5%
EMERGENCY - COVID 19	-	-	-	-	13,010	-
ADMINISTRATIVE & LEGAL:						
CITY MANAGER	398,209	113,847	28.6%	338,118	82,415	24.4%
CITY CLERK	243,704	46,422	19.0%	230,830	45,725	19.8%
HUMAN RESOURCES	435,747	129,408	29.7%	308,868	56,271	18.2%
CITY ATTORNEY	225,000	25,100	11.2%	225,000	27,227	12.1%
FINANCE:						
FINANCE & ACCOUNTING	1,194,568	250,093	20.9%	957,538	220,537	23.0%
INFORMATION SERVICES	683,476	150,310	22.0%	523,625	144,912	27.7%
ADMINISTRATIVE SERVICES	323,154	84,178	26.0%	337,510	73,781	21.9%
POLICE PROTECTION	10,958,716	2,398,371	21.9%	11,023,315	2,371,020	21.5%
FIRE PROTECTION	4,661,381	1,177,607	25.3%	4,078,865	1,347,502	33.0%
COMMUNITY DEVELOPMENT:						
PLANNING & ZONING	742,784	157,177	21.2%	685,514	130,039	19.0%
ECONOMIC DEVELOPMENT	493,042	112,910	22.9%	397,139	74,693	18.8%
PUBLIC WORKS:						
ENGINEERING & BUILDING	1,687,371	376,361	22.3%	1,553,852	336,131	21.6%
STREET MAINTENANCE	546,410	115,772	21.2%	517,194	82,298	15.9%
SIGNALS, SIGNING & STRIPING	301,459	79,776	26.5%	319,000	30,387	9.5%
STREET LIGHTING	539,518	60,197	11.2%	537,552	52,394	9.7%
STORM DRAINS	92,585	18,491	20.0%	175,343	17,076	9.7%
PARKING LOTS	68,209	16,508	24.2%	64,552	6,509	10.1%
PARKS & LEISURE:						
PARK MAINTENANCE & OPERATION	2,624,504	678,113	25.8%	2,472,875	566,348	22.9%
STREET TREES & PARKWAYS	234,169	50,703	21.7%	251,710	50,573	20.1%
COMMUNITY CENTERS	96,217	5,002	5.2%	100,000	(1,838)	-1.8%
LEISURE SERVICES	392,434	99,593	25.4%	349,023	89,889	25.8%
LEISURE SERVICES - SPECIAL PROG	2,953,842	520,632	17.6%	2,933,915	441,393	15.0%
SWIMMING POOL	173,950	118,972	68.4%	173,950	94,061	54.1%
LIBRARY OPERATIONS	825,889	144,247	17.5%	811,451	132,844	16.4%
SPECIAL PROJECTS	36,506	5,236	14.3%	36,507	4,119	11.3%
 SUB TOTALS	 31,822,818	 7,075,504	 22.2%	 30,713,083	 6,655,431	 21.7%
OPERATING TRANSFERS	79,000	17,250	21.8%	79,000	17,250	21.8%
DEBT SERVICE	1,598,169	-		1,634,345	-	
	<u>\$ 33,499,987</u>	<u>\$ 7,092,754</u>	21.2%	<u>\$ 32,426,428</u>	<u>\$ 6,672,681</u>	20.6%

City of Porterville
General Fund Expenditures
Quarters Ended September 30, 2022 and September 30, 2021



City of Porterville
General Fund Expenditures
Quarter Ended September 30, 2022

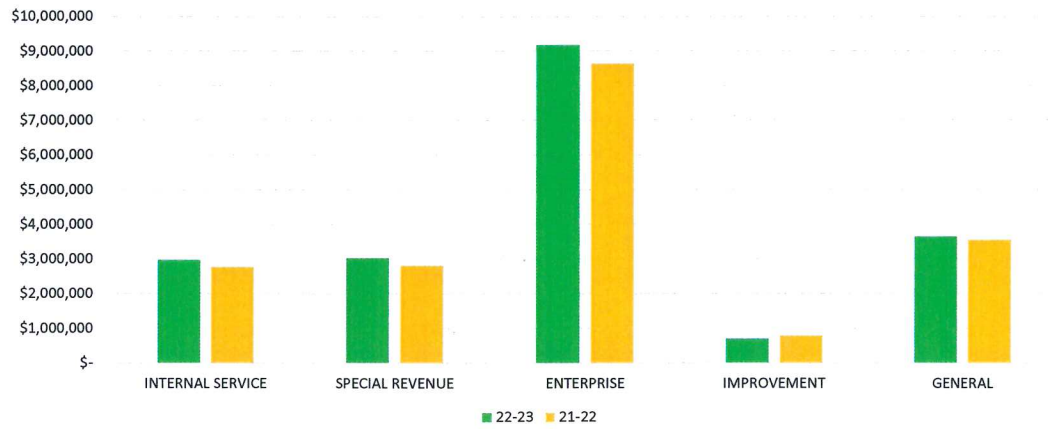


CITY OF PORTERVILLE

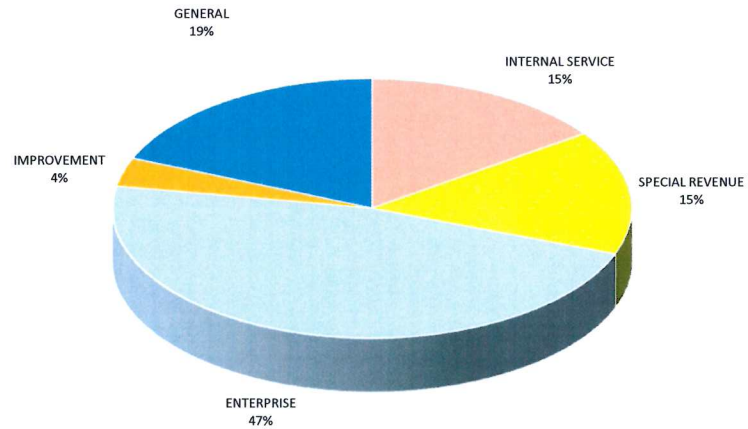
**REVENUE STATUS REPORT - ALL OTHER FUNDS
FOR THE QUARTERS ENDED
SEPTEMBER 30, 2022 AND SEPTEMBER 30, 2021**

REVENUE SOURCE	2022-2023 ESTIMATED REVENUE	2022-2023 YEAR-TO-DATE REVENUE	% OF ESTIMATE	2021-2022 ESTIMATED REVENUE	2021-2022 YEAR-TO-DATE REVENUE	% OF ESTIMATE
MEASURE H SALES TAX	\$ 5,460,597	\$ 501,266	9.2%	\$ 4,434,052	\$ 453,297	10.2%
MEASURE I SALES TAX	10,741,776	977,565	9.1%	8,923,104	914,755	10.3%
AMERICAN RESCUE PLAN ACT	11,113,000	350,665	3.2%	-	20,523	-
SPECIAL GAS TAX	4,757,438	1,106,200	23.3%	4,218,347	1,059,812	25.1%
LOCAL TRANSPORTATION FUNDS (LTF)	32,849,952	37,420	0.1%	17,022,488	173,665	1.0%
TRAFFIC SAFETY FUND	100,200	(49,175)	-	100,200	9,798	9.8%
ZALUD ESTATE	5,650	1,065	18.9%	5,850	1,381	23.6%
COMMUNITY DEVELOPMENT BLOCK GRANT	1,851,488	15,661	0.8%	2,022,126	1,966	0.1%
TRANSIT	-	707,155	-	12,083,531	235,097	1.9%
SPECIAL SAFETY GRANTS	781,539	30	0.0%	299,784	284	0.1%
SEWER OPERATING	7,378,925	1,820,310	24.7%	7,141,345	1,713,380	24.0%
REFUSE REMOVAL	6,636,466	1,664,688	25.1%	6,150,866	1,565,818	25.5%
AIRPORT OPERATIONS	2,081,500	512,699	24.6%	1,533,553	1,129,984	73.7%
GOLF COURSE	220,900	63,888	28.9%	193,800	60,698	31.3%
WATER OPERATING	13,246,005	4,417,465	33.3%	12,985,280	3,943,634	30.4%
RISK MANAGEMENT	7,533,016	1,892,364	25.1%	7,445,716	1,924,634	25.8%
EQUIPMENT MAINTENANCE	3,854,200	1,089,472	28.3%	3,701,260	859,548	23.2%
LANDSCAPE MAINTENANCE DISTRICT	132,682	-	-	154,753	-	-
WATER REPLACEMENT	4,540,000	213,831	4.7%	14,466,321	253,241	1.8%
SOLID WASTE RESERVE	953,070	224,366	23.5%	923,442	220,987	23.9%
SEWER REVOLVING	447,898	90,741	20.3%	540,221	109,147	20.2%
TRANSPORTATION DEVELOPMENT	295,000	34,454	11.7%	215,000	61,812	28.7%
PARK DEVELOPMENT	1,805,100	16,851	0.9%	100,050	28,471	28.5%
TREATMENT PLANT RESERVE	992,240	170,382	17.2%	960,371	216,713	22.6%
STORM DRAIN DEVELOPMENT	320,000	38,092	11.9%	220,000	95,441	43.4%
BUILDING CONSTRUCTION	1,000	411	41.1%	1,000	378	37.8%
TOTALS	\$ <u>118,099,642</u>	\$ <u>15,897,866</u>	13.5%	\$ <u>105,842,460</u>	\$ <u>15,054,464</u>	14.2%

City of Porterville
Revenue by Fund Type
Quarters Ended September 30, 2022 and September 30, 2021

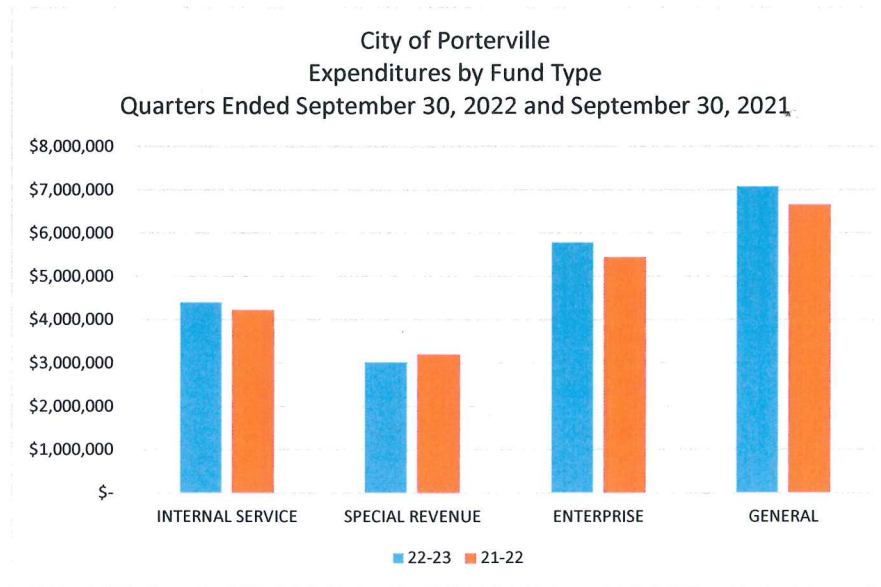


City of Porterville
Revenue by Fund Type
Quarter Ended September 30, 2022

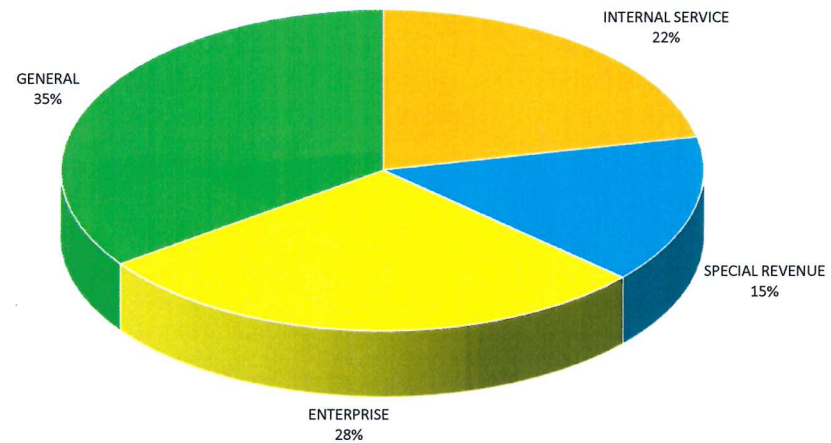


CITY OF PORTERVILLE
EXPENDITURE STATUS REPORT - ALL OTHER FUNDS
FOR THE QUARTERS ENDED
SEPTEMBER 30, 2022 AND SEPTEMBER 30, 2021

	2022-2023 AMENDED APPROP	2022-2023 YEAR-TO-DATE EXPEND	% OF APPROP	2021-2022 AMENDED APPROP	2021-2022 YEAR-TO-DATE EXPEND	% OF ACTUAL
MEASURE H SALES TAX	\$ 4,457,666	\$ 1,169,614	26.2%	\$ 4,241,135	\$ 1,077,586	25.4%
MEASURE I SALES TAX	5,881,050	1,310,268	22.3%	4,890,884	1,389,062	28.4%
AMERICAN RESCUE PLAN ACT	-	336,762	-	-	598,820	-
ZALUD ESTATE	31,855	7,551	23.7%	18,855	5,792	30.7%
COMMUNITY DEVELOPMENT BLOCK GRANT	190,459	33,138	17.4%	546,985	40,648	7.4%
SPECIAL SAFETY GRANTS	793,549	139,308	17.6%	397,563	66,392	16.7%
SEWER OPERATING	6,820,260	1,383,775	20.3%	6,529,757	1,338,682	20.5%
REFUSE REMOVAL	6,999,034	1,466,203	20.9%	6,846,900	1,140,541	16.7%
AIRPORT	1,767,875	382,304	21.6%	1,407,844	670,443	47.6%
GOLF COURSE	500,496	135,974	27.2%	460,151	123,117	26.8%
WATER OPERATING	9,454,882	2,406,894	25.5%	8,104,376	2,173,484	26.8%
RISK MANAGEMENT	9,340,626	3,455,360	37.0%	7,988,321	3,466,609	43.4%
EQUIPMENT MAINTENANCE	3,802,800	949,428	25.0%	3,632,540	757,110	20.8%
LANDSCAPE MAINTENANCE DISTRICT	222,738	35,731	16.0%	192,995	35,380	18.3%
TOTALS	\$ <u>50,263,290</u>	\$ <u>13,212,310</u>	26.3%	\$ <u>45,258,306</u>	\$ <u>12,883,666</u>	28.5%



City of Porterville
Expenditures by Fund Type
Quarter Ended September 30, 2022



CITY OF PORTERVILLE
INTERIM PERFORMANCE REPORT - MEASURE H
For the Quarters Ended September 30, 2022 and September 30, 2021

	<u>FY 2022-23</u>	<u>FY 2021-22</u>
REVENUES		
Sales Tax - Measure H	\$ 490,924	445,386
Interest	7,839	4,809
Police Services	104	102
Contributions	2,400	3,000
TOTAL REVENUES	<u>501,266</u>	<u>453,297</u>
EXPENDITURES		
Police Department	477,759	447,352
Fire Department	542,380	489,688
Public Safety Station	47,901	38,726
Library & Literacy	101,574	101,820
TOTAL EXPENDITURES	<u>1,169,614</u>	<u>1,077,586</u>
CAPITAL PROJECTS		
Animal Shelter	<u>4,633</u>	<u>2,753</u>
TOTAL CAPITAL PROJECTS	<u>4,633</u>	<u>2,753</u>
REVENUE OVER/(UNDER) EXPENDITURES	\$ <u><u>(672,981)</u></u>	\$ <u><u>(627,042)</u></u>

CITY OF PORTERVILLE
INTERIM PERFORMANCE REPORT - MEASURE I
For the Quarters Ended September 30, 2022 and September 30, 2021

	<u>FY 2022-23</u>	<u>FY 2021-22</u>
REVENUES		
Sales Tax - Measure I	\$ 942,107	\$ 890,716
Interest	35,252	23,549
Police Services	206	490
TOTAL REVENUES	<u>977,565</u>	<u>914,755</u>
EXPENDITURES		
Police Department	866,183	992,807
Fire Department	435,725	382,706
Streets Program	7,938	13,549
Litter Abatement Program	422	-
TOTAL EXPENDITURES	<u>1,310,268</u>	<u>1,389,062</u>
CAPITAL PROJECTS		
AC Pavement Repair/Overlay	522,852	184,202
Fire Dept Classroom/Training	8,070	-
Fire Station Remodel/Additions	52,500	-
Grand Ave Connection between 4th and Henrahan	7,155	1,800
Medians Restoration Project	447	-
Montgomery Ave Reconstruction - Jaye to H	425	818
Pavement Management Program	1,368	4,921
PD Evidence Storage Facilities	27,052	15
Union - Indiana to Jaye	-	881
Villa St Reconstruction - Olive to Henderson	-	5,068
TOTAL CAPITAL PROJECTS	<u>619,870</u>	<u>197,704</u>
REVENUE OVER/(UNDER) EXPENDITURES	<u>\$ (952,573)</u>	<u>\$ (672,011)</u>

CITY OF PORTERVILLE
INTERIM PERFORMANCE REPORT - ENTERPRISE FUNDS
For the Quarters Ended September 30, 2022 and September 30, 2021

<u>FUND</u>	<u>REVENUES</u>	<u>EXPENSES</u>	<u>9/30/2022 NET OPERATING PROFIT (LOSS)</u>	<u>9/30/2021 NET OPERATING PROFIT (LOSS)</u>
Zalud Estate	\$ 1,065	\$ (7,551)	\$ (6,486)	\$ (4,411)
Sewer Operating	\$ 1,820,310	\$ (1,383,775)	\$ 436,536	\$ 374,697
Solid Waste	\$ 1,664,688	\$ (1,466,203)	\$ 198,485	\$ 425,277
Airport	\$ 512,699	\$ (382,304)	\$ 130,395	\$ 459,540
Golf	\$ 63,888	\$ (135,974)	\$ (72,087)	\$ (62,420)
Water Operating	\$ 4,417,465	\$ (2,406,894)	\$ 2,010,571	\$ 1,770,150



CITY COUNCIL AGENDA – NOVEMBER 1, 2022

SUBJECT: Quarterly Investment Portfolio

SOURCE: Finance

COMMENT: This report reflects the investment portfolio of the City as of September 30, 2022, and is in compliance with California Government Code Section 27000, etc., Section 53600, etc., and the City of Porterville's Statement of Investment Policy. Investments are selected based on the statutory objectives of safety, liquidity and yield.

Items identified in the summary include portfolio composition, weighted average rate of earnings, weighted average days to maturity, and the percentage of liquid holdings.

RECOMMENDATION: That the City Council accept the quarterly Investment Portfolio Summary Report.

ATTACHMENTS: 1. Investment Portfolio Summary - September 30, 2022

Appropriated/Funded:

Review By:

Department Director:
Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE
PORTFOLIO SUMMARY AS OF SEPTEMBER 30, 2022

INVESTMENT OR CUSIP NUMBER	INSTITUTION	PURCHASE PRICE	MARKET VALUE	COUPON INTEREST RATE	PURCHASE DATE	MATURITY DATE	DAYS TO MATURITY
1006	LOCAL AGENCY INVESTMENT FUND \$	29,240,927	\$ 29,240,927	1.350%	DAILY	DAILY	1
1007	CSJVRMA INVESTMENT FUND	7,268,271	6,961,219	1.460%	DAILY	DAILY	30
866	TULARE COUNTY INVESTMENT POOL	9,681,623	9,681,623	1.400%	DAILY	DAILY	30
	CORNERSTONE MAIN PARTNERS, L.P.	2,778,511	2,778,511	2.400%	12/12/2018	11/30/2038	5,905
3130AKXB7	FEDERAL HOME LOAN BANKS	1,975,000	1,754,840	0.580%	3/18/2021	2/11/2026	1,230
3130ALGJ7	FEDERAL HOME LOAN BANKS	975,000	867,448	1.000%	3/23/2021	3/23/2026	1,270
3133EMUK6	FEDERAL FARM CREDIT BANKS	1,000,000	890,600	1.050%	3/25/2021	3/25/2026	1,272
3130ALS62	FEDERAL HOME LOAN BANKS, STEPUP	1,000,000	891,690	0.750%	3/30/2021	3/30/2026	1,277
3130AM3R1	FEDERAL HOME LOAN BANKS	1,000,000	884,910	1.000%	4/29/2021	4/29/2026	1,307
3130ANUN8	FEDERAL HOME LOAN BANKS	2,000,000	1,751,600	1.040%	9/21/2021	9/21/2026	1,452
3130APCH6	FEDERAL HOME LOAN BANKS	1,000,000	878,260	1.125%	9/29/2021	9/29/2026	1,460
3130APDK8	FEDERAL HOME LOAN BANKS	1,000,000	877,200	1.100%	9/30/2021	9/30/2026	1,461
3130ANM64	FEDERAL HOME LOAN BANKS	1,000,000	876,250	1.000%	8/26/2021	8/26/2026	1,426
3130ANUX6	FEDERAL HOME LOAN BANKS	1,000,000	877,450	1.100%	9/28/2021	9/28/2026	1,459
3130APCX1	FEDERAL HOME LOAN BANKS	1,000,000	880,880	1.250%	10/26/2021	10/26/2026	1,487
3130AQ7F4	FEDERAL HOME LOAN BANKS	1,500,000	1,333,950	1.600%	12/30/2021	12/30/2026	1,552
3130APDQ5	FEDERAL HOME LOAN BANKS	1,000,000	880,790	1.250%	10/28/2021	10/28/2026	1,489
3130APTJ4	FEDERAL HOME LOAN BANKS	1,000,000	878,870	1.250%	11/24/2021	11/24/2026	1,516
3130APU37	FEDERAL HOME LOAN BANKS	1,000,000	880,680	1.300%	11/24/2021	11/24/2026	1,516
3130AQ5Q2	FEDERAL HOME LOAN BANKS	2,000,000	1,771,360	1.500%	12/30/2021	12/30/2026	1,552
3130AQRM7	FEDERAL HOME LOAN BANKS	1,000,000	931,730	1.550%	2/25/2022	2/25/2025	879
3130AQRH8	FEDERAL HOME LOAN BANKS	1,000,000	905,310	2.000%	2/25/2022	2/25/2027	1,609
3130ARA76	FEDERAL HOME LOAN BANKS	2,000,000	1,815,960	2.250%	3/30/2022	3/30/2027	1,642
3130AQJJ3	FEDERAL HOME LOAN BANKS	1,000,000	905,740	1.125%	1/26/2022	1/26/2026	1,214
3133ENNG1	FEDERAL FARM CREDIT BANKS	2,000,000	1,809,960	1.860%	2/8/2022	2/8/2027	1,592
3130ASJT7	FEDERAL HOME LOAN BANKS	1,000,000	983,140	3.230%	6/29/2022	12/29/2023	455
3130ARQ95	FEDERAL HOME LOAN BANKS	1,000,000	960,650	3.030%	4/29/2022	4/28/2025	941
3130AS2Q1	FEDERAL HOME LOAN BANKS	1,000,000	964,250	3.150%	5/23/2022	5/23/2025	966
3134GXUC6	FEDERAL HOME LOAN MORTGAGE COF	1,000,000	976,990	3.400%	5/27/2022	5/23/2025	966
3134GXXF6	FEDERAL HOME LOAN MORTGAGE COF	1,000,000	969,770	3.500%	6/28/2022	6/26/2026	1,365
3130APG82	FEDERAL HOME LOAN BANKS	1,000,000	882,450	0.750%	11/2/2021	10/28/2026	1,489
3130ARU74	FEDERAL HOME LOAN BANKS	1,000,000	944,620	3.375%	5/17/2022	5/17/2027	1,690
3130ARUX7	FEDERAL HOME LOAN BANKS	1,000,000	954,170	3.750%	5/19/2022	5/19/2027	1,692
3130ASD63	FEDERAL HOME LOAN BANKS	1,000,000	942,500	3.250%	6/28/2022	6/28/2027	1,732
3130ASD71	FEDERAL HOME LOAN BANKS	1,000,000	953,520	3.200%	6/29/2022	6/29/2026	1,368
3130ASFQ7	FEDERAL HOME LOAN BANKS	1,000,000	960,220	4.000%	6/29/2022	6/29/2027	1,733
3134GXF74	FEDERAL HOME LOAN MORTGAGE COF	1,000,000	987,130	3.625%	7/26/2022	7/26/2024	665
3134GXP81	FEDERAL HOME LOAN MORTGAGE COF	1,000,000	989,100	3.820%	8/30/2022	8/28/2024	698
3134GXX66	FEDERAL HOME LOAN MORTGAGE COF	1,000,000	990,120	3.500%	9/23/2022	9/23/2024	724
3130ATFL6	FEDERAL HOME LOAN BANKS	1,000,000	1,001,290	4.600%	9/30/2022	9/30/2024	731
3134GXF66	FEDERAL HOME LOAN MORTGAGE COF	1,000,000	985,070	4.000%	8/1/2022	8/1/2025	1,036
3130ASU98	FEDERAL HOME LOAN BANKS, STEP-UP	1,000,000	985,770	3.500%	8/25/2022	8/25/2025	1,060
3135GACV1	FEDERAL NATIONAL MORTGAGE ASSO	1,000,000	988,220	4.000%	8/30/2022	8/28/2025	1,063
3133ENF39	FEDERAL FARM CREDIT BANKS	1,000,000	990,200	3.125%	8/18/2022	8/8/2023	312
3130ASPE3	FEDERAL HOME LOAN BANKS	1,000,000	967,290	4.300%	7/28/2022	7/28/2027	1,762
3133ENL32	FEDERAL FARM CREDIT BANKS	1,000,000	985,300	4.230%	9/8/2022	9/8/2027	1,804
89236TKC8	TOYOTA MOTOR CRD CORP	1,000,000	976,060	3.950%	9/8/2022	6/30/2025	1,004
037833DE7	APPLE INC NOTE	1,000,000	996,620	2.400%	1/16/2018	1/13/2023	105
084670BR8	BERKSHIRE HATHAWAY	1,000,000	994,590	2.750%	4/23/2018	3/15/2023	166
06406RAG2	BANK NEW YORK MELLON CORP MTN	1,000,000	995,470	3.500%	10/16/2018	4/28/2023	210
90331HNV1	US BANK ASSN MTN	1,000,000	991,960	3.400%	11/15/2018	7/24/2023	297
06747PML0	BARCLAYS BANK	1,000,000	974,920	3.000%	3/17/2020	10/17/2023	382
13605WWW7	CANADIAN IMPERIAL BANK	1,000,000	928,190	2.500%	4/28/2020	4/10/2025	923
17298CK64	CITIGROUP INC	1,000,000	875,920	1.000%	8/28/2020	8/28/2025	1,063
89114TK84	TORONTO DOMINION BANK	2,000,000	1,716,809	1.050%	6/16/2021	3/16/2026	1,263
06368EWM0	BANK OF MONTREAL	2,000,000	1,792,900	1.220%	3/17/2021	3/17/2026	1,264
17290A3E8	CITIGROUP INC	1,000,000	858,100	1.250%	7/1/2021	7/1/2026	1,370
38150AHV0	GOLDMAN SACHS GROUP INC	1,000,000	880,240	1.400%	9/30/2021	9/30/2026	1,461
06048WV56	BANK OF AMERICA	1,000,000	949,470	4.000%	5/5/2022	5/5/2026	1,313
48133DN55	JP MORGAN CHASE FINL CO	2,000,000	1,955,100	4.050%	7/29/2022	7/29/2024	668
06748XQR5	BARCLAYS BANK	1,000,000	981,224	4.500%	9/12/2022	3/12/2026	1,259

INVESTMENT OR CUSIP NUMBER	INSTITUTION	PURCHASE PRICE	MARKET VALUE	COUPON INTEREST RATE	PURCHASE DATE	MATURITY DATE	DAYS TO MATURITY
795451CD3	CERTIFICATE OF DEPOSIT	240,000	233,527	3.350%	8/24/2022	8/25/2025	1,060
62384RAB2	CERTIFICATE OF DEPOSIT	249,000	248,948	2.300%	10/12/2017	10/12/2022	12
01748DAY2	CERTIFICATE OF DEPOSIT	249,000	248,831	2.200%	11/3/2017	11/3/2022	34
61747MF63	CERTIFICATE OF DEPOSIT	246,000	245,474	2.650%	1/11/2018	1/11/2023	103
22239MAR9	CERTIFICATE OF DEPOSIT	249,000	248,218	2.600%	2/2/2018	2/2/2023	125
366526AR2	CERTIFICATE OF DEPOSIT	249,000	248,089	2.650%	2/16/2018	2/16/2023	139
819866AE4	CERTIFICATE OF DEPOSIT	249,000	247,989	2.800%	3/5/2018	3/6/2023	157
319141KL0	CERTIFICATE OF DEPOSIT	245,000	243,719	3.150%	6/6/2018	6/6/2023	249
74934YAH4	CERTIFICATE OF DEPOSIT	245,000	243,643	3.150%	6/20/2018	6/20/2023	263
17312QJ26	CERTIFICATE OF DEPOSIT	246,000	244,713	2.900%	4/11/2018	4/11/2023	193
25665QAX3	CERTIFICATE OF DEPOSIT	246,000	244,699	2.900%	4/13/2018	4/13/2023	195
91435LAG2	CERTIFICATE OF DEPOSIT	249,000	247,670	3.050%	5/14/2018	5/15/2023	227
080515CQ0	CERTIFICATE OF DEPOSIT	246,000	244,677	3.050%	5/16/2018	5/16/2023	228
90348JCW8	CERTIFICATE OF DEPOSIT	249,000	247,835	3.250%	6/13/2018	6/13/2023	256
74160NGF1	CERTIFICATE OF DEPOSIT	249,000	247,700	3.200%	6/22/2018	6/22/2023	265
45581EAX9	CERTIFICATE OF DEPOSIT	249,000	247,825	3.300%	6/30/2018	6/30/2023	273
31911QFK6	CERTIFICATE OF DEPOSIT	249,000	247,250	3.200%	8/10/2018	8/10/2023	314
499724AD4	CERTIFICATE OF DEPOSIT	249,000	247,147	3.250%	8/30/2018	8/30/2023	334
64017AAH7	CERTIFICATE OF DEPOSIT	245,000	243,091	3.300%	9/19/2018	9/19/2023	354
92891CBK7	CERTIFICATE OF DEPOSIT	249,000	246,946	3.350%	10/16/2018	10/16/2023	381
474067AQ8	CERTIFICATE OF DEPOSIT	249,000	246,946	3.350%	10/19/2018	10/19/2023	384
59452WAE8	CERTIFICATE OF DEPOSIT	249,000	247,070	3.450%	11/9/2018	11/9/2023	405
61760ASL4	CERTIFICATE OF DEPOSIT	245,000	243,290	3.550%	11/26/2018	11/24/2023	420
635573AL2	CERTIFICATE OF DEPOSIT	245,000	242,714	3.400%	12/26/2018	12/21/2023	447
15118RRHS	CERTIFICATE OF DEPOSIT	249,000	237,837	1.850%	8/30/2019	8/30/2024	700
938828BM1	CERTIFICATE OF DEPOSIT	249,000	238,525	2.000%	8/30/2019	8/30/2024	700
949495BC8	CERTIFICATE OF DEPOSIT	250,000	248,145	1.750%	2/21/2020	2/21/2023	144
05465DAK4	CERTIFICATE OF DEPOSIT	249,000	239,770	1.650%	3/26/2020	3/26/2024	543
87165FE42	CERTIFICATE OF DEPOSIT	249,000	218,687	1.100%	11/12/2021	11/12/2026	1,504
14042TEH6	CERTIFICATE OF DEPOSIT	249,000	219,563	1.250%	12/8/2021	12/8/2026	1,530
89235MMH1	CERTIFICATE OF DEPOSIT	249,000	219,543	1.250%	12/9/2021	12/9/2026	1,531
02589ABQ4	CERTIFICATE OF DEPOSIT	245,000	221,603	2.000%	3/9/2022	3/9/2027	1,621
39573LDA3	CERTIFICATE OF DEPOSIT	245,000	222,325	2.100%	3/15/2022	3/15/2027	1,627
856285F63	CERTIFICATE OF DEPOSIT	246,000	221,137	1.800%	1/31/2022	2/1/2027	1,585
70962LBE1	CERTIFICATE OF DEPOSIT	249,000	222,397	1.700%	2/18/2022	2/18/2027	1,602
14042RSH5	CERTIFICATE OF DEPOSIT	245,000	241,041	3.300%	6/29/2022	7/1/2024	640
02589AC34	CERTIFICATE OF DEPOSIT	250,000	239,508	2.550%	4/17/2022	4/7/2025	920
05580AM92	CERTIFICATE OF DEPOSIT	248,000	235,035	2.750%	4/22/2022	4/22/2026	1,300
58404DNW7	CERTIFICATE OF DEPOSIT	248,000	231,563	2.800%	4/29/2022	4/29/2027	1,672
254673D94	CERTIFICATE OF DEPOSIT	246,000	233,675	3.200%	5/18/2022	5/19/2027	1,692
07371C6Y0	CERTIFICATE OF DEPOSIT	246,000	231,410	3.000%	6/15/2022	6/9/2027	1,713
38150VCG2	CERTIFICATE OF DEPOSIT	246,000	231,363	3.000%	6/15/2022	6/15/2027	1,719
50625LBN2	CERTIFICATE OF DEPOSIT	249,000	236,724	3.250%	6/15/2022	6/15/2027	1,719
89841MAD9	CERTIFICATE OF DEPOSIT	245,000	243,052	2.850%	7/19/2022	7/19/2023	292
12527CFB3	CERTIFICATE OF DEPOSIT	245,000	240,335	3.300%	7/22/2022	9/30/2024	731
654062LB2	CERTIFICATE OF DEPOSIT	250,000	248,675	4.100%	9/28/2022	3/28/2025	910
02589AC34	CERTIFICATE OF DEPOSIT	250,000	241,450	3.050%	7/25/2022	7/25/2025	1,029
06740KQZ3	CERTIFICATE OF DEPOSIT	250,000	243,120	3.300%	7/27/2022	7/28/2025	1,032
20825WAZ3	CERTIFICATE OF DEPOSIT	249,000	242,655	3.400%	8/15/2022	8/15/2025	1,050
02007GWJ8	CERTIFICATE OF DEPOSIT	246,000	235,717	3.150%	7/21/2022	7/21/2029	2,486
88413QDN5	CERTIFICATE OF DEPOSIT	245,000	232,961	3.300%	8/19/2022	8/19/2027	1,784
32022RSY4	CERTIFICATE OF DEPOSIT	249,000	237,573	3.400%	9/14/2022	9/14/2027	1,810
52470QBV5	CERTIFICATE OF DEPOSIT	249,000	238,609	3.500%	9/23/2022	9/23/2027	1,819
1204	CERTIFICATE OF DEPOSIT	249,000	249,000	2.700%	4/24/2018	4/24/2023	206
1281	CERTIFICATE OF DEPOSIT	250,000	250,000	2.800%	5/14/2018	5/14/2023	226
1282	CERTIFICATE OF DEPOSIT	250,000	250,000	3.000%	6/21/2018	6/21/2023	264
1283	CERTIFICATE OF DEPOSIT	250,000	250,000	1.591%	5/12/2020	5/12/2023	224
1285	CERTIFICATE OF DEPOSIT	250,000	250,000	2.650%	4/29/2018	4/29/2023	211
1286	CERTIFICATE OF DEPOSIT	250,000	250,000	3.100%	6/25/2018	6/25/2023	268
1303	CERTIFICATE OF DEPOSIT	250,000	250,000	1.100%	4/16/2021	4/16/2024	564
1309	CERTIFICATE OF DEPOSIT	249,000	249,000	1.800%	2/14/2022	2/14/2027	1,598
1311	CERTIFICATE OF DEPOSIT	250,000	250,000	3.200%	6/23/2022	6/23/2027	1,727
1314	CERTIFICATE OF DEPOSIT	249,000	249,000	2.000%	7/21/2022	7/20/2024	659
1316	CERTIFICATE OF DEPOSIT	250,083	250,083	2.600%	10/6/2017	10/6/2022	6
1317	CERTIFICATE OF DEPOSIT	249,000	249,000	2.428%	11/16/2017	11/16/2022	47
1318	CERTIFICATE OF DEPOSIT	249,000	249,000	2.500%	3/22/2018	3/22/2023	173

INVESTMENT OR CUSIP NUMBER	INSTITUTION	PURCHASE PRICE	MARKET VALUE	COUPON INTEREST RATE	PURCHASE DATE	MATURITY DATE	DAYS TO MATURITY
1319	CERTIFICATE OF DEPOSIT	250,000	250,000	0.800%	5/3/2022	5/3/2023	215
1320	CERTIFICATE OF DEPOSIT	249,000	249,000	3.250%	9/12/2018	9/12/2023	347
1324	CERTIFICATE OF DEPOSIT	249,000	249,000	3.350%	1/11/2019	1/11/2024	468
1326	CERTIFICATE OF DEPOSIT	267,054	267,054	3.500%	1/29/2019	1/29/2024	486
1327	CERTIFICATE OF DEPOSIT	245,000	245,000	3.500%	2/28/2019	2/28/2024	516
1328	CERTIFICATE OF DEPOSIT	249,000	249,000	3.250%	3/22/2019	3/22/2024	539
1329	CERTIFICATE OF DEPOSIT	249,000	249,000	3.210%	4/9/2019	10/9/2023	374
1330	CERTIFICATE OF DEPOSIT	248,960	248,960	3.200%	5/24/2019	5/24/2024	602
1331	CERTIFICATE OF DEPOSIT	249,000	249,000	3.100%	5/7/2019	5/7/2024	585
1332	CERTIFICATE OF DEPOSIT	249,000	249,000	3.200%	6/4/2019	6/4/2024	613
1334	CERTIFICATE OF DEPOSIT	250,000	250,000	3.050%	7/31/2019	7/31/2024	670
1335	CERTIFICATE OF DEPOSIT	249,000	249,000	2.810%	9/11/2019	9/11/2024	712
1336	CERTIFICATE OF DEPOSIT	249,000	249,000	2.800%	9/17/2019	9/17/2024	718
1337	CERTIFICATE OF DEPOSIT	249,000	249,000	2.700%	11/1/2019	11/1/2024	763
1338	CERTIFICATE OF DEPOSIT	266,469	266,469	2.720%	10/15/2019	10/15/2024	746
1339	CERTIFICATE OF DEPOSIT	257,618	257,618	2.250%	12/26/2019	12/26/2024	818
1340	CERTIFICATE OF DEPOSIT	249,000	249,000	2.400%	12/5/2019	12/5/2024	797
1341	CERTIFICATE OF DEPOSIT	249,000	249,000	2.250%	1/8/2020	1/8/2025	831
1342	CERTIFICATE OF DEPOSIT	249,000	249,000	2.250%	1/17/2020	1/17/2025	840
1343	CERTIFICATE OF DEPOSIT	249,000	249,000	2.250%	1/24/2020	1/24/2025	847
1344	CERTIFICATE OF DEPOSIT	249,000	249,000	1.100%	11/18/2020	11/18/2023	414
1345	CERTIFICATE OF DEPOSIT	249,000	249,000	3.150%	6/9/2022	6/9/2027	1,713
1346	CERTIFICATE OF DEPOSIT	249,000	249,000	3.250%	6/21/2022	6/21/2027	1,725
1347	CERTIFICATE OF DEPOSIT	249,000	249,000	3.320%	7/21/2022	7/21/2027	1,755
1348	CERTIFICATE OF DEPOSIT	249,000	249,000	3.200%	7/20/2022	7/20/2027	1,754
1349	CERTIFICATE OF DEPOSIT	249,000	249,000	3.100%	8/30/2022	3/1/2026	1,248
TOTALS		\$ 137,300,516	\$ 131,890,294				
WEIGHTED AVERAGE RATE OF EARNINGS					% OF LIQUID	WEIGHTED	
ONE YEAR HISTORY				CURRENT	PORTFOLIO	AVERAGE	
9/30/2021	12/31/2021	3/31/2022	6/30/2022	9/30/2022	HOLDINGS	DAYS TO	
1.208%	1.222%	1.274%	1.588%	2.095%	33.642%	MATURITY	
							821

Comments:

Portfolio holdings as of September 30, 2022, are in compliance with the current Investment Policy. With 33.642% of the portfolio being held in liquid instruments, the cash needs of the City will be met. The next portfolio report will be calculated for the fourth calendar quarter ending December 31, 2022, and will be presented during the February 7, 2023 Council meeting.



CITY COUNCIL AGENDA – NOVEMBER 1, 2022

SUBJECT: City Council Member Requested Agenda Item - Consider City Code Prohibiting Commercial Vehicles From Using Certain Streets

SOURCE: City Manager's Office

COMMENT: Mayor Flores has requested that the City Council consider and review the City's Code for prohibiting commercial vehicles from using certain streets. Pursuant to the City Council Procedural Handbook, should the Council approve to consider Mayor Flores' request, the subject would be considered as a Scheduled Matter at the Council's next regular meeting.

RECOMMENDATION: That the City Council approve Mayor Flores' request to consider and review the City's Code requirements for prohibiting commercial vehicles from using certain streets as a Scheduled Matter at its next regular meeting.

ATTACHMENTS:

1. Municipal Code Article XIII: Restricted Use of Certain Streets
2. Richard Hatfield Letter

Appropriated/Funded:

Review By:

Department Director:
John Lollis, City Manager

Final Approver: John Lollis, City Manager

ARTICLE XIII. RESTRICTED USE OF CERTAIN STREETS

SECTION:

17-13: Certain Vehicles Prohibited In Central Traffic District

17-13.1: Truck Routes

17-13.2: Designation Of Interstate Truck Access Routes

17-13.3: Commercial Vehicles Prohibited From Using Certain Streets

17-13: CERTAIN VEHICLES PROHIBITED IN CENTRAL TRAFFIC DISTRICT:

A. No person shall operate any of the following vehicles in the central traffic district between the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M. of any day:

1. Any freight vehicle more than eight and one-half feet ($8\frac{1}{2}'$) in width, with load, or any freight vehicle so loaded that any part of its load extends more than three feet (3') to the front or ten feet (10') to the rear of said vehicle.

2. Any vehicle carrying building material that has not been loaded, or is not to be unloaded, at some point within the central traffic district.

B. The city traffic engineer may by written permit authorize the operation of any such vehicle for the purposes of making necessary emergency deliveries to or from points within the central traffic district. (Ord. 1162 § 1, 12-5-1978)

17-13.1: TRUCK ROUTES:

A. Whenever any resolution of this city designates and describes any street or portion thereof as a street, the use of which is permitted by any vehicle exceeding a maximum gross weight limit of four (4) tons, the city traffic engineer is hereby authorized to designate such street or streets by appropriate signs as truck routes for the movement of vehicles exceeding a maximum gross weight limit of four (4) tons.

B. When any such truck route or routes are established and designated by appropriate signs, the operator of any vehicles exceeding a maximum gross weight limit of four (4) tons shall drive on such route or routes, and none other, except that nothing in this section shall prohibit the operator of any vehicle exceeding a maximum gross weight of four (4) tons coming from a "truck route" having ingress and egress by direct route to and from restricted streets when necessary for the purpose of making pick ups or deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets, or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such restricted streets for which a building permit has previously been obtained therefor.

C. The provisions of this section shall not apply to:

1. Passenger buses under the jurisdiction of the public utilities commission; or
2. Any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility.

D. Those streets and parts of streets established by resolution of the council are hereby declared to be truck routes for the movement of vehicles exceeding a maximum gross weight of four (4) tons. (Ord. 1162 § 1, 12-5-1978)

17-13.2: DESIGNATION OF INTERSTATE TRUCK ACCESS ROUTES:

A. Legislative Authority: This section is adopted, in accordance with the federal surface transportation assistance act (STAA), pursuant to the authority set forth in sections 35100, 35401, and 35401.5 of the Vehicle Code of the state of California.

B. Purpose:

1. It is the purpose of this section to protect the health, safety, and welfare of residents of this city by setting minimum standards for the use of city streets by certain interstate trucks. To that end, this section and the provisions thereunder shall be liberally construed.

2. It is additionally the intention of the city council to minimize the wear and tear on city streets with increased usage by certain interstate trucks while still providing the fullest possible access for city residents and businesses utilizing the benefits and services of such traffic.

C. Not Exclusive Regulation: This section is not the exclusive regulation of city streets. It shall supplement and be in addition to the other regulating statutes and ordinances heretofore or hereinafter enacted by the state, county, or any other legal entity or agency having jurisdiction.

D. Administration And Enforcement: Except as otherwise provided, this section shall be administered by the city traffic engineer and enforced by the city police chief.

E. Application Of Section: This section applies to all city controlled and maintained streets and any truck traffic, local or interstate, using such streets.

F. Definitions: Except where the context otherwise requires, the following definitions shall govern the construction of this section:

CALTRANS: The state of California department of transportation.

CITY: The city council of the city of Porterville, California.

CITY TRAFFIC ENGINEER: The city traffic engineer or his duly authorized agents.

INTERSTATE TRUCK: A combination of vehicles consisting of a truck tractor and semitrailer, with or without an additional trailer, which conforms to the conditions of section 35401.5 of the Vehicle Code of California. Any licensed carrier of household goods when directly en route to or from a point of loading or unloading of household goods, whose travel on highways other than those designated through this section is necessary and incidental to the shipment of the household goods, is specifically excluded from this definition.

POINT OF DECISION: Any intersection, junction or other point on a street where a driver must decide to proceed straight, turn, exit or enter (driveway entrances are excluded).

TERMINAL: A facility at which freight is consolidated to be shipped, where shipments may be loaded or unloaded, or at which truck and trailer combinations are regularly maintained, stored or manufactured.

TRAFFIC ENGINEER: The city traffic engineer or his duly authorized agents.

G. Declaration Of Prohibition: The city hereby prohibits the use of any interstate truck upon the streets under its jurisdiction except on specifically designated interstate truck terminal access routes as hereinafter provided. City designation of an interstate truck terminal access route which is available for use shall be evidenced by specific signs posted at all points of decision on the interstate truck terminal access route.

H. Procedure For Terminal Access Route Designation:

1. STAA Truck Route Map:

a. STAA truck routes shall be adopted by resolution of the city council with a copy of the official STAA truck route map attached.

b. The official STAA truck route map may be amended, from time to time, by resolution of the city council.

2. Application:

a. Any terminal owner or authorized agent wishing to have an interstate truck terminal access route designated to a particular terminal, which route is wholly or partly made up of city streets, shall submit an application and supply all information and documents requested to the city traffic engineer. The application shall be on a form provided by the traffic engineer and available in the engineering division of the city during hours when the city is regularly open for business days. The application shall be accompanied by the applicable fee set by resolution of the city council.

b. Additional information may be required upon request by the traffic engineer. Written notification of any changes in any information supplied during the application process must be submitted to the traffic engineer. If such additional or changed information is not provided within five (5) working days or is inaccurate, the traffic engineer may deny the application.

3. Investigation:

a. The traffic engineer shall investigate all applications for interstate truck terminal access route designations.

b. Following the investigation, the traffic engineer shall compile a report describing the proposed route and any alternative routes. The report shall further identify any deficiencies or problems within the proposed route or alternate routes which must be corrected before such routes can be finally approved for designation as interstate truck access routes.

4. Approval:

a. The traffic engineer shall take one of the following actions on an application:

(1) Approve the application route as proposed.

(2) Approve the application route on the condition that the applicant correct any or all identified deficiencies to the satisfaction of the traffic engineer prior to any use of the route.

(3) Deny the application.

b. If the application route is approved on the condition that any deficiencies be corrected, such correction must be commenced within three (3) months of conditional approval and shall comply with all normal city procedures, standards and permit requirements. Adequacy of correction of the deficiencies shall be subject to the approval of the traffic engineer. The traffic engineer may deny final approval of any route upon the applicant's failure to comply with any of these provisions.

c. The applicant may appeal any conditional approval or any denial in accordance with subsection I of this section.

5. CALTRANS And Other Local Agency Approval:

a. Once the traffic engineer has approved a proposed or alternate route, the traffic engineer shall submit the proposed route to CALTRANS for approval. The traffic engineer shall also notify the applicant if approval by an affected local agency or county is necessary. Final approval by the city shall be contingent upon compliance by the applicant with all requirements set out by CALTRANS and approval by any other affected local agency or county.

b. If the applicant fails to meet any requirements by CALTRANS or is denied approval by any other affected local agency, the traffic engineer shall deny the application, which denial shall be final and not appealable to the city council.

6. Posting Of Signs: Following final approval, the traffic engineer shall post signs which mark the course of the interstate truck terminal access route. Such signs shall be posted in accordance with standards adopted by the traffic engineer.

7. Availability For Use: After the city council adopts a resolution amending the official STAA truck route map, the traffic engineer, after posting all necessary signs, shall notify the applicant and the California highway patrol, that a route has been designated and marked and is available for use.

8. Suspension; Revocation: The traffic engineer may, at any time and in his sole discretion, revoke his approval of any route if the route becomes unsafe. The designation of any route may be temporarily suspended to allow for repairs or other construction. A permanent revocation or temporary suspension may be appealed in accordance with subsection I of this section.

I. Appeal:

1. Generally: To appeal a conditional approval or a denial of designation by the traffic engineer, the applicant shall provide written notice of appeal to the traffic engineer within ten (10) days of notification of the

conditional approval or denial. Such written notice shall set out all reasons why the applicant believes such conditions or denial are inappropriate.

2. Initial Review: Upon receipt of a written notice of appeal, the traffic engineer shall reconsider the conditions or denial and notify the applicant of the results of his review in writing within forty five (45) days. If the applicant is not satisfied by the traffic engineer's decision after review, the applicant may appeal directly to the city council. If the applicant is satisfied, the procedures in subsections H3 and H4 of this section as to correction of deficiencies, approval by other agencies, and posting of signs shall be followed.

3. Appeal To City Council:

a. If the applicant wishes to appeal to the city council the traffic engineer's decision on reconsideration rendered under subsection I2 of this section, appeal shall be made by letter to the city manager. Such appeal shall be filed within ten (10) days of the traffic engineer's decision on reconsideration.

b. If the city council orders approval or conditional approval of a requested route, then the procedures set out in subsections H3 and H4 of this section as to correction of deficiencies, approval by other agencies and posting of signs shall be followed. The city council's decision on the applicant's appeal shall be final. Judicial review of such decision shall be in accordance with California Code of Civil Procedure section 1094.5.

4. Renewal Of Application: The denial of a route application shall be final as to that route unless there is a material change of circumstances between the date of denial and the date of filing a renewed application. A material change of circumstances may include construction and improvement of the proposed route for a different purpose or a decision by CALTRANS to withdraw a previous rejection of the route. The traffic engineer may reject a renewed application for a previously rejected route without investigation or report unless the applicant when making the renewed application provides written evidence of such a material change of circumstances. Denial by the traffic engineer of a renewed application shall be final for all appeal purposes. (Ord. 1391 § B, 11-17-1987; Ord. 1513 § C, 6-6-1995; Ord. 1537 § B56, 8-6-1996)

17-13.3: COMMERCIAL VEHICLES PROHIBITED FROM USING CERTAIN STREETS:

A. Whenever any resolution of this city designates and describes any street or portion thereof as a street the use of which is prohibited by any commercial vehicle, the city traffic engineer shall erect and maintain appropriate signs on those streets affected by such resolution.

B. Those streets and parts of streets established by resolution of the council are hereby declared to be streets the use of which is prohibited by any commercial vehicle. The provisions of this section shall not apply to passenger buses under the jurisdiction of the public utilities commission. (Ord. 1162 § 1, 12-5-1978; Ord. 1391 § A, 11-17-1987)

Richard Hatfield
253 E. Worth Ave.
Porterville, Ca
93257-6012
(559) 781-2131

Mayor Martha A Flores
City Council - District 3
City of Porterville

Dear Martha

I have lived in Porterville on Worth Ave. for over 50 years. Most of that time, it was in Tulare County. There was very little truck traffic. I have been told that Gibbons was a designated TRUCK ROUTE (And still may be) between Plano and Main Street. A few years ago the County repaved Worth Ave, Yates, and Roche between S. Plano and S. Main street. I assume the trucks found the new smooth pavement a preferred route over those streets and soon 18-wheelers were traveling through our residential area. The larger, heavier trucks were not just local haulers, but many were out of state haulers. Now the number of 18-wheelers is increasing, "pounding" through our residential streets, where children are using the smooth pavement as a good playground for basketball hoops and kick ball.

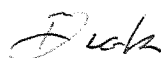
John Lollis, our Porterville City Manager suggested that I contact you and ask you to consider introducing a Resolution for the City Council's approval to designate Gibbons Street at least from Plano to South Main as a TRUCK ROUTE.

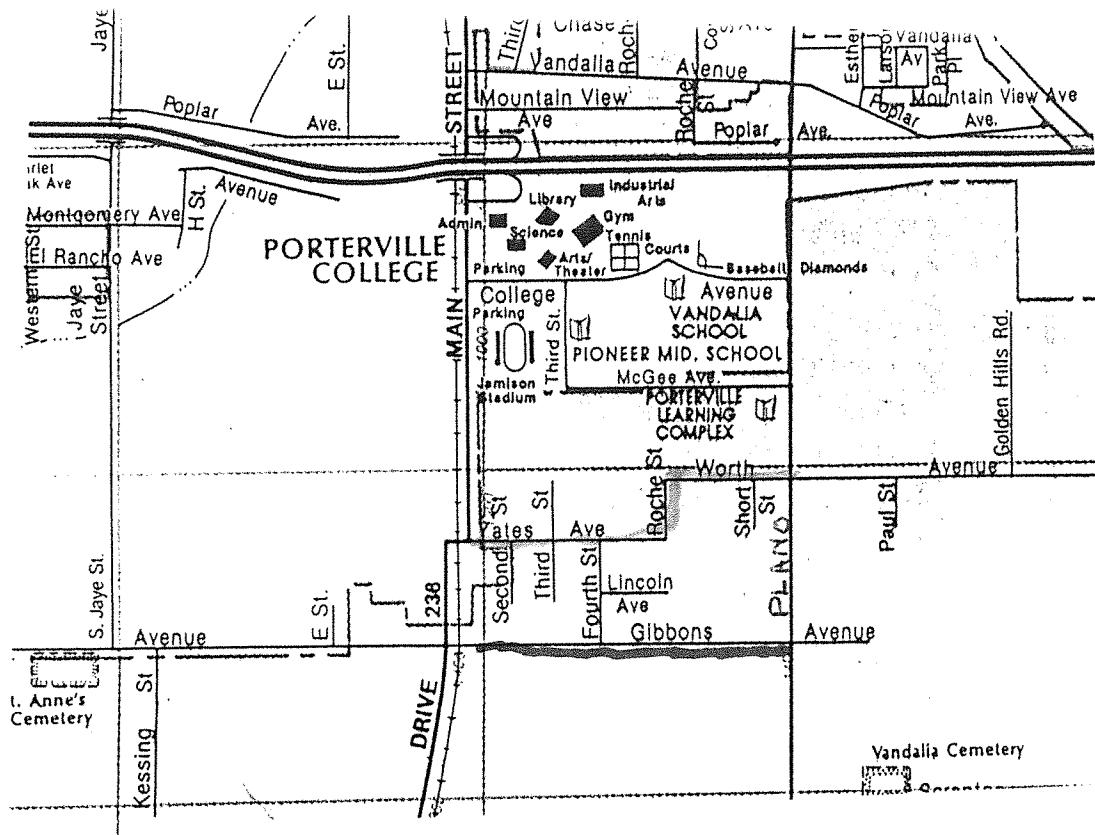
At the present time, the City of Porterville is extending sewer lines in those same streets, resulting in considerable destruction of the paved roads. However I understand there may be plans to "overlay" the pavement to restore the roadway.

Please ask the City Council to designate Gibbons St. as a designated TRUCK ROUTE - or if by chance there Exist a County of Tulare designation for Gibbons Street. then to reinforce it so the 18-wheelers are not using residential streets as the preferred route.

Mayor Flores, you know how much I appreciate your help in expediting this process to pass the Resolution. If I can be of any help or if you have any questions, I know you will contact me

Very sincerely







CITY COUNCIL AGENDA – NOVEMBER 1, 2022

SUBJECT: Reaffirm Conditions of State Assembly Bill 361 to Continue Remote Attendance at Public Meetings

SOURCE: City Manager's Office

COMMENT:

During the prior eighteen (18) months, the City 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. Pursuant to adopted State law effective September 30, 2021, 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 the Governor's State of Emergency, and must review and renew such Resolution every thirty (30) days thereafter. AB 361 will sunset on January 1, 2024. The Council last adopted its Resolution consistent with AB 361 at its meeting on October 18, 2022.

RECOMMENDATION: That the City Council consider adoption of the draft Resolution to continue allowing the option to participate in the City's public meetings remotely through the use of the teleconferencing provisions of AB 361.

ATTACHMENTS: 1. Draft Resolution

Appropriated/Funded:

Review By:

Department Director:
John Lollis, City Manager

Final Approver: John Lollis, City Manager

RESOLUTION ____-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
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, 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, as a consequence of the 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. 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 3. 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 4. Effective Date of Resolutions. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of December 1, 2022, 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 1st day of November, 2022.

Martha A. Flores, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____

Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – NOVEMBER 1, 2022

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 October 18, 2022, 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 twenty-five percent (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 twenty-five (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 thirty-two percent (32%) to twenty-six percent (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 fifty-five (55) gallons per-person per-day in 2022, reducing to 52.5 gallons per-person per-day in 2025, and finally to fifty (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 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. On January 4, 2022, the State Water Resources Control Board adopted emergency regulations to supplement voluntary water conservation.

On March 28, 2022, Governor Newsom issued Executive Order N-7-22, that requires the state's largest water providers (including the City of Porterville) to put in place "Level 2" of water shortage contingency plans, which the City is currently in "Level 4." On June 10, 2022, the State Water Resources Control Board adopted emergency regulations to prohibit the watering of nonfunctional or purely decorative grass in commercial, industrial or institutional properties with potable water.

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 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 five hundred (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. On May 7, 2022, Tulare County OES notified the City that due to deteriorating conditions across the county involving small water systems dependent upon the Friant-Kern Canal that may result in the complete lack of water or "Do Not Drink" orders, the State and County may have to invoke the provision of water from the well.

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 its meeting on 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, twenty-three (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 eight hundred (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 forty-one (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 30, 2019, 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 forty-five (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 thirty-one (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: Emergency Regulation - Water Conservation; January 4, 2022
6. Governor Newsom Executive Order N-7-22: March 28, 2022
7. State Water Resources Control Board: Emergency Regulation - Water Conservation; June 10, 2022
8. 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

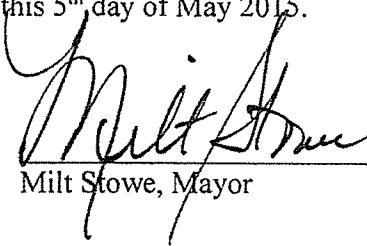
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

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

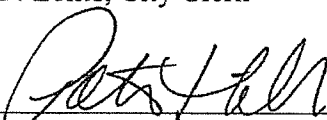
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance,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

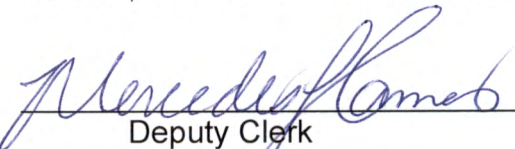
ABSTAIN: NONE

ABSENT: NONE

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



BY:


Deputy Clerk

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2022-0002**

**TO ADOPT AN EMERGENCY REGULATION
TO SUPPLEMENT VOLUNTARY WATER CONSERVATION**

WHEREAS:

1. On April 21, May 10, and July 8, 2021, Governor Newsom issued proclamations that a state of emergency exists in a total of 50 counties due to severe drought conditions and directed state agencies to take immediate action to preserve critical water supplies and mitigate the effects of drought and ensure the protection of health, safety, and the environment.
2. On October 19, 2021, Governor Newsom signed a proclamation extending the drought emergency statewide and further urging Californians to reduce their water use.
3. There is no guarantee that winter precipitation will alleviate the current drought conditions.
4. Many Californians have taken bold steps over the years to reduce water use; nevertheless, the severity of the current drought and uncertainty about Water Year 2022 require additional conservation actions from residents and businesses.
5. Water conservation is the easiest, most efficient, and most cost-effective way to quickly reduce water demand and extend supplies into the next year, providing flexibility for all California communities. Water saved is water available next year, giving water suppliers the flexibility to manage their systems efficiently. The more water that is conserved now, the less likely it is that a community will experience such dire circumstances or that water rationing will be required.
6. Most Californians use more water outdoors than indoors. In many areas, 50 percent or more of daily water use is for lawns and outdoor landscaping. Outdoor water use is generally discretionary, and many irrigated landscapes would not suffer greatly from receiving a decreased amount of water.

7. Public information and awareness are critical to achieving conservation goals, and the Save Our Water campaign ([SaveOurWater.com](https://www.saveourwater.com)), run jointly by the Department of Water Resources (DWR) and the Association of California Water Agencies, is an excellent resource for conservation information and messaging that is integral to effective drought response.
8. [SaveWater.CA.Gov](https://www.savewater.ca.gov) is an online tool designed to help save water in communities. This website lets anyone easily report water waste from their phone, tablet, or computer by simply selecting the type of water waste they see, typing in the address where the waste is occurring, and clicking send. These reports are filed directly with the State Water Resources Control Board (State Water Board or Board) and relevant local water supplier.
9. Enforcement against water waste is a key tool in conservation programs. When conservation becomes a social norm in a community, the need for enforcement is reduced or eliminated.
10. On October 19, 2021, the Governor suspended the environmental review required by the California Environmental Quality Act to allow State Water Board-adopted drought conservation emergency regulations and other actions to take place quickly to respond to emergency conditions.
11. Water Code section 1058.5 grants the State Water Board the authority to adopt emergency regulations in certain drought years in order to: “prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter’s priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports.”
12. On November 30, 2021, the State Water Board issued public notice that the State Water Board would consider the adoption of the regulation at the Board’s regularly scheduled January 4, 2022 public meeting, in accordance with applicable State laws and regulations. The State Water Board also distributed for public review and comment a Finding of Emergency that complies with State laws and regulations.
13. The emergency regulation sets a minimum standard that many communities are already doing more but not everyone is taking these low-cost, easy to implement actions that can save significant amounts of water during a drought emergency.

14. Disadvantaged communities may require assistance in increasing water conservation, and state and local agencies should look for opportunities to provide assistance in promoting water conservation, including but not limited to translation of regulation text and dissemination of water conservation announcements into languages spoken by at least 10 percent of the people who reside in a water supplier's service area, such as in newspaper advertisements, bill inserts, website homepage, social media, and notices in public libraries.
15. The Board directs staff to consider the following in pursuing any enforcement of section 995, subdivision (b)(1)(A)-(F): before imposing monetary penalties, staff shall provide one or more warnings; monetary penalties must be based on an ability to pay determination, consider allowing a payment plan of at least 12 months, and shall not result in a tax lien; and Board enforcement shall not result in shutoff.
16. The Board encourages entities other than Board staff that consider any enforcement of this regulation to apply these same factors identified in resolved paragraph 15. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Moreover, the Water Code does not impose a mandatory penalty for violations of the regulation adopted by this resolution, and local agencies retain their enforcement discretion in enforcing the regulation, to the extent authorized, and may develop their own progressive enforcement practices to encourage conservation.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board adopts California Code of Regulations, title 23, section 995, as appended to this resolution as an emergency regulation.
2. State Water Board staff will submit the regulation to the Office of Administrative Law (OAL) for final approval.
3. If, during the approval process, State Water Board staff, the State Water Board, or OAL determines that minor corrections to the language of the regulation or supporting documentation are needed for clarity or consistency, the State Water Board Executive Director or designee may make such changes.

4. This regulation shall remain in effect for one year after filing with the Secretary of State unless the State Water Board determines that it is no longer necessary due to changed conditions or unless the State Water Board renews the regulation due to continued drought conditions, as described in Water Code section 1058.5.
5. The State Water Board directs State Water Board staff to work with the Department of Water Resources and the Save Our Water campaign to disseminate information regarding the emergency regulations.
6. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Local agencies are encouraged to develop their own progressive enforcement practices to promote conservation.

CERTIFICATION

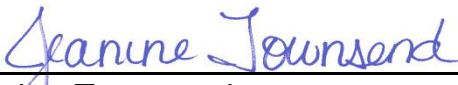
The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on January 4, 2022.

AYE: Vice Chair Dorene D'Adamo
Board Member Sean Maguire
Board Member Laurel Firestone
Board Member Nichole Morgan

NAY: None

ABSENT: Chair E. Joaquin Esquivel

ABSTAIN: None



Jeanine Townsend
Clerk to the Board

ADOPTED TEXT OF EMERGENCY REGULATION

Title 23. Waters

Division 3. State Water Resources Control Board and Regional Water Quality Control Boards

Chapter 3.5. Urban Water Use Efficiency and Conservation

Article 2. Prevention of Drought Wasteful Water Uses

§ 995. Wasteful and Unreasonable Water Uses.

(a) As used in this section:

(1) "Turf" has the same meaning as in section 491.

(2) "Incidental runoff" means unintended amounts (volume) of runoff, such as unintended, minimal overspray from sprinklers that escapes the area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility or system design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence.

(b)(1) To prevent the unreasonable use of water and to promote water conservation, the use of water is prohibited as identified in this subdivision for the following actions:

(A) The application of potable water to outdoor landscapes in a manner that causes more than incidental runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

(B) The use of a hose that dispenses water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;

(C) The use of potable water for washing sidewalks, driveways, buildings, structures, patios, parking lots, or other hard surfaced areas, except in cases where health and safety are at risk;

(D) The use of potable water for street cleaning or construction site preparation purposes, unless no other method can be used or as needed to protect the health and safety of the public;

(E) The use of potable water for decorative fountains or the filling or topping-off of decorative lakes or ponds, with exceptions for those decorative fountains, lakes, or ponds that use pumps to recirculate water and only require refilling to replace evaporative losses;

(F) The application of water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of at least one fourth of one inch of rain. In determining whether measurable rainfall of at least fourth of one inch of rain occurred in a given area, enforcement may be based on records of the National Weather Service, the closest CIMIS station to the parcel, or any other reliable source of rainfall data available to the entity undertaking enforcement of this subdivision; and

(G) The use of potable water for irrigation of ornamental turf on public street medians.

(2) Notwithstanding subdivision (b)(1), the use of water is not prohibited by this section to the extent necessary to address an immediate health and safety need. This may include, but is not limited to, the use of potable water in a fountain or water feature when required to be potable because human contact is expected to occur.

(c)(1) To prevent the unreasonable use of water and to promote water conservation, any homeowners' association or community service organization or similar entity is prohibited from:

(A) Taking or threatening to take any action to enforce any provision of the governing documents or architectural or landscaping guidelines or policies of a common interest development where that provision is void or unenforceable under section 4735, subdivisions (a) and (b) of the Civil Code;

(B) Imposing or threatening to impose a fine, assessment, or other monetary penalty against any owner of a separate interest for reducing or eliminating the watering of vegetation or lawns during a declared drought emergency, as described in section 4735, subdivision (c) of the Civil Code; or

(C) Requiring an owner of a separate interest upon which water-efficient landscaping measures have been installed in response to a declared drought emergency, as described in section 4735, subdivisions (c) and (d) of the Civil Code, to reverse or remove the water-efficient landscaping measures upon the conclusion of the state of emergency.

(2) As used in this subdivision:

(A) "Architectural or landscaping guidelines or policies" includes any formal or informal rules other than the governing documents of a common interest development.

(B) "Homeowners' association" means an "association" as defined in section 4080 of the Civil Code.

(C) "Common interest development" has the same meaning as in section 4100 of the Civil Code.

(D) "Community service organization or similar entity" has the same meaning as in section 4110 of the Civil Code.

(E) "Governing documents" has the same meaning as in section 4150 of the Civil Code.

(F) "Separate interest" has the same meaning as in section 4185 of the Civil Code.

(3) If a disciplinary proceeding or other proceeding to enforce a rule in violation of subdivision (c)(1) is initiated, each day the proceeding remains pending shall constitute a separate violation of this regulation.

(d) To prevent the unreasonable use of water and to promote water conservation, any city, county, or city and county is prohibited from imposing a fine under any local maintenance ordinance or other relevant ordinance as prohibited by section 8627.7 of the Government Code.

(e) The taking of any action prohibited in subdivision (b), (c) or (d) is an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. The fine for the infraction is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

(f) A decision or order issued under this section by the Board or an officer or employee of the Board is subject to reconsideration under article 2 (commencing with section 1122) of chapter 4 of part 1 of division 2 of the Water Code.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 4080, 4100, 4110, 4150, 4185, and 4735, Civil Code; Section 8627.7, Government Code; Sections 102, 104, 105, 275, 350, 491, and 1122, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463; *Stanford Vina Ranch Irrigation Co. v. State of California* (2020) 50 Cal.App.5th 976.

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-7-22

WHEREAS on April 12, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, I proclaimed states of emergency that continue today and exist across all the counties of California, due to extreme and expanding drought conditions; and

WHEREAS climate change continues to intensify the impacts of droughts on our communities, environment, and economy, and California is in a third consecutive year of dry conditions, resulting in continuing drought in all parts of the State; and

WHEREAS the 21st century to date has been characterized by record warmth and predominantly dry conditions, and the 2021 meteorological summer in California and the rest of the western United States was the hottest on record; and

WHEREAS since my October 19, 2021 Proclamation, early rains in October and December 2021 gave way to the driest January and February in recorded history for the watersheds that provide much of California's water supply; and

WHEREAS the ongoing drought will have significant, immediate impacts on communities with vulnerable water supplies, farms that rely on irrigation to grow food and fiber, and fish and wildlife that rely on stream flows and cool water; and

WHEREAS the two largest reservoirs of the Central Valley Project, which supplies water to farms and communities in the Central Valley and the Santa Clara Valley and provides critical cold-water habitat for salmon and other anadromous fish, have water storage levels that are approximately 1.1 million acre-feet below last year's low levels on this date; and

WHEREAS the record-breaking dry period in January and February and the absence of significant rains in March have required the Department of Water Resources to reduce anticipated deliveries from the State Water Project to 5 percent of requested supplies; and

WHEREAS delivery of water by bottle or truck is necessary to protect human safety and public health in those places where water supplies are disrupted; and

WHEREAS groundwater use accounts for 41 percent of the State's total water supply on an average annual basis but as much as 58 percent in a critically dry year, and approximately 85 percent of public water systems rely on groundwater as their primary supply; and

WHEREAS coordination between local entities that approve permits for new groundwater wells and local groundwater sustainability agencies is important to achieving sustainable levels of groundwater in critically overdrafted basins; and

WHEREAS the duration of the drought, especially following a multiyear drought that abated only five years ago, underscores the need for California to redouble near-, medium-, and long-term efforts to adapt its water management and delivery systems to a changing climate, shifting precipitation patterns, and water scarcity; and

WHEREAS the most consequential, immediate action Californians can take to extend available supplies is to voluntarily reduce their water use by 15 percent from their 2020 levels by implementing the commonsense measures identified in operative paragraph 1 of Executive Order N-10-21 (July 8, 2021); 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, and under 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.

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 sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021 Proclamations remain in full force and effect, except as modified by those Proclamations and herein. State agencies shall continue to implement all directions from those Proclamations and accelerate implementation where feasible.
2. To help the State achieve its conservation goals and ensure sufficient water for essential indoor and outdoor use, I call on all Californians to strive to limit summertime water use and to use water more efficiently indoors and out. The statewide Save Our Water conservation campaign at [SaveOurWater.com](https://www.SaveOurWater.com) provides simple ways for Californians to reduce water use in their everyday lives. Furthermore, I encourage Californians to understand and track the amount of water they use and measure their progress toward their conservation goals.
3. By May 25, 2022, the State Water Resources Control Board (Water Board) shall consider adopting emergency regulations that include all of the following:
 - a. A requirement that each urban water supplier, as defined in section 10617 of the Water Code, shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water

supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code;

- b. A requirement that each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, the shortage response actions adopted under section 10632 of the Water Code for a shortage level of up to twenty percent (Level 2), by a date to be set by the Water Board; and
- c. A requirement that each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, shortage response actions established by the Water Board, which shall take into consideration model actions that the Department of Water Resources shall develop for urban water supplier water shortage contingency planning for Level 2, by a date to be set by the Water Board.

To further conserve water and improve drought resiliency if the drought lasts beyond this year, I encourage urban water suppliers to conserve more than required by the emergency regulations described in this paragraph and to voluntarily activate more stringent local requirements based on a shortage level of up to thirty percent (Level 3).

- 4. To promote water conservation, the Department of Water Resources shall consult with leaders in the commercial, industrial, and institutional sectors to develop strategies for improving water conservation, including direct technical assistance, financial assistance, and other approaches. By May 25, 2022, the Water Board shall consider adopting emergency regulations defining “non-functional turf” (that is, a definition of turf that is ornamental and not otherwise used for human recreation purposes such as school fields, sports fields, and parks) and banning irrigation of non-functional turf in the commercial, industrial, and institutional sectors except as it may be required to ensure the health of trees and other perennial non-turf plantings.
- 5. In order to maximize the efficient use of water and to preserve water supplies critical to human health and safety and the environment, Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended, with respect to the directives in paragraphs 3 and 4 of this Order and any other projects and activities for the purpose of water conservation to the extent necessary to address the impacts of the drought, and any permits necessary to carry out such projects or activities. Entities that desire to conduct activities under this suspension, other than the directives in paragraphs 3 and 4 of this Order, shall first request that the Secretary of the Natural Resources Agency make a determination that the proposed activities are eligible to be conducted under this suspension. The Secretary shall use sound discretion in applying this Executive Order to ensure that the suspension serves the purpose of accelerating conservation projects that are necessary to address impacts of the drought, while at the same time

protecting public health and the environment. The entities implementing these directives or conducting activities under this suspension shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

6. To support voluntary approaches to improve fish habitat that would require change petitions under Water Code section 1707 and either Water Code sections 1425 through 1432 or Water Code sections 1725 through 1732, and where the primary purpose is to improve conditions for fish, the Water Board shall expeditiously consider petitions that add a fish and wildlife beneficial use or point of diversion and place of storage to improve conditions for anadromous fish. California Code of Regulations, title 23, section 1064, subdivisions (a)(1)(A)(i)-(ii) are suspended with respect to any petition that is subject to this paragraph.
7. To facilitate the hauling of water for domestic use by local communities and domestic water users threatened with the loss of water supply or degraded water quality resulting from drought, any ordinance, regulation, prohibition, policy, or requirement of any kind adopted by a public agency that prohibits the hauling of water out of the water's basin of origin or a public agency's jurisdiction is hereby suspended. The suspension authorized pursuant to this paragraph shall be limited to the hauling of water by truck or bottle to be used for human consumption, cooking, or sanitation in communities or residences threatened with the loss of affordable safe drinking water. Nothing in this paragraph limits any public health or safety requirement to ensure the safety of hauled water.
8. The Water Board shall expand inspections to determine whether illegal diversions or wasteful or unreasonable use of water are occurring and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
9. To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:
 - a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability

Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or

- b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.

10. To address household or small community drinking water shortages dependent upon groundwater wells that have failed due to drought conditions, the Department of Water Resources shall work with other state agencies to investigate expedited regulatory pathways to modify, repair, or reconstruct failed household or small community or public supply wells, while recognizing the need to ensure the sustainability of such wells as provided for in paragraph 9.
11. State agencies shall collaborate with tribes and federal, regional, and local agencies on actions related to promoting groundwater recharge and increasing storage.
12. To help advance groundwater recharge projects, and to demonstrate the feasibility of projects that can use available high water flows to recharge local groundwater while minimizing flood risks, the Water Board and Regional Water Quality Control Boards shall prioritize water right permits, water quality certifications, waste discharge requirements, and conditional waivers of waste discharge requirements to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water right priorities and protections for fish and wildlife. For the purposes of carrying out this paragraph, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division, and Chapter 3 (commencing with section 85225) of Part 3 of Division 35 of the Water Code and regulations adopted pursuant thereto are hereby suspended to the extent necessary to address the impacts of the drought. This suspension applies to (a) any actions taken by state agencies, (b) any actions taken by local agencies where the state agency with primary responsibility for the implementation of the directives concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b). The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.
13. With respect to recharge projects under either Flood-Managed Aquifer Recharge or the Department of Water Resources Sustainable

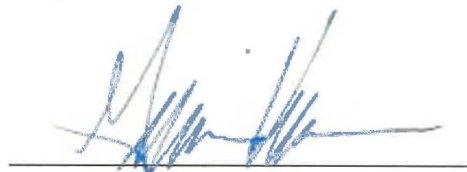
Groundwater Management Grant Program occurring on open and working lands to replenish and store water in groundwater basins that will help mitigate groundwater conditions impacted by drought, for any (a) actions taken by state agencies, (b) actions taken by a local agency where the Department of Water Resources concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b), Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought. The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

14. To increase resilience of state water supplies during prolonged drought conditions, the Department of Water Resources shall prepare for the potential creation and implementation of a multi-year transfer program pilot project for the purpose of acquiring water from willing partners and storing and conveying water to areas of need.
15. By April 15, 2022, state agencies shall submit to the Department of Finance for my consideration proposals to mitigate the worsening effects of severe drought, including emergency assistance to communities and households and others facing water shortages as a result of the drought, facilitation of groundwater recharge and wastewater recycling, improvements in water use efficiency, protection of fish and wildlife, mitigation of drought-related economic or water-supply disruption, and other potential investments to support short- and long-term drought response.

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 28th day of March 2022.



GAVIN NEWSOM
Governor of California

ATTEST:

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

**State of California
Office of Administrative Law**

In re:
State Water Resources Control Board

Regulatory Action:

Title 23, California Code of Regulations

Adopt sections: 996

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

Government Code Sections 11346.1 and
11349.6

OAL Matter Number: 2022-0606-03

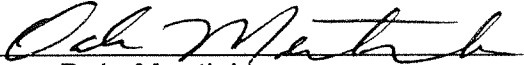
OAL Matter Type: Emergency (E)

This emergency action by the State Water Resources Control Board adopts a new regulation which requires urban water suppliers to submit preliminary supply and demand assessments to the Department of Water Resources and to implement Level 2 demand reduction actions (actions intended to result in a 10 to 20 percent savings). The regulation bans the irrigation of non-functional turf with potable water in commercial, industrial, and institutional sectors and establishes that such irrigation is an infraction punishable by a fine of up to five hundred dollars for each day in which the violation occurs pursuant to Water Code section 1058.5(d).

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code. Pursuant to Water Code section 1058.5(b), the Finding of Emergency in this matter was exempt from Office of Administrative Law Review.

This emergency regulatory action is effective on 6/10/2022 and, pursuant to Water Code section 1058.5(c), will expire on 6/10/2023. The Certificate of Compliance for this action is due no later than 6/9/2023.

Date: June 10, 2022


Dale Mentink
Assistant Chief Counsel

For: Kenneth J. Pogue
Director

Original: Eileen Sobeck, Executive
Director

Copy: Garrett Lenahan

EMERGENCY

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2022	EMERGENCY NUMBER -0606-03E
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For use by Office of Administrative Law (OAL) only

OFFICE OF ADMIN. LAW
2022 JUN 6 PM 3:18

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

State Water Resources Control Board

AGENCY FILE NUMBER (If any)

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JUN 10 2022

2:06 PM

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE ☐ Notice re Proposed Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Water Demand Reduction Emergency Regulation	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 996
	AMEND
TITLE(S) 23	REPEAL

3. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code §11346)	☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	☐ Emergency Readopt (Gov. Code, §11346.1(h))	☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	☐ File & Print	☐ Print Only
☒ Emergency (Gov. Code, §11346.1(b))		☒ Other (Specify) <u>Water Code Section 1058.5</u>	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

☐ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	☒ Effective on filing with Secretary of State	☐ §100 Changes Without Regulatory Effect	☐ Effective other (Specify)
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) (SAM §6660)	☐ Fair Political Practices Commission	☐ State Fire Marshal
☐ Other (Specify)		

7. CONTACT PERSON Garrett Lenahan	TELEPHONE NUMBER (916) 341-5179	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Eric Oppenheimer

Digitally signed by Eric Oppenheimer
Date: 2022.06.06 14:24:44 -0700

DATE

6/6/2022

TYPED NAME AND TITLE OF SIGNATORY

Eric Oppenheimer, Chief Deputy Director, State Water Resources Control Board

For use by Office of Administrative Law (OAL) only

AUTHORIZED FOR FILING AND PRINTING

JUN 10 2022

Office of Administrative Law

ADOPTED EMERGENCY REGULATION TEXT

Title 23. Waters

Division 3. State Water Resources Control Board and Regional Water Quality Control Boards

Chapter 3.5. Urban Water Use Efficiency and Conservation

Article 2. Prevention of Drought Wasteful Water Uses

§ 996. Urban Drought Response Actions

(a) As used in this section:

(1) "Commercial, industrial and institutional" refers to commercial water users, industrial water users, and institutional water users as respectively defined in Water Code, section 10608.12, subdivisions (e), (i), and (j), and includes homeowners' associations, common interest developments, community service organizations, and other similar entities but does not include the residences of these entities' members or separate interests.

(2) "Common interest development" has the same meaning as in section 4100 of the Civil Code.

(3) "Community service organization or similar entity" has the same meaning as in section 4110 of the Civil Code.

(4) "Homeowners' association" means an "association" as defined in section 4080 of the Civil Code.

(5) "Non-functional turf" means turf that is solely ornamental and not regularly used for human recreational purposes or for civic or community events. Non-functional turf does not include sports fields and turf that is regularly used for human recreational purposes or for civic or community events.

(6) "Plant factor" has the same meaning as in section 491.

(7) "Separate interest" has the same meaning as in section 4185 of the Civil Code.

(8) "Turf" has the same meaning as in section 491.

(9) "Urban water supplier" has the same meaning as Water Code section 10617.

(10) "Water shortage contingency plan" means the plan required by Water Code section 10632.

(b) Each urban water supplier shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1

of the Water Code no later than June 1, 2022 or the effective date of this section, whichever comes later, and submit a final annual water supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code.

(c) (1) Each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources shall implement by June 10, 2022, at a minimum, all demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten (10) to twenty (20) percent (Level 2).

(2) Notwithstanding subdivision (c)(1), urban water suppliers shall not be required to implement new residential connection moratoria pursuant to this section.

(3) Notwithstanding subdivision (c)(1), an urban water supplier may implement the actions identified in subdivision (d) in lieu of implementing the demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code section 10632 for a shortage level of ten (10) to twenty (20) percent (Level 2), provided the supplier meets all of the following:

(i) The supplier's annual water supply and demand assessment submitted to the Department of Water Resources demonstrates an ability to maintain reliable supply until September 30, 2023.

(ii) The supplier does not rely on, for any part of its supply, the Colorado River, State Water Project, or Central Valley Project, and no more than ten (10) percent of its supply comes from critically overdrafted groundwater basins as designated by the Department of Water Resources.

(iii) The supplier's average number of gallons of water used per person per day by residential customers for the year 2020 is below 55 gallons, as reported to the Board in the Electronic Annual Report.

(d) Each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources shall, by June 10, 2022, and continuing until the supplier has implemented all demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten (10) to twenty (20) percent (Level 2), implement at a minimum the following actions:

(1) Initiate a public information and outreach campaign for water conservation and promptly and effectively reach the supplier's customers, using efforts such as email, paper mail, bill inserts, customer app notifications, news articles, websites, community events, radio and television, billboards, and social media.

(2) Implement and enforce a rule or ordinance limiting landscape irrigation with potable water to no more than two (2) days per week and prohibiting landscape irrigation with potable water between the hours of 10:00 a.m. and 6:00 p.m.

(3) Implement and enforce a rule or ordinance banning, at a minimum, the water uses prohibited by section 995. Adoption of a rule or ordinance is not required if the supplier has authority to enforce, as infractions, the prohibitions in section 995 and takes enforcement against violations.

(e) (1) To prevent the unreasonable use of water and to promote water conservation, the use of potable water is prohibited for the irrigation of non-functional turf at commercial, industrial, and institutional sites.

(2) Notwithstanding subdivision (e)(1), the use of water is not prohibited by this section to the extent necessary to ensure the health of trees and other perennial non-turf plantings or to the extent necessary to address an immediate health and safety need.

(3) Notwithstanding subdivision (e)(1), an urban water supplier may approve a request for continued irrigation of non-functional turf where the user certifies that the turf is a low water use plant with a plant factor of 0.3 or less, and demonstrates the actual use is less than 40% of reference evapotranspiration.

(f) The taking of any action prohibited in subdivision (e) is an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. The fine for the infraction is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

(g) A decision or order issued under this section by the Board, or an officer or employee of the Board, is subject to reconsideration under article 2 (commencing with section 1122) of chapter 4 of part 1 of division 2 of the Water Code.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 4080, 4100, 4110, and 4185, Civil Code; Section 8627.7, Government Code; Sections 102, 104, 105, 275, 350, 377, 491, 1058.5, 1122, 10608.12, 10617, 10632, and 10632.1, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463; *Stanford Vina Ranch Irrigation Co. v. State of California* (2020) 50 Cal.App.5th 976



DRINKING WATER CONSTRUCTION LOAN

AGREEMENT NO. SWRCB0000000000D2002017

by and between

CITY OF PORTERVILLE ("Recipient")

and

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



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

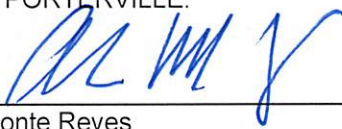
Each party may change its contact upon written notice to the other party. While Party Contacts are contacts for day-to-day communications regarding Project work, the Recipient must provide official communications and notices to the Division's Deputy Director.

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.

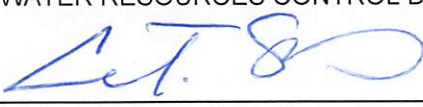
IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

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 1, 2022

SUBJECT: Consideration of Conditional Use Permit (PRC 2020-049-C) and Tentative Parcel Map No. 2022-001

SOURCE: Community Development

BACKGROUND:

COMMENT: The City's Project Review Committee reviewed PRC 2020-049 for a proposed sixteen (16) unit multi-family development on a single 0.92± acre parcel located on the eastside of Indiana Street, south of Putnam Avenue in the RM-3 (High Density Residential) zone district.

The project includes a tentative parcel map proposing the division of an existing 0.92± acre parcel (APN 252-301-027) into four lots each of approximately 10,079 square feet. Parcels 1 and 2 lack street frontage; access from those parcels to Indiana Avenue would be provided via an easement through Parcels 3 and 4, accommodating ingress, egress, parking, and public utilities. The Porterville Development Ordinance addresses lot frontage requirements in Chapter 407.03(h)(4) Lot Frontage. The code section states, "Lots shall have a single frontage on a street; double frontage lots or lots without street frontage will not be permitted except where, in the opinion of the Parcel Map Committee or City Council, topographical or unusual physical conditions justify a deviation from this rule." The Porterville Development Ordinance allows for the modification of the requirements and regulations set forth as it pertains to lot design, subject to the approval of Conditional Use Permit (CUP) as outlined in Section 400.05. In order for the project to comply with the provisions of this section, the City Council or Parcel Map Committee find the following facts with respect thereto:

1. There are special circumstances or conditions affecting the property that make it impractical to conform to all of the provisions prescribed by this series provided, however, that no exceptions may be granted to any requirements imposed by the Subdivision Map Act or any other applicable provision of State law;
2. That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
3. That the granting of the modification will not be detrimental to public welfare or injurious to other property in the territory in which such property is situated;

4. That the exception is appropriate for the proper design and/or function of the subdivision; and
5. That the granting of the exception is consistent with the General Plan.

The subject site is consistent with the General Plan Land Use Designation, RM-3 (High Density Residential) and Zoning Standards for RM-3 (Medium Density Residential) and the use of multi-family residential is a permitted use. The RM-3 zone district designation is intended for attached homes, two- to four-plexes, and apartment buildings with a maximum residential density of thirty (30) units per net acre. The proposed Tentative Parcel Map with a planned multi-family development would suit the purpose of the zone designation.

When considering approval of a tentative map, the Council must deny the map if any one or more of certain findings are made (PDO Section 400.04; Subdivision Map Act Section 66474):

1. That the proposed map is inconsistent with the applicable general and specific plans.
2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of the development.
5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

ANALYSIS:

The project meets the requirements outlined in Section 400.05 of the Porterville Development Ordinance. At its meeting on April 6, 2021, the Council provided direction that finding one of the five required findings for a CUP to vary regulations of a parcel map is considered to be met. In the case of the proposed project, "There are special circumstances or conditions affecting the property that make it impractical to conform to all of the provisions prescribed by this series provided, however, that no exceptions may be granted to any requirements imposed by the Subdivision Map Act or any other applicable provision of State law" is met in regard to proposed parcel maps without street frontage. The proposed CUP complies with all of the required findings which include: that the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner; that the granting of the modification will not be detrimental to

the public welfare or injurious to other property in the territory in which such property is situated; that the exception is appropriate for the proper design and/or function of the subdivision; and that the granting of the exception is consistent with the General Plan.

Similarly, none of the findings require denial of the map. Development of the site as proposed is consistent with the land use density prescribed by the General Plan and the project will provide needed housing to assist in implementation of the City's General Plan Housing Element. The future multi-family development supports the general plan land use guiding policies to allow and encourage efficient infill development in existing neighborhoods. The site is flat and level and is of proportions appropriate to accommodate the density of development and the required improvements. The site is largely surrounded by urban development and is regularly plowed for weed control and is thus not suitable as habitat. As future development of the site would consist of multifamily development compatible with the General Plan and Development Ordinance, it is not likely to result in public health problems. There are no public easements currently in place on the project site.

Using the Low-Rise Multifamily Housing Land Use Category from the Institute of Transportation Engineers Trip Generation Web-based App (ITETripGen v 6.0.1, 11th Edition date) and assuming a buildout of sixteen (16) dwellings, the project is expected to generate between forty (40) and 200 average daily trips, which can easily be accommodated by Indiana Street and the surrounding circulation network. The project falls within the San Joaquin Valley Air Pollution Control District's Small Project Analysis Level criteria (fewer than 224 multifamily dwellings) and is thus considered to have a less-than-significant effect on air quality. The Public Works Department has outlined the improvement requirements for water, wastewater, storm drainage, and solid waste, and indicates that services are available. The draft Resolution outlines that any future development of property with a proposed multi-family development shall meet all requirements of the development Ordinance. The project is subject to the City's noise Ordinance. The development would require recordation of an easement for ingress, egress, parking, and public utilities. The proposed CUP grants approval of the subdivision of existing property as it relates to lot design.

ENVIRONMENTAL REVIEW: On October 26, 2022, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, In-Fill Development Projects. The Class 32 exemption applies to projects that are within city limits on sites of less than five acres and where the project is consistent with the General Plan and zoning, all utilities and services are available, the site is unsuitable as habitat, and the project would not result in significant effects to traffic, noise, air quality, water quality.

RECOMMENDATION: That the City Council adopt the draft Resolution finding the proposal for a six unit multi-family development on a single 0.92± acre parcel located on the eastside of Indiana Street, south of Putnam Avenue in the RM-3 (High Density Residential) zone district exempt from CEQA and approving Conditional Use Permit (PRC 2020-049-C) and Tentative Parcel Map No. 2022-001 subject to conditions of approval.

ATTACHMENTS:

1. Draft Resolution
2. Tentative Parcel Map
3. Locator Map

Appropriated/Funded:

Review By:

Department Director:
Jason Ridenour, Community Development Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. ____-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF CONDITIONAL USE
PERMIT (PRC 2020-049-C) AND TENTATIVE PARCEL MAP NO. 2022-001,
AUTHORIZING THE DEVELOPMENT OF A RESIDENTIAL TENTATIVE PARCEL MAP
PROPOSING LOTS WITHOUT STREET FRONTAGE.

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of November 1, 2022, conducted a public hearing to consider Tentative Parcel Map No. 2022-001, which proposes to divide Assessor's Parcel Number 252-301-027, containing a total of 0.92± acre (37,461.6 SF) lot, into four parcels:

<u>Parcel 1</u>	<u>Parcel 2</u>	<u>Parcel 3</u>	<u>Parcel 4</u>
10,079 SF	10,079SF	10,079 SF	10,079 SF

WHEREAS: Parcels 1 and 2 of the tentative parcel map do not have frontage on a public street, said frontage required pursuant to Porterville Development Ordinance (PDO) Section 407.03(h)(4); and

WHEREAS: PDO Section 400.05 provides an avenue by which the City Council, upon making findings, may vary the requirements required for land division applications by approval of a Conditional Use Permit; and

WHEREAS: At said public hearing on November 1, 2022, the City Council did consider a Conditional Use Permit (PRC 2020-049-C) to allow the approval of a residential tentative parcel map with lots without street frontage; and

WHEREAS: On October 26, 2022, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15332, In-Fill Development Projects, said preliminary determination based on the requisite criteria and substantiated in the record:

1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
2. The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses;
3. The project site has no value as habitat for endangered, rare, or threatened species;
4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality;
5. The site can be adequately served by all required utilities and public services; and

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

WHEREAS: The City Council made the following findings pursuant to PDO Section 400.05, the evidence for said findings substantiated in the record:

1. There are special circumstances or conditions affecting the property that make it impractical to conform to all of the provisions prescribed by this Series provided, however, that no exceptions may be granted to any requirements imposed by the Subdivision Map Act or any other applicable provision of State law;
2. That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
3. That the granting of the modification will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated;
4. That the exception is appropriate for the proper design and/or function of the subdivision; and
5. That the granting of the exception is consistent with the General Plan.

WHEREAS: The City Council made the following findings pursuant to PDO Section 400.04, the evidence for said findings substantiated in the record:

1. That the proposed map is consistent with the general plan.
2. That the design or improvement of the proposed subdivision is consistent with the general plan.
3. That the site is physically suitable for the type of development.
4. That the site is physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is not likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville as follows:

1. The project is exempt from CEQA pursuant to CEQA Guidelines Section 15332, In-Fill Development Projects.
2. The Conditional Use Permit (PRC 2020-049-C) allowing for creation of lots without street frontage is hereby approved.
3. Tentative Parcel Map No. 2022-001 is hereby approved subject to the following conditions:
 - a. Tentative Parcel Map No. 2022-01 shall be valid for a period of 24 months from the date of its conditional approval. Extensions to this period may be requested pursuant to Section 66453.3 of the Subdivision Map Act. Prior to expiration of the tentative map, the subdivider may submit a final parcel map prepared in accordance with Chapter 2, Article 3 of the Subdivision Map Act by a California-licensed land surveyor or civil engineer qualified to perform such service.

- b. The Parcel Map submittal shall include parcel closures and a preliminary title report dated no more than thirty (30) days prior to submission to the City Engineer. Copies of all easement documents referenced in the preliminary title report shall accompany the submittal.
- c. The developer/applicant shall record easements for ingress, egress, parking and public utilities between divided parcels.
- d. The developer/applicant shall install improvements consistent with comments received as part of PRC 2020-049 and/or any subsequent review of the map and development pursuant to PRC 2020-049.
- e. Prior to recording the final parcel map, the developer/applicant shall provide easements, permits, calculations, etc., if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the development (e.g., water, sewer, drainage, "turn arounds", etc.). If the City Engineer determines that construction of improvements is needed to protect public health and safety or for orderly development of the surrounding area, the developer/applicant shall construct or provide a surety for said improvements.
- f. Prior to recording the Final Parcel Map, the developer/applicant shall provide improvements by the method indicated below:
 - Simultaneous recording of a separate legal instrument or placement of a statement on the Parcel Map, if appropriate, that reads as follows:

"In accordance with Section 66411.1 of the Government Code, the construction of on-site and off-site improvements, such as but not limited to, curbs, gutters, sidewalks, paveouts, pavement transitions, traffic signage and markings, median islands, utilities, grading, parking lot improvements, well abandonment (if any), removal of irrigation lines (if any), etc. has been deferred until such time as a permit or other grant of approval for development of the parcel is issued. Such construction may be phased when only a portion of the parcels shown herein receive such approval. The phased construction shall consist of all improvements related to the specific parcels plus those required to make the installed improvements function."
- g. The dedication of easements or any other potential dedications shall be clearly identified on the Final Parcel Map. A Dedications Statement shall be placed on the map that reads:

"Pursuant to the authority conferred by the City of Porterville, Ordinance No. 1590, adopted February 20, 2001, the undersigned, on behalf of the Public and City Council of the City of Porterville consents to the acceptance and recordation of the dedication(s) as shown on this map.

Dated this _____ day of _____, 20__

By Daniel Cervantez, City Engineer, RCE 75530

- h. The final Parcel Map shall clearly identify a City Surveyor's statement for compliance with Chapter 2, Division 2, Title 7 of the Government Code. The statement shall read:

"I hereby state that I have examined this map, and I am satisfied that it is technically correct, and that the subdivision as shown is substantially the same as it appeared on the approved Tentative Map, and that all of the provisions of the Chapter 2, Division 2, Title 7 of the Government Code and any Local Ordinance applicable to the time of approval of the tentative map, have been complied with.

Dated this _____ day of _____, 20__

By Dee Jaspar, RCE 23042

PASSED, APPROVED, AND ADOPTED this 1st day of November, 2022.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk

TENTATIVE PARCEL MAP

OF LOT 6 OF ELLIS MANOR IN THE CITY OF PORTERVILLE, AS PER MAP RECORDED IN BOOK 31 OF MAPS, AT PAGE 58, TULARE COUNTY RECORDS, LOCATED IN A PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 21 SOUTH, RANGE 27 EAST, MOUNT MOUNT DIABLO BASE AND MERIDIAN, COUNTY OF TULARE, STATE OF CALIFORNIA.

OWNER: PARGAT S MAHAL

1721 NORTH WESTWOOD STREET
PORTERVILLE, CA 93257
PHONE: (559) 361-6005

ENGINEER: ROBERTS ENGINEERING

P. O. Box 908
Porterville, Ca. 93258
Phone: (559) 784-8388

EXISTING USE: VACANT
PROPOSED USE: RESIDENTIAL
WATER SUPPLY: CITY OF PORTERVILLE
SEWAGE DISPOSAL: CITY OF PORTERVILLE
APN: 252-301-027
ZONING: RM-3 HIGH DENSITY RESIDENTIAL
DATE: JANUARY 25, 2022
REVISED: OCTOBER 17, 2022

MISCELLANEOUS NOTES

1. SITE IS LOCATED IN FLOOD ZONE "X" PER F.I.R.M. PANEL NO. 06107C1633E, DATED JUNE 16, 2009.
2. CONTOURS ARE TAKEN FROM TOPOGRAPHIC SURVEY BY THIS OFFICE.
3. ORIGINAL LOT AREA:
40,316 SQ. FT. GROSS
38,860 SQ. FT. NET

WEST PUTNAM AVENUE

STORM DRAIN CATCH BASIN
FL. = 443.18

OWNERS STATEMENT

I am the legal owner of the real property shown on this map and hereby app approval of this tentative parcel map. Roberts Engineering is the authorized ag said property with respect to this proposed tentative parcel map. The inform shown hereon is true and correct to the best of my / our knowledge and belief.

01-27-2022
Date

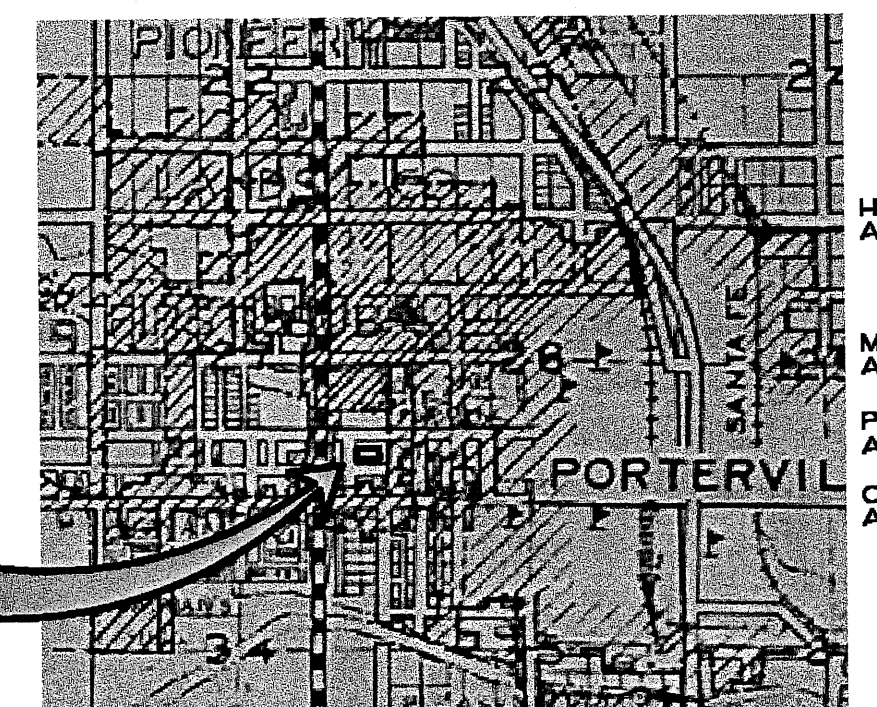
Pargat Mahal
Signature

LEGEND

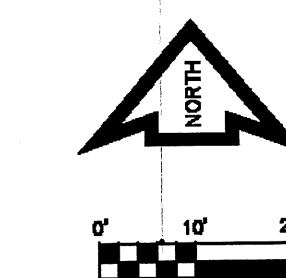
- △ MONUMENT AS DESCRIBED
- CORNER NOT FOUND OR SET
- FOUND 3/4" LP.
- (R) RECORD PER ELLIS MANOR "
- 6 18 LOT NUMBER PER ELLIS MANOR "
- PARCEL NUMBER PER PARCEL MAP 2488 "
- LOT NUMBER PER WILLIAMS AND PREMIO VILLA TRACT "
- RECORDED IN VOLUME 31 OF MAPS AT PAGE 58, T.C.R.
- RECORDED IN BOOK 25 OF PARCEL MAPS AT PAGE 89, T.C.R.
- RECORDED IN VOLUME 7 OF MAPS AT PAGE 64, T.C.R.
- (E) MAILBOX
- MB (E) TRAFFIC SIGNAL BOX
- TRPC (E) TELEPHONE PEDESTAL
- TEL (E) ELECTRICAL BOX
- ELEC (E) EDISON VAULT
- EDISON (E) FIRE HYDRANT
- FH (E) WATER METER
- WM (E) WATER VALVE
- WV (E) STREET LIGHT
- (E) FENCE
- 444 (E) CONTOUR

VICINITY MAP

SCALE: NO SCALE



SUBJECT SITE



ALL DISTANCES ARE IN FEET
AND DECIMALS THEREOF

NORTH INDIANA STREET

N 02°18'18" W 345.04

N 02°18'13" W 140.02

N 87°20'26" E 329.90

N 87°20'35" E 287.90

PARCEL 4

10,079 SQ. FT. GR.
7,108 SQ. FT. NET

PARCEL 2

10,079 SQ. FT. GR.
5,159 SQ. FT. NET

PARCEL 1

10,079 SQ. FT. GR.
4,901 SQ. FT. NET

PARCEL 3

10,079 SQ. FT. GR.
6,722 SQ. FT. NET

FL. = 443.64
FL. = 444.27

FL. = 443.72
BW. = 444.26

FL. = 443.80
BW. = 444.38

6" PUE PER (R)

2" PUE PER (R)

12.50' RECIPROCAL
ACCESS EASEMENT

12.50' RECIPROCAL
ACCESS EASEMENT

28' EASEMENT FOR
INGRESS, EGRESS AND PUBLIC UTILITIES
PER THIS MAP

PROPOSED 6" WATER LINE

12.50' RECIPROCAL
ACCESS EASEMENT

12.50' RECIPROCAL
ACCESS EASEMENT

EXISTING STREET DRAINAGE

ELEC

EDISON
VALLT

FL. = 443.80
BW. = 444.38

SSMH
FL. = 438.91

ST LT

SSMH
FL. = 438.11

SSMH
NO MEAS.

MB

WM

WM

WM

WM

WM

WM

WM

WM

WM

WM

WM

WM

WM

WM

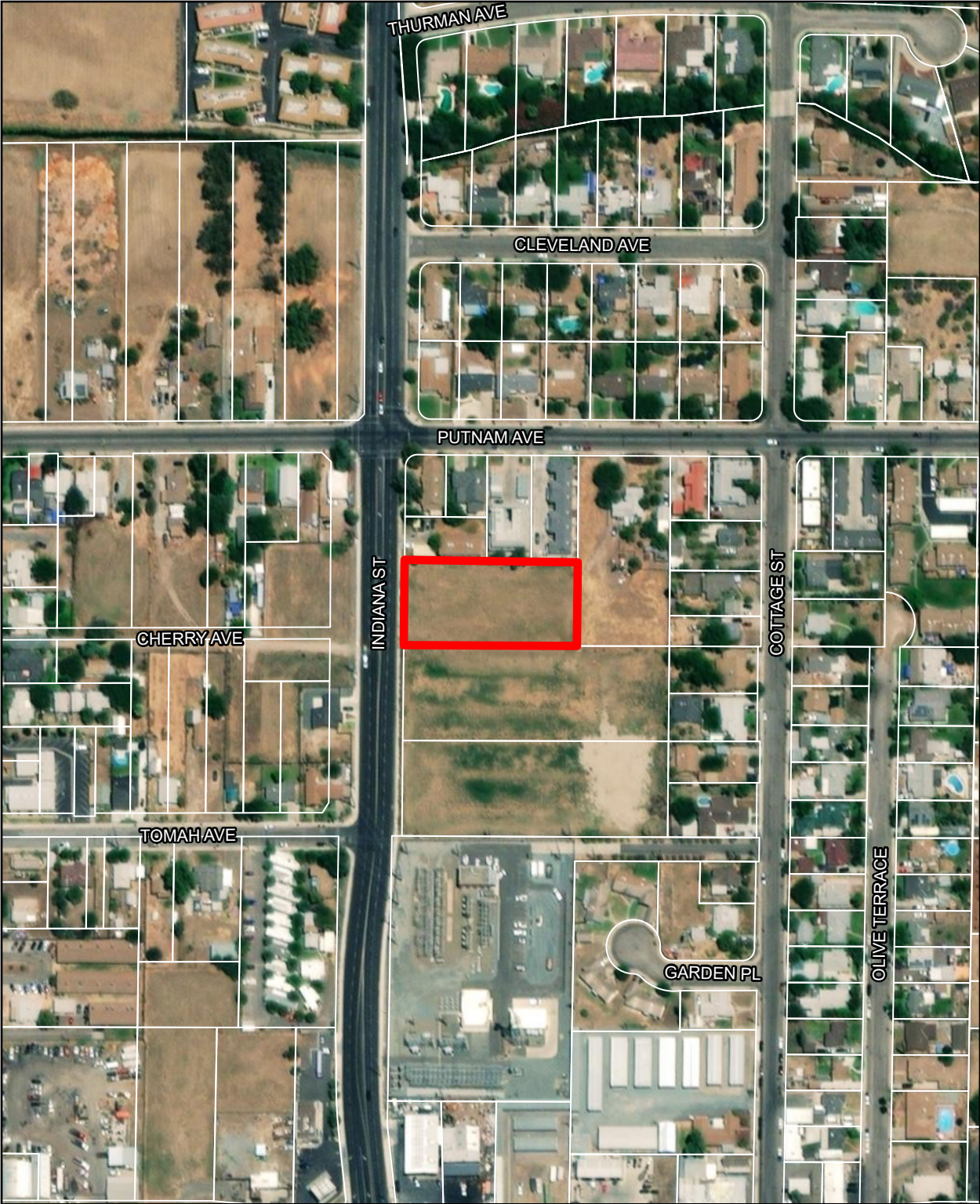
WM

WM

WM

WM

Locator Map
PRC 2020-049



Mahal TPM
APN 252-301-027

 Project Location

1 in = 250 feet





CITY COUNCIL AGENDA – NOVEMBER 1, 2022

SUBJECT: Adoption of the 2022 California Building Codes

SOURCE: Engineering and Project Management

COMMENT: The various building codes in use by jurisdictions in California are updated periodically to reflect the latest materials and construction techniques available to the construction industry.

The last published building codes, specifically the California Building Codes, were updated in 2019. The State of California has since adopted the 2022 International Codes as the State Building Codes for Building, Electrical, Mechanical, Plumbing, and Energy.

In addition to these Codes, the State has also mandated the adoption of the 2022 Editions of the Administrative Code, Residential Code, Green Building Standards, Historical Building Code, Existing Buildings Code, and Referenced Standards Code. The 2022 Codes will become State-mandated as of January 1, 2023.

Each California Code will be adopted by Ordinance, and shall repeal the State Code previously in effect.

RECOMMENDATION: That City Council:

1. Conduct a Public Hearing to receive input regarding the adoption of the 2022 Editions of the California Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Green Building Standards, Historical Buildings, Existing Buildings, and Referenced Standards Codes;
2. Approve for first reading the draft Ordinances adopting the 2022 Editions of the California Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Green Building Standards, Historical Buildings, Existing Buildings, and Referenced Standards Codes; and
3. Waive further reading and order the Ordinances to print.

ATTACHMENTS:

1. Draft Ordinance - Amending Chapter 7, Article I - Adoption of 2022 California Building Codes
2. Draft Ordinance - Amending Chapter 7, Article IA - Adoption of 2022 California Mechanical Code
3. Draft Ordinance - Amending Chapter 7, Article II -

- Adoption of 2022 California Plumbing Code
4. Draft Ordinance - Amending Chapter 7, Article III -
Adoption of 2022 California Electrical Code
5. Draft Ordinance - Amending Chapter 7, Article IV -
Adoption of 2022 California Green Building Standards
Code

Appropriated/Funded:

Review By:

Department Director:
Javier Sanchez, Engineering & Project Management Director

Final Approver: John Lollis, City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING ARTICLE I OF CHAPTER 7 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE AND ADOPTING BY REFERENCE THE 2022 EDITIONS OF THE CALIFORNIA ADMINISTRATIVE CODE, THE CALIFORNIA BUILDING CODE ALONG WITH DESIGNATED APPENDICES, THE CALIFORNIA RESIDENTIAL CODE ALONG WITH DESIGNATED APPENDICES, THE CALIFORNIA ENERGY CODE, THE CALIFORNIA HISTORICAL BUILDINGS CODE, THE CALIFORNIA EXISTING BUILDING CODE, AND THE CALIFORNIA REFERENCED STANDARDS CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL.

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS FOLLOWS:

A. The following sections of the Municipal Code of the City of Porterville are hereby amended to read as follows:

SECTION 7-1 ADOPTION

Adoption of the 2022 Edition of the California Administrative Code Title 24 Part 1; 2022 California Building Code Part 2, Volumes 1 and 2; the 2022 California Residential Code Title 24 Part 2.5; the 2022 Energy Code Title 24 Part 6; the 2022 Edition of the California Historical Buildings Code Title 24 Part 8; the 2022 Edition of the California Existing Buildings Code Title 24 Part 10; and the 2022 Edition of the California Referenced Standards Code Title 24 Part 12.

That certain codes in book form to which more particular reference is herein made, regulating the construction, erection, alteration, repair, removal, demolition, conversion, equipment, use, height, area and maintenance of buildings in the City of Porterville, together with the amendments thereof, herein specifically set forth, together with the penalty for violation herein set forth to be known as the Building Codes compiled by and adopted by the International Code Council, Inc., together with the following appendixes: J, O, and P of the 2022 California Building Code; AH, AJ, AX,

and AZ of the 2022 California Residential Code Part 2.5; thereto are hereby adopted and enacted by the Council of the City of Porterville, to all intents and purposes and to the same effect as if each and every sentence, paragraph, word and clause in said codes mentioned are referred to herein or therein were fully and specifically set forth herein, with the exception of the penalty provision thereof.

SECTION 7-2 COPIES ON FILE:

Reference is hereby made to one (1) copy of said California Building Code, 2022 Edition, compiled by and adopted by the International Conference of Building Officials, heretofore filed in the office of the Building Official of the City of Porterville and said California Building Code is by reference adopted herein as provided by law.

SECTION 7-3 BUILDING CODE AMENDMENTS

There are no local amendments to the 2022 Codes. The City of Porterville reserves the right to amend the Codes mentioned herein by way of public hearing and Ordinance adoption at a later date if deemed necessary.

SECTION 7-3.4. PENALTY FOR VIOLATION:

It shall be unlawful for any person, firm or corporation to enlarge, alter, repair, move, improve, remove, convert, or equip, use, occupy or maintain any building or structure in the City of Porterville, or cause the same to be done contrary to or in violation of the provisions of this article or of the building code above adopted by reference, together with the amendments thereto; and any person, firm or corporation violating any of the provisions of this article or of said building code, as amended, shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violations of the provisions of this article or of the California Building Code, 2022 Edition, is committed or permitted; and upon conviction of any such violation, such

person shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the City or County jail for a period of not exceeding six (6) months or both such fine and imprisonment.

SECTION 7-3.6. SEVERABILITY:

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision of application, and to this end the provisions of this Ordinance are severable.

B. Ordinance No. 1860 of the Municipal Code of the City of Porterville is hereby repealed.

C. This Ordinance shall be in full force and in effect on January 1, 2023.

PASSED, ADOPTED AND APPROVED this 1st day of November, 2022.

ATTEST:
John D. Lollis, City Clerk

Martha A. Flores, Mayor

By: Patrice Hildreth, Chief Deputy City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING SECTION 7-4 OF THE MUNICIPAL CODE OF
THE CITY OF PORTERVILLE ADOPTING BY REFERENCE
THE 2022 EDITION OF THE CALIFORNIA MECHANICAL CODE
PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND
MECHANICAL OFFICIALS.

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS
FOLLOWS:

A. The following section of the Municipal Code of the City of Porterville is
hereby amended to read as follows:

SECTION 7-4 ADOPTION

Adoption of the 2022 Edition of the California Mechanical Code, Title 24, Part 4
and Referenced Standards.

That certain code in book form to which more particular reference is hereinafter
made regulating the installation and maintenance of heating, ventilating, cooling, and
refrigeration systems, to be known and referred to as the California Mechanical Code
along with the Referenced Standards is hereby adopted and enacted by the Council of
the City of Porterville as an ordinance of the City of Porterville, to all intents and
purposes and to the same effect as if each and every sentence, comma, paragraph,
word, phrase, and clause in said code mentioned or referred to therein or herein were
and each thereof was fully and specifically set forth herein.

Reference is hereby made to one (1) copy of the 2022 Edition of the California
Mechanical Code published by the International Association of Plumbing and
Mechanical Officials filed with the Building Official of the City of Porterville and said
code is by reference adopted herein as provided by law.

SECTION 7-4.2. SEVERABILITY:

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision of application, and to this end the provisions of this Ordinance are severable.

B. That Ordinance No.1861 of the Municipal Code of the City of Porterville is hereby repealed.

C. This Ordinance shall be in full force and in effect on January 1, 2023.

PASSED, ADOPTED AND APPROVED this 1st day of November, 2022.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING SECTION 7-6 OF THE MUNICIPAL CODE OF
THE CITY OF PORTERVILLE ADOPTING BY REFERENCE
THE 2022 EDITION OF THE CALIFORNIA PLUMBING CODE
PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND
MECHANICAL OFFICIALS.

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS
FOLLOWS:

A. That Section 7-6 of the Municipal Code of the City of Porterville is amended
to read as follows:

SECTION 7-6. ADOPTION

Adoption of the 2022 Edition of the California Plumbing Code Title 24 Part 5, the
Referenced Standards, and Appendixes C, H, and M.

That certain code in book form to which more particular reference is hereinafter
made, regulating the business of plumbing, and the installation of plumbing fixtures and
appliances, to be known and referred to as the California Plumbing Code, is hereby
adopted and enacted by the Council of the City of Porterville as an ordinance of the City
of Porterville, to all intents and purposes and to the same effect as if each and every
sentence, comma, paragraph, word, phrase, and clause in said code mentioned or
referred to therein or herein were and each thereof was fully and specifically set forth
herein.

Reference is hereby made to (1) copy of the 2022 Edition of the California
Plumbing Code, published by the International Association of Plumbing and Mechanical
Officials filed with the Building Official of the City of Porterville and said code is by
reference adopted herein as provided by law.

SECTION 7-8. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision of application, and to this end the provisions of this Ordinance are severable.

B. That Ordinance No. 1862 of the Municipal Code of the City of Porterville is hereby repealed.

C. This Ordinance shall be in full force and in effect on January 1, 2023.

PASSED, ADOPTED AND APPROVED this 1st day of November, 2022.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING SECTION 7-9 AND DELETING SECTION 7-10 OF THE
MUNICIPAL CODE OF THE CITY OF PORTERVILLE AND ADOPTING BY
REFERENCE THE 2022 EDITION OF THE CALIFORNIA ELECTRICAL CODE
PUBLISHED BY BNi PUBLICATIONS, INC.

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS
FOLLOWS:

A. That Section 7-9 of the Municipal Code of the City of Porterville is hereby
amended to read as follows:

SECTION 7-9 ADOPTION

Adoption of the 2022 Edition of the California Electrical Code Title 24 Part 3.

That certain code in book form to which more particular reference is hereinafter
made, regulating the business of electrical, and the installation of electrical fixtures and
appliances, to be known and referred to as the California Electrical Code, is hereby
adopted and enacted by the Council of the City of Porterville as an ordinance of the City
of Porterville, to all intents and purposes and to the same effect as if each and every
sentence, comma, paragraph, word, phrase, and clause in said code mentioned or
referred to therein or herein were and each thereof was fully and specifically set forth
herein.

Reference is hereby made to one (1) copy of the 2022 Edition of the California
Electrical Code, published by BNi Publications, Inc. filed in the office of the Building
Official of the City of Porterville, and such code, to wit: the 2022 Edition of the
California Electrical Code published by the BNi Publications, Inc., as aforesaid now on
file with the Building Official of the City of Porterville, is hereby adopted by reference as
the Electrical Code of the City.

SECTION 7-6.1. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision of application, and to this end the provisions of this Ordinance are severable.

B. That Ordinance No. 1863 of the Municipal Code of the City of Porterville is hereby repealed.

C. This Ordinance shall be in full force and in effect on January 1, 2023.

PASSED, ADOPTED AND APPROVED this 1st day of November, 2022.

ATTEST:
John D. Lollis, City Clerk

Martha A. Flores, Mayor

By: Patrice Hildreth, Chief Deputy City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING ARTICLE IV OF CHAPTER 7 OF THE MUNICIPAL CODE OF
THE CITY OF PORTERVILLE ADOPTING BY REFERENCE
THE 2022 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE
PUBLISHED BY THE INTERNATIONAL CODE COUNCIL.

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS
FOLLOWS:

A. The following section of the Municipal Code of the City of Porterville is
hereby amended to read as follows:

SECTION 7-12 ADOPTION

Adoption of the 2022 Edition of the California Green Building Standards
Code, Title 24, Part 11 and the mandatory portions of Appendix A4, Appendix A5, and
Appendix A6.1 with the voluntary portions of said Appendices remaining voluntary.

That certain code in book form to which more particular reference is hereinafter
made encouraging sustainable construction practices, to be known and referred to as
the California Green Building Standards Code is hereby adopted and enacted by the
Council of the City of Porterville as an ordinance of the City of Porterville, to all intents
and purposes and to the same effect as if each and every sentence, comma,
paragraph, word, phrase, and clause in said code mentioned or referred to therein or
herein were and each thereof was fully and specifically set forth herein.

Reference is hereby made to one (1) copy of the 2022 Edition of the California
Green Building Standards Code published by the International Code Council
Commission filed with the Building Official of the City of Porterville and said code is by
reference adopted herein as provided by law.

SECTION 7-12.1. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision of application, and to this end the provisions of this Ordinance are severable.

B. That Ordinance No. 1864 of the Municipal Code of the City of Porterville is hereby repealed.

C. This Ordinance shall be in full force and in effect on January 1, 2023.

PASSED, ADOPTED AND APPROVED this 1st day of November, 2022.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – NOVEMBER 1, 2022

SUBJECT: Adoption of the 2022 California Fire Code

SOURCE: Fire

COMMENT: The 2022 California Fire Code will become State mandated as of January 1, 2023. Each jurisdiction has the opportunity to adopt the Fire Code, and to include amendments and tailor certain provisions to the jurisdiction. The Fire Code is updated every three years to reflect the latest materials and construction techniques available to the construction industry. The last published California Fire Code was updated in 2019.

Effective January 1, 2023, the State of California will have adopted the 2021 International Fire Code as the 2022 State Code for Fire. As is done with each Code cycle, staff recommends that the City Council use this opportunity to make changes and updates to Chapter 12, Article 1 of the Porterville Municipal Code in order to mirror the current California edition and eliminate redundant language. Staff is not recommending any additional local provisions beyond the proposed State Code and listed amendments. The Ordinance, if adopted by the Council, would amend Chapter 12, Article 1 of the Porterville Municipal Code as it pertains to the Fire Department to reflect the current State standards.

RECOMMENDATION: That the City Council:

1. Conduct a Public Hearing to receive input regarding the adoption of the 2022 Edition of the California Fire Code;
2. Approve for first reading the draft Ordinance adopting the 2022 Edition of the California Fire Code; and
3. Waive further reading and order the Ordinance to print.

ATTACHMENTS:

1. Draft Ordinance
2. Draft Ordinance (Redline)
3. Current Porterville City Code, Chapter 12, Article 1

Appropriated/Funded:

Review By:

Department Director:
Bryan Cogburn, Deputy Fire Chief

Final Approver: John Lollis, City Manager

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING CHAPTER 12, ARTICLE 1 OF THE
CODE OF THE CITY OF PORTERVILLE ADOPTING BY REFERENCE
EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, THE 2022 EDITION
OF THE CALIFORNIA FIRE CODE ALONG WITH DESIGNATED APPENDICES,
PUBLISHED BY THE INTERNATIONAL CODE COUNCIL**

**THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS
FOLLOWS:**

A. That Chapter 12, Article 1, of the Porterville city code is hereby amended to read as follows:

12-1.1: CALIFORNIA FIRE CODE ADOPTION:

A. Adoption: There is hereby adopted by the Council of the City of Porterville for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the California Fire Code, published by the International Code Council being particularly the 2022 edition thereof together with the following appendices thereto: 4, B, BB, C, CC, D, E, F, G, H, I, J, O, and P to all intents and purposes and to the same effect as if each and every sentence, paragraph, word and clause in said codes mentioned are referred to herein or therein were fully and specifically set forth herein, are hereby adopted and enacted by the Council of the City of Porterville as amended and changed as follows:

B. Fire Code Amendments:

1. Section [A] 103.1 is amended to read as follows:

[A] 103.1 Creation of agency. The BUREAU OF FIRE PREVENTION is hereby created and the official in charge thereof shall be known as the fire code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

2. Section [A] 105.1.1 is amended to read as follows:

[A] 105.1.1 Permits required. A property owner or owner's authorized agent who intends to conduct an operation or business, or install or modify systems and equipment that are regulated by this code, or to cause any such work to be performed, shall first make application to the Building Department and obtain the required permit.

3. Section 111 Means of Appeals is removed and replaced by Porterville City Code Section 12-1.7

4. Section [A] 112.4 is amended to read as follows:

[A] 112.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit

or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not exceeding one hundred eighty days (180) or six (6) months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Alternatively, the City of Porterville reserves the right to enforce violations of this code utilizing the Administrative Citation process outlined in Chapter 2, Article 14 of the Porterville City Code.

5. Section 311.1.1 is amended to read as follows:

311.1.1 Abandoned premises. Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered to be abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the 1997 Code for the Abatement of Dangerous Buildings, as adopted by reference in Section 7-80 of the Porterville City Code, and the California Building Code.

6. The Exception 1. to Section 603.5.2 is deleted, Exception 2. is amended to read:

2. Current taps and relocatable power taps shall not be required to connect directly to a permanently installed receptacle outlet where used for 90 days or less for the purpose of testing the performance of such devices. This exception shall only apply to research conducted in a proper occupancy, under controlled conditions, in a facility that is protected by an automatic fire sprinkler system.

7. Appendix C, Section C103.1 is amended to read as follows:

C103.1 Hydrant spacing. Fire apparatus access roads and public streets providing required access to buildings in accordance with Section 503 shall be provided with one or more fire hydrants, as determined by Section C102.1. Where more than one fire hydrant is required, the distance between required fire hydrants shall be spaced at no greater than three hundred (300) feet in commercial, multi-family, or mixed use applications and no greater than five hundred (500) feet in single-family residential applications.

8. Appendix CC, Section CC105.1 is amended to read as follows:

CC105.1 The spacing between fire hydrants shall comply with Section C103.1 as amended.

9. Appendix CC, Section CC105.2 is deleted.

10. The Exception to Section D104.2 of Appendix D is deleted.

11. Appendix D, Section D103.5 is amended to read:

1. Where a single gate is provided, the gate width shall be not less than 20 feet (6096 mm). Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 16 feet (4877 mm).

12. The Exception to Section D106.1 of Appendix D is deleted.

13. Appendix D, Section D107.1 is amended to read as follows:

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads. Developments of one- or two-family dwellings where the number of dwelling units does not exceed 30 may be required to provide two separate and approved fire apparatus access roads.

14. Exceptions 1 and 2 of section D107.1 of Appendix D are deleted.

15. Chapter 1, Section 111; Chapter 36; Appendix A; Appendix K; Appendix L; Appendix M; and Appendix N are deleted.

C. Fire Code Copy On File: One (1) copy has been and now is filed in the Office of the Fire Marshal of the City of Porterville and the same hereby adopted with the amendments herein set forth and incorporated as fully as if at length herein and provisions thereto shall be controlling within the limits of the City of Porterville. (Ord. 1865, 11-19-2019)

12-1.1.1: SEVERABILITY:

If any provision of this article or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this article that can be given effect without the invalid provision of application, and to this end the provisions of this article are severable. (Ord. 1865, 11-19-2019)

12-1.2: BUREAU OF FIRE PREVENTION; ESTABLISHED; SUPERVISION; ENFORCEMENT OF CHAPTER:

The Fire Code adopted by section [12-1.1](#) of this article shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department. (Ord. 1865, 11-19-2019)

12-1.3: BUREAU OF FIRE PREVENTION; FIRE MARSHAL IN CHARGE:

The Fire Marshal, named and appointed by the Chief of the Fire Department, shall be in charge of the Bureau of Fire Prevention. (Ord. 1865, 11-19-2019)

12-1.4: BUREAU OF FIRE PREVENTION; MEANING OF TERM FIRE MARSHAL:

Where the Chief of the Bureau of Fire Prevention is given the title "Fire Marshal" the words "Chief of the Bureau of Fire Prevention" shall be held to mean the Fire Marshal who is the fire code official. (Ord. 1865, 11-19-2019)

12-1.5: APPLICABILITY OF COUNTY AIR POLLUTION RULES AND REGULATIONS TO ALL BURNING:

All burning within the City of Porterville shall comply with the rules and regulations of the Air Pollution Control District, County of Tulare, and State of California. (Ord. 1865, 11-19-2019)

12-1.6: STORAGE, OPERATION AND USE OF LIQUEFIED PETROLEUM GASES:

Nothing contained in the referenced edition of the Fire Code shall be construed as to exempt any person, firm or corporation from complying with all applicable regulations and restrictions of the zoning ordinance of the City of Porterville regarding the storage, operation and use of liquefied petroleum gases (LPG). LPG may be used as a second fuel for emergency generators as permitted by the Fire Code. LPG will also be permitted for fueling mobile equipment. (Ord. 1865, 11-19-2019)

12-1.7: APPEALS FROM ADMINISTRATIVE DECISIONS:

Whenever the Chief of the Fire Department or the Fire Marshal shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions or intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not apply, or an equally good or better form of construction is proposed, or that the true intent and meaning of this Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department or the Fire Marshal to the California Office of the State Fire Marshal within thirty (30) days from the date of the decision. The decision of the State Fire Marshal shall be final. (Ord. 1865, 11-19-2019)

12-1.8: OPEN BURNING, RECREATIONAL FIRES, AND PORTABLE OUTDOOR FIREPLACES:

- A. All open burning, recreational fires and portable outdoor fireplaces shall comply with the requirements set forth in the California Fire Code.
- B. Nothing within this article shall be construed as exempting a person from complying with the requirements set forth with San Joaquin Valley Air Pollution Control District.
- C. Landowners must implement best management practices or reasonable alternatives to open burning for controlling and disposing of tumbleweeds on their property as set forth with San Joaquin Air Pollution Control District. A burn permit may be issued for burning tumbleweeds once the district has deemed that the only disposal method for the site is by open burning and the smoke will not affect smoke sensitive areas or contribute to a nuisance.
- D. Permits are to be issued by SJVAPCD and permittee must comply with all requirements. Permittee must also notify the City of Porterville Fire Department prior to burning. (Ord. 1865, 11-19-2019)

12-1.9: PERMITS FOR NEW MATERIALS, PROCESSES OR OCCUPANCIES:

The City Manager, Chief of the Fire Department and the Chief of the Bureau of Fire Prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in such Code. The Chief of

the Bureau of Fire Prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons. (Ord. 1865, 11-19-2019)

12-1.10: VIOLATIONS; PENALTIES:

Any person who shall violate any of the provisions of the Fire Code adopted by section [12-1.1](#) of this article, or its amendments, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the State Fire Marshal or by a court of competent jurisdiction, within the time fixed herein, and any person violating any of the terms and provisions of this chapter with its amendments, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment of not more than six (6) months in the City or County Jail, or by both such fine and imprisonment. Alternatively, the City of Porterville reserves the right to enforce violations of this code utilizing the Administrative Citation process outlined in Chapter 2, Article 14 of the Porterville City Code. (Ord. 1865, 11-19-2019)

12-1.11: INTERFERENCE WITH OPERATION OR WORK OF FIRE DEPARTMENT 1 :

It shall be unlawful for any person to interfere with any operation or work of the Fire Department of the City of Porterville or any of the members thereof while the same are responding to or operating at the same or any fire or other emergency within the City of Porterville. (Ord. 1865, 11-19-2019)

- C. Ordinance No. 1865 of the Municipal Code of the City of Porterville is hereby repealed.
- D. This Ordinance shall be in full force and in effect on January 1, 2023.

PASSED, APPROVED AND ADOPTED this _____ day of November, 2022.

Martha A. Flores, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

ORDINANCE NO. ~~1865~~ _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING CHAPTER 12, ARTICLE 1 OF THE CODE OF THE CITY OF
PORTERVILLE ADOPTING BY REFERENCE EXCEPT AS OTHERWISE PROVIDED
IN THIS ARTICLE, THE ~~2019~~ 2022 EDITION OF THE CALIFORNIA FIRE CODE
ALONG WITH DESIGNATED APPENDICES, PUBLISHED BY THE INTERNATIONAL
CODE COUNCIL

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS
FOLLOWS:

A. That Chapter 12, Article 1, of the Porterville City Code is hereby amended to read as follows:

12-1.1: CALIFORNIA FIRE CODE ADOPTION:

A. Adoption: There is hereby adopted by the Council of the City of Porterville for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the California Fire Code, published by the International Code Council being particularly the ~~2019~~ 2022 edition thereof together with the following appendices thereto: 4, B, BB, C, CC, D, E, F, G, H, I, J, O, and P to all intents and purposes and to the same effect as if each and every sentence, paragraph, word and clause in said codes mentioned are referred to herein or therein were fully and specifically set forth herein, are hereby adopted and enacted by the Council of the City of Porterville as amended and changed as follows:

B. Fire Code Amendments:

1. Section [A] 103.1 is amended to read as follows:

[A] 103.1 Creation of agency. The BUREAU OF FIRE PREVENTION ~~[INSERT NAME OF DEPARTMENT]~~ is hereby created and the official in charge thereof shall be known as the fire code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

2. Section [A] 105.1.1 is amended to read as follows:

[A] 105.1.1 Permits required. A property owner or owner's authorized agent who intends to conduct an operation or business, or install or modify systems and equipment that are regulated by this code, or to cause any such work to be performed, shall first

make application to the Building Department and obtain the required permit.

3. Section ~~109~~ **111** Means of Appeals is removed and replaced by Porterville City Code Section 12-1.7

4. Section [A] ~~110.4~~ **112.4** is amended to read as follows:

[A] ~~110.4~~ **112.4** Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not exceeding one hundred eighty days (180) or six (6) months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Alternatively, the City of Porterville reserves the right to enforce violations of this code utilizing the Administrative Citation process outlined in Chapter 2, Article 14 of the Porterville City Code.

5. Section **311.1.1** is amended to read as follows:

311.1.1 Abandoned premises. Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered to be abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the **1997 Code for the Abatement of Dangerous Buildings**, as adopted by reference in Section 7-80 of the Porterville City Code, ~~International Property Maintenance Code~~ and the California Building Code.

6. The Exception 1. to Section 603.5.2 is deleted, Exception 2. is amended to read:

2. Current taps and relocatable power taps shall not be required to connect directly to a permanently installed receptacle outlet where used for 90 days or less for the purpose of testing the performance of such devices. This exception shall only apply to research conducted in a proper occupancy, under controlled conditions, in a facility that is protected by an automatic fire sprinkler system.

7. Appendix C, Section C103.1 is amended to read as follows:

C103.1 Hydrant spacing. Fire apparatus access roads and public streets providing required access to buildings in accordance with Section 503 shall be provided with one or more fire hydrants, as determined by Section C102.1. Where more than one fire hydrant is required, the distance between required fire hydrants shall be spaced at no greater than three hundred (300) feet in commercial, multi-family, or mixed use applications and no greater than five hundred (500) feet in single-family residential applications.

8. Appendix CC, Section CC105.1 is amended to read as follows:

CC105.1 The average spacing between fire hydrants shall comply with Section C103.1 as amended. ~~not exceed that listed in Table CC105.1.~~

9. Appendix CC, Section CC105.2 is deleted.

10. The Exception to Section D104.2 of Appendix D is deleted.

11. Appendix D, Section D103.5 is amended to read:

1. Where a single gate is provided, the gate width shall be not less than 20 feet (6096 mm). Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 16 42 feet (4877 mm). ~~(3658 mm).~~

12. The Exception to Section D106.1 of Appendix D is deleted.

13. Appendix D, Section D107.1 is amended to read as follows:

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads. **Developments of one- or two-family dwellings where the number of dwelling units does not exceed 30 may be required to provide two separate and approved fire apparatus access roads.**

14. Exceptions 1 and 2 of section D107.1 of Appendix D are deleted.

15. Chapter 1, Section ~~409~~ **111**; Chapter 36; Appendix A; Appendix K; Appendix L; Appendix M; and Appendix N are deleted.

C. Fire Code Copy On File: One (1) copy has been and now is filed in the Office of the Fire Marshal of the City of Porterville and the same hereby adopted with the amendments herein set forth and incorporated as fully as if at length herein and provisions thereto shall be controlling within the limits of the City of Porterville. (Ord. 1865, 11-19-2019)

12-1.1.1: SEVERABILITY:

If any provision of this article or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this article that can be given effect without the invalid provision of application, and to this end the provisions of this article are severable. (Ord. 1865, 11-19-2019)

12-1.2: BUREAU OF FIRE PREVENTION; ESTABLISHED; SUPERVISION; ENFORCEMENT OF CHAPTER:

The Fire Code adopted by section [12-1.1](#) of this article shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department. (Ord. 1865, 11-19-2019)

12-1.3: BUREAU OF FIRE PREVENTION; FIRE MARSHAL IN CHARGE:

The Fire Marshal, named and appointed by the Chief of the Fire Department, shall be in charge of the Bureau of Fire Prevention. (Ord. 1865, 11-19-2019)

12-1.4: BUREAU OF FIRE PREVENTION; MEANING OF TERM FIRE MARSHAL:

Where the Chief of the Bureau of Fire Prevention is given the title "Fire Marshal" the words "Chief of the Bureau of Fire Prevention" shall be held to mean the Fire Marshal **who is the fire code official.** (Ord. 1865, 11-19-2019)

12-1.5: APPLICABILITY OF COUNTY AIR POLLUTION RULES AND REGULATIONS TO ALL BURNING:

All burning within the City of Porterville shall comply with the rules and regulations of the Air Pollution Control District, County of Tulare, and State of California. (Ord. 1865, 11-19-2019)

12-1.6: STORAGE, OPERATION AND USE OF LIQUEFIED PETROLEUM GASES:

Nothing contained in the referenced edition of the Fire Code shall be construed as to exempt any person, firm or corporation from complying with all applicable regulations and restrictions of the zoning ordinance of the City of Porterville regarding the storage, operation and use of liquefied petroleum gases (LPG). LPG may be used as a second fuel for emergency generators as permitted by the Fire Code. LPG will also be permitted for fueling mobile equipment. (Ord. 1865, 11-19-2019)

12-1.7: APPEALS FROM ADMINISTRATIVE DECISIONS:

Whenever the Chief of the Fire Department or the Fire Marshal shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions or intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not apply, or an equally good or better form of construction is proposed, or that the true intent and meaning of this Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department or the Fire Marshal to the California Office of the State Fire Marshal within thirty (30) days from the date of the decision. The decision of the State Fire Marshal shall be final. (Ord. 1865, 11-19-2019)

12-1.8: OPEN BURNING, RECREATIONAL FIRES, AND PORTABLE OUTDOOR FIREPLACES:

- A. All open burning, recreational fires and portable outdoor fireplaces shall comply with the requirements set forth in the California Fire Code.
- B. Nothing within this article shall be construed as exempting a person from complying with the requirements set forth with San Joaquin Valley Air Pollution Control District.
- C. Landowners must implement best management practices or reasonable alternatives to open burning for controlling and disposing of tumbleweeds on their property as set forth with San Joaquin Air Pollution Control District. A burn permit may be issued for burning tumbleweeds once the district has deemed that the only disposal method for the site is by open burning and the smoke will not affect smoke sensitive areas or contribute to a nuisance.

D. Permits are to be issued by SJVAPCD and permittee must comply with all requirements. Permittee must also notify the City of Porterville Fire Department prior to burning. (Ord. 1865, 11-19-2019)

12-1.9: PERMITS FOR NEW MATERIALS, PROCESSES OR OCCUPANCIES:

The City Manager, Chief of the Fire Department and the Chief of the Bureau of Fire Prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in such Code. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons. (Ord. 1865, 11-19-2019)

12-1.10: VIOLATIONS; PENALTIES:

Any person who shall violate any of the provisions of the Fire Code adopted by section [12-1.1](#) of this article, or its amendments, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the State Fire Marshal or by a court of competent jurisdiction, within the time fixed herein, and any person violating any of the terms and provisions of this chapter with its amendments, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment of not more than six (6) months in the City or County Jail, or by both such fine and imprisonment. Alternatively, the City of Porterville reserves the right to enforce violations of this code utilizing the Administrative Citation process outlined in Chapter 2, Article 14 of the Porterville City Code. (Ord. 1865, 11-19-2019)

12-1.11: INTERFERENCE WITH OPERATION OR WORK OF FIRE DEPARTMENT 1 :

It shall be unlawful for any person to interfere with any operation or work of the Fire Department of the City of Porterville or any of the members thereof while the same are responding to or operating at the same or any fire or other emergency within the City of Porterville. (Ord. 1865, 11-19-2019)

C. Ordinance No. **1865** of the Municipal Code of the City of Porterville is hereby repealed.

D. This Ordinance shall be in full force and in effect on January 1, 2023.

12-1.1: CALIFORNIA FIRE CODE ADOPTION:

A. Adoption: There is hereby adopted by the Council of the City of Porterville for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the California Fire Code, published by the International Code Council being particularly the 2019 edition thereof together with the following appendices thereto: 4, B, BB, C, CC, D, E, F, G, H, I, J and O, to all intents and purposes and to the same effect as if each and every sentence, paragraph, word and clause in said codes mentioned are referred to herein or therein were fully and specifically set forth herein, are hereby adopted and enacted by the Council of the City of Porterville as amended and changed as follows:

B. Fire Code Amendments:

1. Section [A] 105.1 is amended to read as follows:

[A] 105.1.1 Permits required. A property owner or owner's authorized agent who intends to conduct an operation or business, or install or modify systems and equipment that are regulated by this code, or to cause any such work to be performed, shall first make application to the Building Department and obtain the required permit.

2. Section [A] 110.4 is amended to read as follows:

[A] 110.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not exceeding one hundred eighty days (180) or six (6) months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Alternatively, the City of Porterville reserves the right to enforce violations of this code utilizing the Administrative Citation process outlined in Chapter 2, Article 14 of the Porterville City Code.

3. Appendix C, Section C103.1 is amended to read as follows:

C103.1 Hydrant spacing. Fire apparatus access roads and public streets providing required access to buildings in accordance with Section 503 shall be provided with one or more fire hydrants, as determined by Section C102.1. Where more than one fire hydrant is required, the distance between required fire hydrants shall be spaced at no greater than three hundred (300) feet in commercial applications and no greater than five hundred (500) feet in residential applications.

4. Appendix CC, Section CC 105.2 is deleted.

5. The exception to section D104.2 of Appendix D is deleted.

6. The exception to Section D106.1 of Appendix D is deleted.

7. Exceptions 1 and 2 of section D107.1 of Appendix D are deleted.

8. Chapter 1, Section 109; Chapter 36; Appendix A; Appendix K; Appendix L; Appendix M; and Appendix N are deleted.

C. Fire Code Copy On File: One (1) copy has been and now is filed in the Office of the Fire Marshal of the City of Porterville and the same hereby adopted with the amendments herein set

forth and incorporated as fully as if at length herein and provisions thereto shall be controlling within the limits of the City of Porterville. (Ord. 1865, 11-19-2019)

12-1.1.1: SEVERABILITY:

If any provision of this article or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this article that can be given effect without the invalid provision of application, and to this end the provisions of this article are severable. (Ord. 1865, 11-19-2019)

12-1.2: BUREAU OF FIRE PREVENTION; ESTABLISHED; SUPERVISION; ENFORCEMENT OF CHAPTER:

The Fire Code adopted by section [12-1.1](#) of this article shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department. (Ord. 1865, 11-19-2019)

12-1.3: BUREAU OF FIRE PREVENTION; FIRE MARSHAL IN CHARGE:

The Fire Marshal, named and appointed by the Chief of the Fire Department, shall be in charge of the Bureau of Fire Prevention. (Ord. 1865, 11-19-2019)

12-1.4: BUREAU OF FIRE PREVENTION; MEANING OF TERM FIRE MARSHAL:

Where the Chief of the Bureau of Fire Prevention is given the title "Fire Marshal" the words "Chief of the Bureau of Fire Prevention" shall be held to mean the Fire Marshal. (Ord. 1865, 11-19-2019)

12-1.5: APPLICABILITY OF COUNTY AIR POLLUTION RULES AND REGULATIONS TO ALL BURNING:

All burning within the City of Porterville shall comply with the rules and regulations of the Air Pollution Control District, County of Tulare, State of California. (Ord. 1865, 11-19-2019)

12-1.6: STORAGE, OPERATION AND USE OF LIQUEFIED PETROLEUM GASES:

Nothing contained in the referenced edition of the Fire Code shall be construed as to exempt any person, firm or corporation from complying with all applicable regulations and restrictions of the zoning ordinance of the City of Porterville regarding the storage, operation and use of liquefied petroleum gases (LPG). LPG may be used as a second fuel for emergency generators as permitted by the Fire Code. LPG will also be permitted for fueling mobile equipment. (Ord. 1865, 11-19-2019)

12-1.7: APPEALS FROM ADMINISTRATIVE DECISIONS:

Whenever the Chief of the Fire Department or the Fire Marshal shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of this Code do not apply or that the true intent and meaning of this Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department or the Fire Marshal to the California Office of the State Fire Marshal within thirty (30) days from the date of the decision the decision of the State Fire Marshal shall be final. (Ord. 1865, 11-19-2019)

12-1.8: OPEN BURNING, RECREATIONAL FIRES, AND PORTABLE OUTDOOR FIREPLACES:

A. All open burning, recreational fires and portable outdoor fireplaces shall comply with the requirements set forth in the California Fire Code.

B. Nothing within this article shall be construed as exempting a person from complying with the requirements set forth with San Joaquin Valley Air Pollution Control District.

C. Landowners must implement best management practices or reasonable alternatives to open burning for controlling and disposing of tumbleweeds on their property as set forth with San Joaquin Air Pollution Control District. A burn permit may be issued for burning tumbleweeds once the district has deemed that the only disposal method for the site is by open burning and the smoke will not affect smoke sensitive areas or contribute to a nuisance.

D. Permits are to be issued by SJVAPCD and permittee must comply with all requirements. Permittee must also notify the City of Porterville Fire Department prior to burning. (Ord. 1865, 11-19-2019)

12-1.9: PERMITS FOR NEW MATERIALS, PROCESSES OR OCCUPANCIES:

The City Manager, Chief of the Fire Department and the Chief of the Bureau of Fire Prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in such Code. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons. (Ord. 1865, 11-19-2019)

12-1.10: VIOLATIONS; PENALTIES:

Any person who shall violate any of the provisions of the Fire Code adopted by section [12-1.1](#) of this article, or its amendments, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the State Fire Marshal or by a court of competent jurisdiction, within the time fixed herein, and any person violating any of the terms and provisions of this chapter with its amendments, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment of not more than six (6) months in the City or County Jail, or by both such fine and imprisonment. Alternatively, the City of Porterville reserves the right to enforce violations of this code utilizing the Administrative Citation process outlined in Chapter 2, Article 14 of the Porterville City Code. (Ord. 1865, 11-19-2019)

12-1.11: INTERFERENCE WITH OPERATION OR WORK OF FIRE DEPARTMENT 1 :

It shall be unlawful for any person to interfere with any operation or work of the Fire Department of the City of Porterville or any of the members thereof while the same are responding to or operating at the same or any fire or other emergency within the City of Porterville. (Ord. 1865, 11-19-2019)



CITY COUNCIL AGENDA – NOVEMBER 1, 2022

SUBJECT: Ordinance Amending the Porterville Municipal Code Concerning Code Enforcement Functions and Fire Department Personnel

SOURCE: Fire

COMMENT: Staff desires to use the opportunity of the Fire Code adoption cycle as a time to review and recommend changes and updates to other related sections of the Porterville Municipal Code in order to mirror current California Codes, eliminate redundant language and update ordinances to alleviate ambiguity and reflect current practices. The Ordinance, if adopted by the Council, would amend Chapters 2, 12, and 17 of the Porterville Municipal Code as it pertains to the Fire Department to match and reflect current State standards and local practices.

RECOMMENDATION: That the City Council:

1. Conduct a Public Hearing to receive public testimony;
2. Approve the draft Ordinance and give first reading by title only; and
3. Waive further reading and order the Ordinance to print.

ATTACHMENTS:

1. Current Municipal Code Chapters 2, 12, and 17
2. Draft Ordinance (Redline)
3. Draft Ordinance

Appropriated/Funded:

Review By:

Department Director:
Bryan Cogburn, Deputy Fire Chief

Final Approver: John Lollis, City Manager

2-26.1: APPOINTMENT; JURISDICTION:

A duly appointed employee of the prevention division of the fire department, the code enforcement officer shall be authorized to perform the enforcement duties identified in this article and as otherwise defined in this code. The code enforcement officer will work closely with members of other departments, including public works, community development, parks and leisure services, finance, and police. The code enforcement officer shall be under the supervision of the fire chief. (Ord. 1720 § 2, 5-1-2007)

2-26.2: DUTIES:

The duties of the code enforcement officer shall include, but are not limited to, issues involving property maintenance by abating hazardous conditions which threaten the life, health, safety and welfare of the public. (Ord. 1720 § 2, 5-1-2007)

2-26.3: ENFORCEMENT:

The code enforcement officer shall enforce the provisions of all applicable state and city codes including, but not limited to, this code, the California Health and Safety Code, uniform fire code, uniform building code, uniform housing code and uniform code for the abatement of dangerous buildings, as said codes may from time to time be amended. (Ord. 1720 § 2, 5-1-2007)

2-26.4: COMPLIANCE:

The code enforcement officer shall work with property owners/residents to obtain voluntary compliance. However, the code enforcement officer shall also have authority to issue citations and pursue other legal remedies as necessary and as authorized by local or state law. (Ord. 1720 § 2, 5-1-2007)

12-3.4: NUISANCE; AUTHORITY TO ABATE:

A. Each of the following conditions is declared to constitute a public nuisance, and whenever an enforcement officer shall determine that any of the conditions exist upon any premises, he/she may require or provide for the abatement thereof pursuant to this article and make the costs of abatement a lien on the subject real property:

1. The existence of weeds on the premises, or public sidewalks, curbs and gutters, streets or alleys in front of, adjacent to or behind said premises;
2. The existence of any accumulation of wastepaper, hay, grass, straw, weeds, litter, debris or combustible trash upon any roof or in any building, entranceway, court, yard, vacant lot or open space; or of any weeds, grass, vines or other growth, when the same endangers property or is liable to be fired;
3. The existence of any garbage or rubbish upon the premises contrary to the provisions of section [13-4](#) of this code;
4. The existence of any vines or climbing plants growing into or over any street, tree or any public hydrant, pole or electroliner; or the existence of any shrub, plant or vine growing on, around or in front of any hydrant, alarm box, standpipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes, in such a way as to obscure the view thereof or impair the access thereto by the fire department;
5. The existence of an excessive amount of tires on property that does not conform with commercial use as set by the zoning ordinance of the city of Porterville;

6. Any other condition or use of property which is in fact a fire hazard or which results or can result in the impairment of the ability of the fire department to respond to and suppress fires.

B. The occupant or tenant, or in the absence of the occupant or a tenant, the owner, lessee or proprietor of any real property in the city, shall be responsible for the removal or destruction of all such weeds and other debris as set forth in this section from his property and from the abutting half of any street or alley between lot lines as extended.

C. The enforcement officer and/or his/her authorized representatives shall have the authority to determine the amount and types of weeds and other debris which constitute a nuisance pursuant to this section and must therefore be abated. The decision of said enforcement officer shall be final. (Ord. 1568, 1-19-1999)

17-17.9: REQUEST FOR HEARING:

Upon request by the owner of the vehicle or owner of the land received by the city manager within ten (10) days after the mailing of the notice of intention to abate and remove, a public hearing shall be held by the city council on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or parts thereof against the property on which it is located.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such ten (10) day period, said statement shall be construed as a request for a hearing which does not require his presence. Notice of the hearing shall be mailed, by registered mail, at least ten (10) days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within ten (10) days after mailing of the notice of intention to abate and remove, the city shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing. (Ord. 1162 § 1, 12-5-1978)

17-17.10: PROCEDURE FOR HEARING:

All hearings under this article shall be held before the chief of police, who shall hear all facts and testimony he deems pertinent. Said facts and testimony may include testimony on the condition of the vehicle or parts thereof and the circumstances concerning its location on the private property or public property.

The chief of police shall not be limited by the technical rules of evidence. The owner of the land may appear in person at the hearing, or present a sworn written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial.

The chief of police may impose such conditions and take such action as he deems appropriate under the circumstances to carry out the purpose of this article. He may delay the time for the removal of the vehicle or parts thereof if, in his opinion, the circumstances justify it. At the conclusion of the hearing, the chief of police may find that a vehicle or parts thereof has been abandoned, wrecked, dismantled or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided and determine the administrative costs and the cost of removal to be charged against the owner of the land. The order requiring removal shall include a description of the vehicle or parts thereof and the correct identification number of the vehicle, if available at the site.

If it is determined at the hearing that the vehicle was placed on the land without the consent of the owner of the land and that he has not subsequently acquiesced in its presence, the chief of police shall not assess the cost of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such owner of the land.

If the owner of the land submits a sworn statement denying responsibility for the presence of the vehicle on his land but does not appear, or if an interested party makes a written presentation to the chief of police but does not appear, he shall be notified in writing of the decision. (Ord. 1162 § 1, 12-5-1978; Ord. 1167 § 3, 2-20-1979)

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING CHAPTERS 2, 12, and 17 OF THE CODE OF THE CITY OF
PORTERVILLE**

**THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS
FOLLOWS:**

A. That Chapter 2, Article 4, of the Porterville City Code is hereby amended to read as follows:

2-26.1: APPOINTMENT; JURISDICTION:

A duly appointed employee of the prevention division of the fire department, as defined in Section 829.5 of the California Penal Code, the code enforcement officer shall be authorized to perform the enforcement duties identified in this article and as otherwise defined in this code. The code enforcement officer will work closely with members of other departments, including public works, community development, parks and leisure services, finance, and police. The code enforcement officer will work closely with other local, state, or federal agencies as needed. The code enforcement officer shall be under the supervision of the fire chief, or his or her designee. (Ord. 1720 § 2, 5-1-2007)

2-26.2: DUTIES:

The duties of the code enforcement officer shall include, but are not limited to, issues involving property maintenance by abating hazardous conditions which threaten the life, health, safety and welfare of the public. Duties include enforcement of any law, ordinance, statute, rule, regulation, or standard, and who is authorized to issue citations, or file formal complaints. (Ord. 1720 § 2, 5-1-2007)

2-26.3: ENFORCEMENT:

The code enforcement officer shall enforce the provisions of all applicable state and city codes including, but not limited to, this code, the California Health and Safety Code, business and professions code, labor code, uniform fire code, uniform building code, uniform housing code and uniform code for the abatement of dangerous buildings, as said codes may from time to time be amended. (Ord. 1720 § 2, 5-1-2007)

2-26.4: COMPLIANCE:

The code enforcement officer shall make reasonable attempts to work with property owners/residents to obtain voluntary compliance. However, the code enforcement officer shall also have authority to issue citations and pursue other legal remedies as necessary and as authorized by local or state law. (Ord. 1720 § 2, 5-1-2007)

B. That Chapter 12, Article 3, of the Porterville City Code is hereby amended to read as follows:

12-3.4: NUISANCE; AUTHORITY TO ABATE:

A. Each of the following conditions is declared to constitute a public nuisance, and whenever an enforcement officer shall determine that any of the conditions exist upon any premises,

he/she may require or provide for the abatement thereof pursuant to this article and make the costs of abatement a lien on the subject real property:

1. The existence of weeds on the premises, or public sidewalks, curbs and gutters, streets or alleys in front of, adjacent to or behind said premises;

2. The existence of any accumulation of wastepaper, hay, grass, straw, weeds, litter, debris or combustible trash upon any roof or in any building, entranceway, court, yard, vacant lot or open space; or of any weeds, grass, vines or other growth, when the same endangers property or is liable to be fired;

3. The existence of any garbage or rubbish upon the premises contrary to the provisions of section [13-4](#) of this code;

4. The existence of any vines or climbing plants growing into or over any street, tree or any public hydrant, pole or electrolier; or the existence of any shrub, plant or vine growing on, around or in front of any hydrant, alarm box, standpipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes, in such a way as to obscure the view thereof or impair the access thereto by the fire department;

5. The existence of an excessive amount of tires on property that does not conform with commercial use as set by the zoning ordinance of the city of Porterville;

6. Any dead, or dying, trees, shrubs, plants and any dead palm fronds;

7. A vacant structure that is not secured against unauthorized entry shall be deemed unsafe;

8. Any other condition or use of property which is in fact a fire hazard or which results or can result in the impairment of the ability of the fire department to respond to and suppress fires.

B. The occupant or tenant, or in the absence of the occupant or a tenant, the owner, lessee or proprietor of any real property in the city, shall be responsible for the removal or destruction of all such weeds and other debris as set forth in this section from his property and from the abutting half of any street or alley between lot lines as extended.

C. The enforcement officer and/or his/her authorized representatives shall have the authority to determine the amount and types of weeds and other debris which constitute a nuisance pursuant to this section and must therefore be abated. The decision of said enforcement officer shall be final. (Ord. 1568, 1-19-1999)

C. That Chapter 17, Article 17, of the Porterville City Code is hereby amended to read as follows:

17-17.9: REQUEST FOR HEARING:

Upon request by the owner of the vehicle or owner of the land received by the city manager within ten (10) days after the mailing of the notice of intention to abate and remove, a public hearing shall be held by the city council on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or parts thereof against the property on which it is located. Pursuant to Section 22661(c) of the California Vehicle Code, the Council of the City of Porterville has designated the Chief of Police, the Fire Chief, or their designee, to preside over the requested public hearing.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such ten (10) day period, said statement shall be construed as a request for a hearing which does not require his presence. Notice of the hearing shall be mailed, by registered mail, at least ten (10) days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within ten (10) days after mailing of the notice of intention to abate and remove, the city shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing. (Ord. 1162 § 1, 12-5-1978)

17-17.10: PROCEDURE FOR HEARING:

All hearings under this article shall be held before the chief of police, fire chief, or their respective designee, who shall hear all facts and testimony he deems pertinent. Said facts and testimony may include testimony on the condition of the vehicle or parts thereof and the circumstances concerning its location on the private property or public property.

The chief of police and fire chief shall not be limited by the technical rules of evidence. The owner of the land may appear in person at the hearing, or present a sworn written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial.

The chief of police or fire chief may impose such conditions and take such action as they he deems appropriate under the circumstances to carry out the purpose of this article. They He may delay the time for the removal of the vehicle or parts thereof if, in their his opinion, the circumstances justify it. At the conclusion of the hearing, the chief of police or fire chief may find that a vehicle or parts thereof has been abandoned, wrecked, dismantled or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided and determine the administrative costs and the cost of removal to be charged against the owner of the land. The order requiring removal shall include a description of the vehicle or parts thereof and the correct identification number of the vehicle, if available at the site.

If it is determined at the hearing that the vehicle was placed on the land without the consent of the owner of the land and that he has not subsequently acquiesced in its presence, the chief of police or fire chief shall not assess the cost of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such owner of the land.

If the owner of the land submits a sworn statement denying responsibility for the presence of the vehicle on his land but does not appear, or if an interested party makes a written presentation to the chief of police but does not appear, he shall be notified in writing of the decision. (Ord. 1162 § 1, 12-5-1978; Ord. 1167 § 3, 2-20-1979)

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING CHAPTERS 2, 12, and 17
OF THE PORTERVILLE MUNICIPAL CODE**

WHEREAS, the Porterville Municipal Code requires periodic review and updates; and

WHEREAS, The City of Porterville ("City") has recognized changes to State Codes; and

WHEREAS, City staff performs a review of the Building and Fire codes for adoption every three years, which allows for a time to review other related ordinances; and

WHEREAS, the City has added duties, to the Code Enforcement Division of the Fire Prevention Bureau; and

WHEREAS, the City desires to update the Porterville Municipal Code to alleviate ambiguity and reflect current practices; and

WHEREAS, a public hearing was held before the City Council on November 1, 2022 pursuant to the Municipal Code of the City.

A. That Chapter 2, Article 4, of the Porterville Municipal Code is hereby amended to read as follows:

2-26.1: APPOINTMENT; JURISDICTION:

A duly appointed employee of the prevention division of the fire department, as defined in Section 829.5 of the California Penal Code, the code enforcement officer shall be authorized to perform the enforcement duties identified in this article and as otherwise defined in this code. The code enforcement officer will work closely with members of other departments, including public works, community development, parks and leisure services, finance, and police. The code enforcement officer will work closely with other local, state, or federal agencies as needed. The code enforcement officer shall be under the supervision of the fire chief, or his or her designee. (Ord. 1720 § 2, 5-1-2007)

2-26.2: DUTIES:

The duties of the code enforcement officer shall include, but are not limited to, issues involving property maintenance by abating hazardous conditions which threaten the life, health, safety and welfare of the public. Duties include enforcement of any statute, rule, regulation, or standard, and who is authorized to issue citations, or file formal complaints. (Ord. 1720 § 2, 5-1-2007)

2-26.3: ENFORCEMENT:

The code enforcement officer shall enforce the provisions of all applicable state and city codes including, but not limited to, this code, the California Health and Safety Code, business and professions code, labor code, uniform fire code,

uniform building code, uniform housing code and uniform code for the abatement of dangerous buildings, as said codes may from time to time be amended. (Ord. 1720 § 2, 5-1-2007)

2-26.4: COMPLIANCE:

The code enforcement officer shall make reasonable attempts to work with property owners/residents to obtain voluntary compliance. However, the code enforcement officer shall also have authority to issue citations and pursue other legal remedies as necessary and as authorized by local or state law. (Ord. 1720 § 2, 5-1-2007)

B. That Chapter 12, Article 3, of the Porterville Municipal Code is hereby amended to read as follows:

12-3.4: NUISANCE; AUTHORITY TO ABATE:

A. Each of the following conditions is declared to constitute a public nuisance, and whenever an enforcement officer shall determine that any of the conditions exist upon any premises, he/she may require or provide for the abatement thereof pursuant to this article and make the costs of abatement a lien on the subject real property:

1. The existence of weeds on the premises, or public sidewalks, curbs and gutters, streets or alleys in front of, adjacent to or behind said premises;
2. The existence of any accumulation of wastepaper, hay, grass, straw, weeds, litter, debris or combustible trash upon any roof or in any building, entranceway, court, yard, vacant lot or open space; or of any weeds, grass, vines or other growth, when the same endangers property or is liable to be fired;
3. The existence of any garbage or rubbish upon the premises contrary to the provisions of section [13-4](#) of this code;
4. The existence of any vines or climbing plants growing into or over any street, tree or any public hydrant, pole or electrifier; or the existence of any shrub, plant or vine growing on, around or in front of any hydrant, alarm box, standpipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes, in such a way as to obscure the view thereof or impair the access thereto by the fire department;
5. The existence of an excessive amount of tires on property that does not conform with commercial use as set by the zoning ordinance of the city of Porterville;
6. Any dead, or dying, trees, shrubs, plants and any dead palm fronds;
7. A vacant structure that is not secured against unauthorized entry shall be deemed unsafe;

8. Any other condition or use of property which is in fact a fire hazard or which results or can result in the impairment of the ability of the fire department to respond to and suppress fires.

B. The occupant or tenant, or in the absence of the occupant or a tenant, the owner, lessee or proprietor of any real property in the city, shall be responsible for the removal or destruction of all such weeds and other debris as set forth in this section from his property and from the abutting half of any street or alley between lot lines as extended.

C. The enforcement officer and/or his/her authorized representatives shall have the authority to determine the amount and types of weeds and other debris which constitute a nuisance pursuant to this section and must therefore be abated. The decision of said enforcement officer shall be final. (Ord. 1568, 1-19-1999)

C. That Chapter 17, Article 17, of the Porterville Municipal Code is hereby amended to read as follows:

17-17.9: REQUEST FOR HEARING:

Upon request by the owner of the vehicle or owner of the land received by the city manager within ten (10) days after the mailing of the notice of intention to abate and remove, a public hearing shall be held by the city council on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or parts thereof against the property on which it is located.

Pursuant to Section 22661(c) of the California Vehicle Code, the Council of the City of Porterville has designated the Chief of Police, the Fire Chief, or their designee, to preside over the requested public hearing.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such ten (10) day period, said statement shall be construed as a request for a hearing which does not require his presence. Notice of the hearing shall be mailed, by registered mail, at least ten (10) days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within ten (10) days after mailing of the notice of intention to abate and remove, the city shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing. (Ord. 1162 § 1, 12-5-1978)

17-17.10: PROCEDURE FOR HEARING:

All hearings under this article shall be held before the chief of police, fire chief, or their respective designee, who shall hear all facts and testimony he deems pertinent. Said facts and testimony may include testimony on

the condition of the vehicle or parts thereof and the circumstances concerning its location on the private property or public property.

The chief of police and fire chief shall not be limited by the technical rules of evidence. The owner of the land may appear in person at the hearing, or present a sworn written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial.

The chief of police or fire chief may impose such conditions and take such action as they he deems appropriate under the circumstances to carry out the purpose of this article. They may delay the time for the removal of the vehicle or parts thereof if, in their opinion, the circumstances justify it. At the conclusion of the hearing, the chief of police or fire chief may find that a vehicle or parts thereof has been abandoned, wrecked, dismantled or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided and determine the administrative costs and the cost of removal to be charged against the owner of the land. The order requiring removal shall include a description of the vehicle or parts thereof and the correct identification number of the vehicle, if available at the site.

If it is determined at the hearing that the vehicle was placed on the land without the consent of the owner of the land and that he has not subsequently acquiesced in its presence, the chief of police or fire chief shall not assess the cost of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such owner of the land.

If the owner of the land submits a sworn statement denying responsibility for the presence of the vehicle on his land but does not appear, or if an interested party makes a written presentation to the chief of police but does not appear, he shall be notified in writing of the decision. (Ord. 1162 § 1, 12-5-1978; Ord. 1167 § 3, 2-20-1979)

PASSED, APPROVED AND ADOPTED this _____ day of November, 2022.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – NOVEMBER 1, 2022

SUBJECT: Review of Cannabis Operating Permit Application Scores

SOURCE: City Attorney

COMMENT: Subsequent to the initial application process for the authorized retail cannabis dispensaries in Porterville, the City Council authorized an additional permit process for a “wholly locally owned” retail dispensary for applicants who lived and/or owned a business in the Porterville area and met the conditions and criteria set forth in the approved Request for Proposals. In accordance with those procedures established by Council via recommendations received from the Cannabis Ad Hoc Committee, review and analysis of the proposals is now complete.

As authorized by the Council, its third-party reviewers, two neutral retired municipal administrators familiar with the Porterville area, independently reviewed the proposals on the basis of set criteria, including the applicants' business operations plans and statements of qualifications; resources, including financial resources, committed to implement their respective proposals; summaries of security practices; local ownership/connection to the community; and proposed schedules. Their independent scores were averaged to create a composite score for each applicant.

At its Special Meeting on October 24, 2022, the Council conducted interviews of the applicants for the one available Cannabis Business Operating Permit. The Council determined that it would conduct these interviews without any knowledge as to how each applicant had been scored by the third-party reviewers. The order of interviews was chosen via lottery, and the applicants interviewed in the following order: 1) Bloom Farms, 2) Uncle Green, and 3) Main Street Apothecary. Applicants conducted a fifteen (15) minute narrated presentation, with some additional follow-up questions fielded from the City Council, and then a more formal fifteen (15) minute question and answer period.

The City Council authorized the awarding by each member of up to ten (10) points to each applicant for their interview presentation and answers, with a maximum of fifty (50) points available to award each applicant. Vice Mayor Carrillo was absent from the meeting; therefore a total of forty (40) points was available to be awarded to each applicant via the interview process. Each member of Council provided their individual scores to the City Attorney via email at the conclusion of the interviews no later than one half-hour after the end of the meeting. The following is the breakdown and overall scores:

BLOOM FARMS

Reviewer Composite:	43.5
Martha Flores:	10
Milt Stowe:	9
Lawana Tate:	8
Don Weyhrauch:	<u>2</u>
Total:	72.5

UNCLE GREEN

Reviewer Composite:	41.5
Martha Flores:	10
Milt Stowe:	7
Lawana Tate:	10
Don Weyhrauch:	<u>1</u>
Total:	69.5

MAIN STREET APOTHECARY

Reviewer Composite:	37.5
Martha Flores:	10
Milt Stowe:	8
Lawana Tate:	10
Don Weyhrauch:	<u>4</u>
Total:	69.5

The highest overall score is Bloom Farms with a score of 72.5.

RECOMMENDATION: Based on the results of the overall scoring procedure established by the City Council, staff recommends that the Council direct staff to begin negotiations of a Development Agreement with Bloom Farms, or provide further direction as determined.

ATTACHMENTS: 1. Bloom Farms Presentation

Appropriated/Funded:

Review By:

Department Director:
Julia Lew, City Attorney

Final Approver: John Lollis, City Manager

Local Ownership

- ★ **Local owners structure**
 - Darin Garrett
 - Maria Marrero
- ★ **Primary qualities**
 - Born & live in Porterville
 - Community leaders
 - Honest & reliable
- ★ **Local & non-local representatives**
 - George Boyadjian
 - Levi Garrett

What sets us apart

- ★ Local philanthropy the past 35 years.
- ★ 3rd generation local business ownership for 100 years
- ★ 20 years law enforcement background
- ★ 15 years of extensive cannabis business experience
- ★ Local Social Equity pioneers
- ★ Landmark location, First National Bank
- ★ Substance abuse education experts



Darrin Garrett
Founder, CEO

Darrin and the Garrett family have been involved in local philanthropy as well as local business ownership providing employment and improving the local community in Porterville for the past 100 years.

Start up costs

Bloom Farms DISPENSARY STARTUP CAPITAL REQUIREMENTS		
Organizational Costs		
Legal	Entity creation, assistance in startup, regulatory	\$25,000
Consultants and Other Advisors	Accounting, Legal, Advisory & Design	\$15,000
Permits and Licenses	Application costs	\$8,500
Building Permits	CUP	\$25,000
Site design		\$3,500
Rent	@\$12,000 per month	\$240,000
Total Equipment/Construction/remodeling		\$150,000.00
Inventory		\$125,000
Cash on Hand		\$150,000
Total Required Funds		\$742,000

3 year financial pro-forma

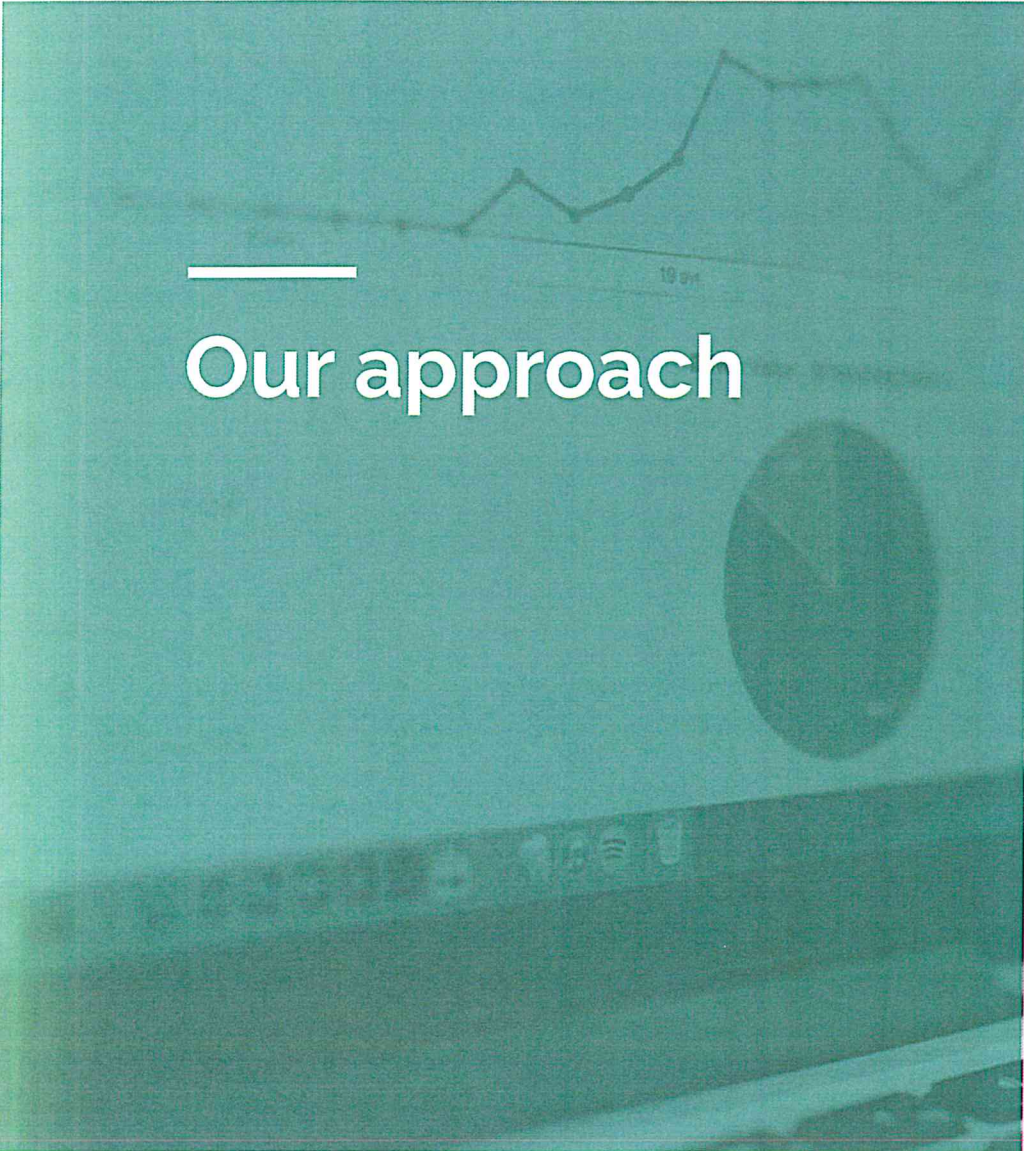


Income Statement	Year One	%	Year Two	%	Year Three	%
INCOME	\$3,100,721		\$8,846,719		\$25,240,723	
COST OF GOODS SOLD						
Cannabis	\$620,144	20%	\$1,769,344	20%	\$5,048,145	20%
Electricity	\$2,400	0%	\$6,000	0%	\$9,000	0%
Water	\$1,200	0%	\$1,800	0%	\$2,100	0%
Total COGS	\$623,744	20%	\$1,777,144	20%	\$5,059,245	20%
GROSS MARGIN	\$2,476,977	80%	\$7,069,575	80%	\$20,181,478	80%
OPERATING COSTS						
General And Administrative	\$101,584	3%	\$201,642	2%	\$298,035	1%
Insurance	\$81,952	3%	\$133,228	2%	\$157,171	1%
Professional Fees	\$14,000	0%	\$90,000	1%	\$126,000	0%
Employee Compensation	\$398,768	13%	\$594,820	7%	\$710,184	3%
Charitable Contributions	\$0	0%	\$13,021	0%	\$47,379	0%
Total Operating Costs	\$596,304	19%	\$1,032,711	12%	\$1,338,769	5%
EBITDA	\$1,880,673	61%	\$6,036,865	68%	\$18,842,709	75%
Interest Expenses	\$0	0%	\$100,000	1%	\$50,000	0%
Depreciation and Amortization	\$27,390	1%	\$27,390	0%	\$27,390	0%
GROSS PROFIT	\$1,853,283	60%	\$5,909,475	67%	\$18,765,319	74%
Taxes	\$1,202,239	39%	\$3,540,527	40%	\$10,398,909	41%
NET INCOME	\$651,044	21%	\$2,368,948	27%	\$8,366,411	33%

Cashflow

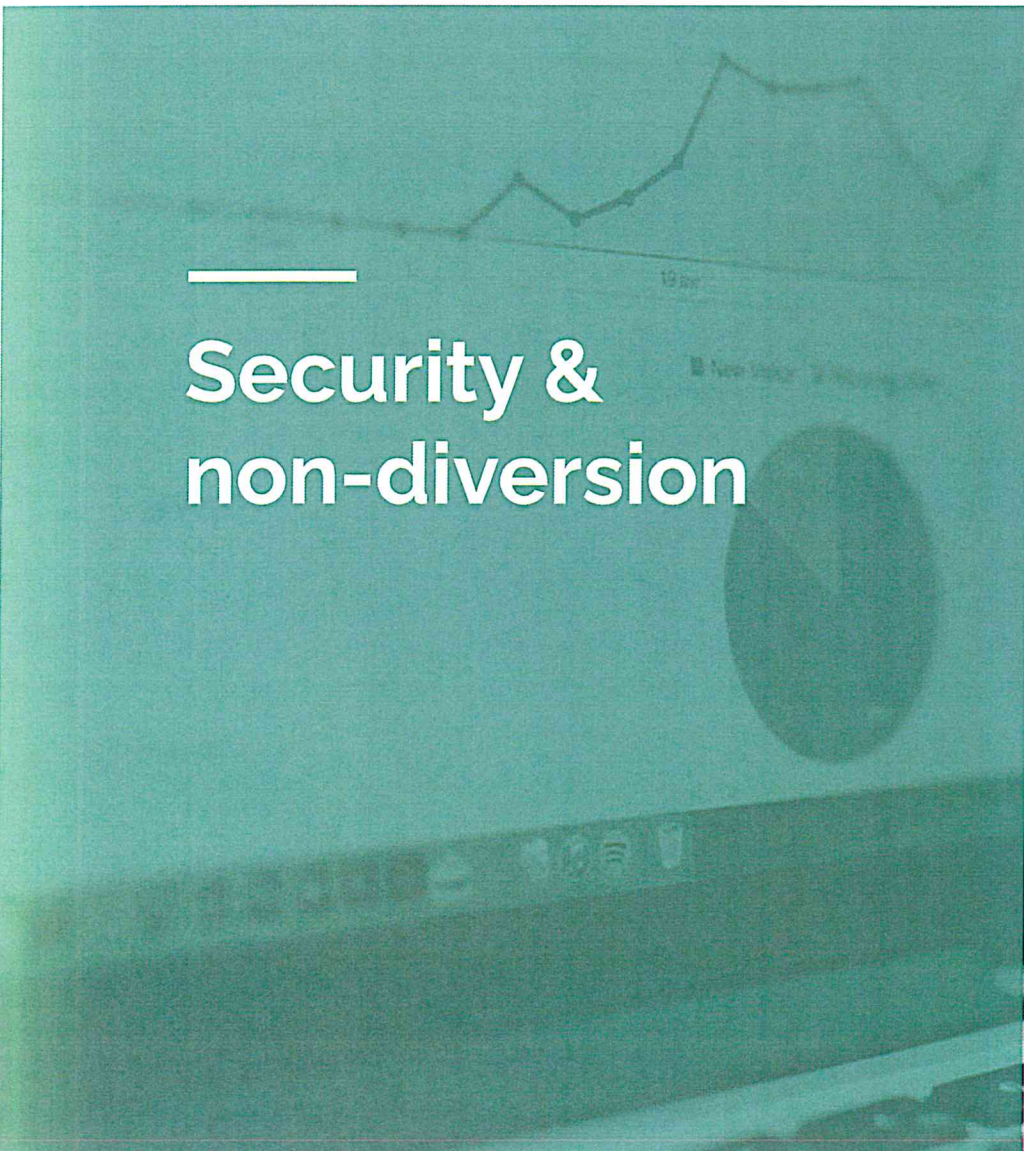
Investment Capital and Debt	Year One	Year Two	Year Three
Founder's Notes	\$100,000	\$0	\$0
Note Holders	\$250,000	\$0	\$0
Net Income (Loss)	\$651,044	\$2,368,948	\$8,366,411
Total Inflows	\$1,001,044	\$2,368,948	\$8,366,411
Fixed Asset Purchases	\$275,000	\$0	\$0
Startup Costs	\$317,000	\$0	\$0
Note Redemptions	\$0	\$100,000	\$312,500
Total Outflows	\$592,000	\$100,000	\$312,500
Net Cash on Hand	\$409,044	\$2,677,992	\$10,731,903

Income Statement	Year One	Year Two	Year Three
INCOME	\$3,100,721	\$8,846,719	\$25,240,723
COST OF GOODS SOLD	\$623,744	\$1,777,144	\$5,059,245
GROSS MARGIN	\$2,476,977	\$7,069,575	\$20,181,478
OPERATING COSTS	\$596,304	\$1,032,711	\$1,338,769
EBITDA	\$1,880,673	\$6,036,865	\$18,842,709
GROSS PROFIT	\$1,853,283	\$5,909,475	\$18,765,319
Taxes	\$1,202,239	\$3,540,527	\$10,398,909
NET INCOME	\$651,044	\$2,368,948	\$8,366,411
Net Cash on Hand	\$387,850	\$1,690,781	\$7,108,593

The background of the slide is a teal-tinted image of a computer monitor. On the screen, there is a line graph with a fluctuating line and a horizontal trend line labeled "10 pct". Below the graph is a pie chart with several segments. At the bottom of the screen, a portion of a keyboard is visible.

Our approach

- Secure brick building
- Open floor plan
- Local employment
- Local events & Community engagement
- Drug abuse education
- Social equity

The background of the slide is a teal-tinted image of a computer monitor. The monitor displays a line graph with a fluctuating line and a horizontal trend line. Below the graph, there is a circular gauge or clock face. The overall image is slightly blurred and has a monochromatic teal color scheme.

Security & non-diversion

- Ability to follow standard security protocols
- Adapt to new technology and procedure changes
- Maintain an understanding of and follow HIPAA regulations.
- Maintain an understanding of and follow State program regulations
- Code of Conduct and ethical Standards

A horizontal bar with a teal segment on the left and an orange segment on the right.

Understanding of City's community benefits objectives

Since we have already been local philanthropists, working for the betterment of our community, our community benefits revolve around Porterville community objectives.

Bloom will donate 1.5% to City of Porterville Benefit community programs.

We will work closely with chamber of commerce and community leaders to drive community engagement and local business assistance.

A horizontal bar with a teal left half and an orange right half.

Bloom's community benefits objectives

Intended on identifying and prioritizing community needs, the "Community Blooms initiative" will specifically be developed and implemented to work cohesively with the City and its council members with the purpose of affording the City of Porterville with a community benefits program.

Community Blooms initiative desires to present an enhanced economic environment for the City of Porterville.

Additionally, the proposed retail facility will generate substantial tax benefits for the City of Porterville. BFI will generate approximately \$70,000 per year in tax revenue for the City from our facility.

Bloom's community benefits objectives

- ★ Community Involvement, Outreach, Workshops
- ★ Military Veteran Programs
- ★ Future Programs. establishment or furtherment of support groups for people suffering from cancer, domestic violence, child abuse, elder abuse
- ★ Consumer education events



CITY COUNCIL AGENDA – NOVEMBER 1, 2022

SUBJECT: Consideration of Appointment to the Arts Commission

SOURCE: Administrative Services

COMMENT: The City's Arts Commission currently has a vacancy with a term to expire in July 2023 due to the recent resignation of Commissioner Eden Santos. Additionally, the Commission's youth member seat is also now vacant.

Staff is in receipt of one Request for Appointment from Dawn Bennett, which is attached hereto for the City Council's consideration. Staff will continue to advertise the youth member seat and solicit applications until said seat is filled.

Pursuant to Ordinance No. 1841, the Arts Commission is comprised of five (5) members, plus one (1) student/youth member, and represents four areas of arts: 1) theatrical/performing arts; 2) visual/graphic; 3) music; and (4) youth.

RECOMMENDATION: That the City Council consider the appointment of Dawn Bennett to the City's Arts Commission.

ATTACHMENTS:

1. Request for Appointment: Dawn Bennett
2. Eden Santos Letter of Resignation

Appropriated/Funded:

Review By:

Department Director:
Patrice Hildreth, Deputy City Manager

Final Approver: John Lollis, City Manager



CITY OF PORTERVILLE REQUEST FOR APPOINTMENT



Please complete all blanks.

Name: Dawn Bennett

(Please Print)

Appointment to: Arts Commission

(Name of Board, Commission, or Committee)

RECEIVED

OCT 24 2022

CITY OF PORTERVILLE
CITY CLERK OFFICE

☐ Reappointment; or IF NEW, Please provide:

Street Address:

Porterville, CA 93257

Mailing Address:

Same as above

Name of Business:

Confectionery Diva

☐ Own

☐ Operate

Business Address:

Same as above

Telephone: Home

Work

FAX

E-mail

City of Porterville resident:

☒ Yes
☐ No

Registered Voter:

☒ Yes
☐ No

Qualifications: (It is recommended that a resume or letter accompany this form.)

Throughout my school years, I participated in chorus, band and theater.

Additionally, I was a member of Acadia Choral Society in Ellsworth, Maine.

I served on the board for Acadia Choral Society as the Promotion Coordinator.

Please tell us why you are interested in this position.

The fine arts have always been near and dear to me. I believe it's pivotal in the growth, development and education of our youth. It fosters creativity and imagination, as well as building confidence. Keeping the arts alive in our community is essential to preserving art history and creating experiential opportunities that expand knowledge.

☒ Resume attached ☐ Letter of request attached

Submitted By: Dawn M. Bennett

October 19, 2022

Date

Received by: _____

Forwarded to: City Clerk ☐ Date: _____
City Council ☐ Date: _____
Staff Liaison ☐ Date: _____

Tentative Council Mtg Date: _____

Dawn M Bennett

EXPERIENCE

4/17-Present Confectionery Diva Porterville, CA/Orland, ME

Owner/Operator of Confectionery Diva, a Wedding/Celebration Bakery/Cakery

Custom cake/dessert design, cake artist, wedding baker/caker

9/08-Present *Permanently Disabled*

6/07– 9/08 Medical Partners Surgery Center Jacksonville, FL

Staff RN – Pre-Op/Recovery & Education Coordinator

- Pre-op – Care and education of pre-op patients, including point-of-care testing, IV's starts, medication administration, etc.
- Recovery – Phase I & II for all ambulatory surgery patients, including orthopaedic, pain management, gynecology, ophthalmology, ENT, general surgery, etc.
- Education – Research, preparation and facilitation of annual corporate education requirements

1/07– 6/07 Plaza Surgery Center Jacksonville, FL

Staff RN – Pre-OP/Recovery

- Pre-op – Care and education of pre-op patients, including point-of-care testing, IV's starts, medication administration, etc.
- Recovery – Phase I & II for all ambulatory surgery patients, including orthopaedic, pain management, gynecology, ophthalmology, ENT, general surgery, etc.

6/05–12/06 Pullman Regional Hosp Pullman, WA

Staff RN – Same Day Services/PACU

- Same Day Surgery – pre & post-op care, education, computer documentation, pre-op appointments
- Outpatient Services - Infusions, dressing changes, injections, accessing central lines/port-a-caths for blood draws, therapeutic phlebotomy
- PACU (Recovery Room) – Phase I recovery for all surgical patients including: ortho, minor neuro, urology, ob/gyn, ENT, general surgical, cataracts (no vents or ICU level patients)

10/01–5/05 See companies below Nationwide

Traveling Nurse – NICU (level III & IV)

- RN Network – 10/01-12/01, 04/02-09/03, 02/05-05/05
- Medical Express – 01/02-04/02, 11/04-02/05
- Cross Country TravCorp – 09/03-10/04

01/00–09/01 Thomas Jefferson University Hospital Philadelphia, PA

Staff Nurse – NICU (level III w/ECMO)

- Assessment and care of the neonate (see skills below)
- Pre & Post-Operative care of the neonate
- Parent/Family Education

02/94-12/97 ZC Sterling Jacksonville, FL

Data Entry Operator

Entry of mortgage company homeowners insurance policies, cancellations, reinstatements and premium notices.

Porterville, CA 93257

Dawn M Bennett

EXPERIENCE (cont.)

06/92-02-94 *William H. Coleman, Inc.* Jacksonville, FL

Communications/Administrative Assistant

Data entry, word-processing, answered multi-line international calls, operated mass faxing center, assisted with shipping department and set up/maintained automated phone system.

EDUCATION

01/98-12/99 *Florida State University* Tallahassee, FL

Bachelor of Science in Nursing

- Class co-secretary

01/95-12/97 *Florida Community College* Jacksonville, FL

- Pre-requisites for nursing curriculum

05/91-12/91 *West Virginia Business College* Clarksboro, WV

Diploma in Business Management

1986-1988 *D.U. Fletcher High School* Neptune Beach, FL

High School Diploma

SKILLS

Critical thinking skills, superb listening/personal communication skills, knowledge/experience conducting meetings using Robert's Rules of Order, etc. Owner/Operator of a small business. Medical background. Excellent communication skills, both written and verbal, as well as knowledge of computers in the clinical and non-clinical setting. Data entry, word-processing skills, and superior telephone etiquette.

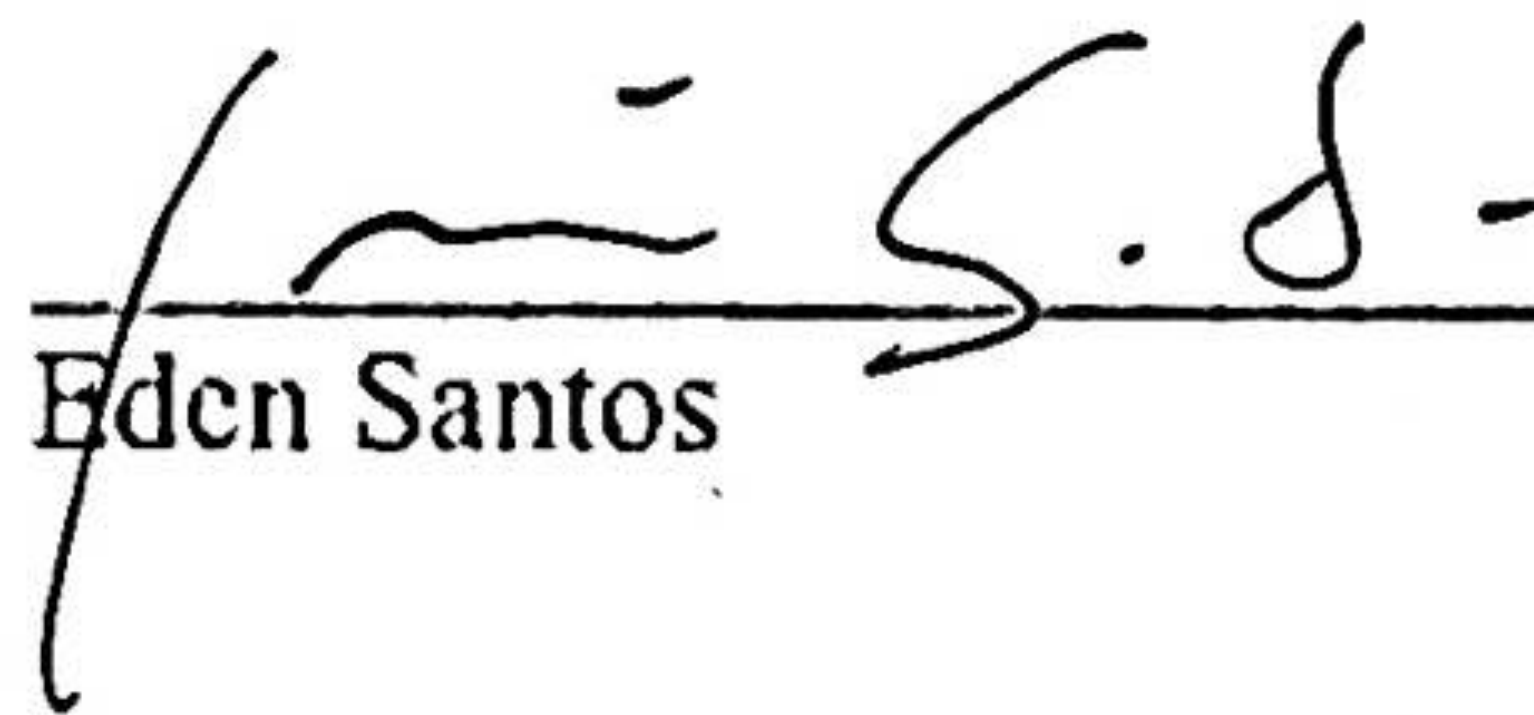
Dear Porterville Arts Commission,

This letter is to inform you that I must resign as a member of the Porterville Arts Commission, effective immediately.

It has been my pleasure to serve on the board. However, I have to continue with my educational journey, and my evening schedule will not allow me to attend the meetings.

Thank you for the opportunity to allow me to be part of it. I wish the Arts Commission only the best for the future.

Sincerely,


Eden Santos

Date: 08/23/2022



CITY COUNCIL AGENDA – NOVEMBER 1, 2022

SUBJECT: Review Process for Fireworks Sales

SOURCE: Fire

COMMENT: At its meeting on February 15, 2022, the City Council reviewed the City's Fireworks Ordinance, a five-year citation collection history, and considered modifications to the process that included an annual review prior to the Fireworks lottery, as well as a prohibition on the sale of certain fireworks including "Picholo Petes". Staff herein presents the Ordinance for Council's review and potential modification.

RECOMMENDATION: That the City Council provide direction on the process by which fireworks sales are conducted annually within the City of Porterville.

ATTACHMENTS:

1. Ordinance 1882
2. Five Year Illegal Fireworks Citation Report
3. City Council Agenda Staff Report: February 15, 2022
4. City Council Agenda Staff Report: July 21, 2021

Appropriated/Funded:

Review By:

Department Director:
Bryan Cogburn, Deputy Fire Chief

Final Approver: John Lollis, City Manager

ORDINANCE NO. 1882

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING AND RESTATING ARTICLE II OF CHAPTER 12 OF THE
PORTERVILLE MUNICIPAL CODE RELATED TO THE REGULATION OF
FIREWORKS**

WHEREAS: The City allows sale and discharge of "safe and sane" fireworks within the City limit in honor of the Independence Day holiday (June 28 through July 4, annually); and

WHEREAS: The City of Porterville ("City") has experienced an increase in the use of dangerous fireworks, which create a threat to the health and safety of the community and are considered a public nuisance; and

WHEREAS: The Porterville Community, comprised of local individuals, expressed concerns to the council regarding the discharge of both "safe and sane" fireworks, and the continuous discharge of illegal and "dangerous" fireworks; and

WHEREAS: Use of fireworks in the City interferes with the health, safety, quality of life, quiet enjoyment and general welfare of the community; and

WHEREAS: Research indicated that other communities have implemented various methods that focus on a combination of enforcement, education, and incentive programs; and

WHEREAS: Clarification of the actions meriting assessment of penalties was needed for enforcement purposes; and

WHEREAS: California Health and Safety Code Section 12541 authorizes the City to regulate or prohibit the sale, use, or discharge of fireworks; and

WHEREAS: The City Council has determined it is necessary to regulate fireworks, including "safe and sane" fireworks, as well as dangerous fireworks; and

WHEREAS: A public hearing was held before the City Council on April 20, 2021, pursuant to the Municipal Code of the City.

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

SECTION 1. Purpose: The purpose of this ordinance is to address issues that have arisen since the last update of the ordinance related to the inappropriate discharge and misuse of fireworks.

SECTION 2. Chapter 12, Article II, is amended and restated as follows:

12-2.1: DEFINITIONS:

For the purposes of this article, definitions shall have the respective meaning ascribed to them in section 12500 et seq., of the Health And Safety Code of the State of California, and, unless

otherwise apparent from the context, certain words and phrases used in this article are defined as follows:

CITY: The city of Porterville.

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

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

- A. The organization must be a duly organized not for profit charitable, religious, civic, patriotic or community service organization;
- B. The organization must be headquartered within and clearly affiliated or identified with Porterville;
- C. The organization must be one which provides direct and regular community services and benefits to the citizens of the city; and
- D. The organization must hold its regularly scheduled meetings within the city;
- E. Must maintain a bona fide membership of at least twenty (20) members;
- F. The organization must have a tax exempt identification number assigned to them;
- G. One application per tax exempt ID number will be allowed; and
- H. One permit per tax exempt number will be allowed.

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

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

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

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

12-2.2: SALES OF FIREWORKS; PERMITS REQUIRED:

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

12-2.3: PUBLIC DISPLAYS OF FIREWORKS:

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

- A. Applications: Applications for permits shall be made in writing at least ten (10) days in advance of the date of the display. After such privilege shall be granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.
- B. Bond For Fireworks Display Required: The permittee shall furnish a bond or certificate of insurance in an amount deemed adequate by the city's risk manager for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display and arising from any acts of the permittee, his agents, employees or subcontractors.
- C. Disposal of Unfired Fireworks: Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining. (Ord. 1650 § 3, 4-6-2004; Ord. 1776, 4-5-2011)

12-2.4: NUMBER OF PERMITS LIMITED/PREAPPLICATION:

The maximum number of permits to sell "safe and sane" fireworks which may be issued pursuant to this article during any one calendar year shall not exceed one permit for each four thousand (4,000) residents of the city, or major fraction thereof, based on the most recent population figure as determined by the federal decennial census and updated annually by the California state department of finance. If the number of preapplications received up to and including the last day for making applications pursuant to this article exceeds the number of permits to be issued for the city, the fire chief shall thereafter supervise a public drawing to determine an order of priority for each preapplication. Preapplications can be obtained at the fire department or online at the city of Porterville's website between January 1 and the last business day of January. All

applicants will be assigned a number in the order in which the preapplication is received. The drawing will be held between February 16 and February 28 each year. (Ord. 1799, 11-5-2013)

12-2.5: SALES OF SAFE AND SANE FIREWORKS; APPLICATIONS FOR PERMITS:

Permits to sell "safe and sane" fireworks shall be issued by the fire chief. Application packets for a permit will be furnished to eligible organizations whose number has been drawn. Each organization must meet all the applicable requirements set forth in the application for permits section and the permit issuance section.

- A. Any eligible organization desiring to sell "safe and sane" fireworks in the city of Porterville shall obtain a permit application from the fire department. Permit applications shall be obtained during the period commencing the first business day of March and ending the last business day in March.
- B. Such applications shall be signed by a bona fide officer of the eligible organization, wherein the officer, on behalf of the organization and its agents, shall agree to abide by state laws and administrative regulations and all the stipulations of this code and the permit if permission to operate a fireworks stand shall be granted to the organization.
- C. Completed applications shall be returned to the fire department no later than five o'clock (5:00) P.M. on the last business day of March each year. Any eligible organization making an application for such permit to sell "safe and sane" fireworks that fails to return the completed application prior to five o'clock (5:00) P.M. on the last regular business day in March shall not be issued a permit to sell "safe and sane" fireworks.
- D. The licensee shall use the net proceeds derived from its operations under such license only for such nonprofit, charitable, religious or eleemosynary service projects that shall be of direct benefit to the city of Porterville and for no other purpose. (Ord. 1650 § 3, 4-6-2004; Ord. 1776, 4-5-2011; Ord. 1799, 11-5-2013)

12-2.6: PERMIT ISSUANCE BASED ON DRAWING SELECTIONS:

- A. All eligible organizations shall obtain and submit to the fire department the following forms supplied by the fire department. Forms will be supplied to those organizations whose drawn assigned number is sequentially within the total number of permits to be issued. All other applicants will be placed on a waiting list in the sequence of their drawn assigned number. If an applicant does not satisfy the requirements of this section within the time periods identified in this section, the next drawn assigned number on the waiting list will be notified and provided with the following paperwork:
 - 1. The property owner's release form signed by the property owner authorizing permission to erect a fireworks stand on his property;
 - 2. The fireworks storage form indicating where and how the fireworks will be stored when not in the approved stand;
 - 3. The state fire marshal's license to sell safe and sane fireworks;

4. A copy of the temporary seller's permit issued by the state board of equalization; and
 - a. The certificate of insurance required by section 12-2.14 of this article.
 - b. A statement of organization eligibility.
 - c. A site plan indicating location of stand, distance to nearest building, ingress, egress, parking, etc.
- B. These forms must be returned to the fire department by the last business day of March.
- C. No permit issued or authorized shall be transferable or assignable.
- D. When all the application requirements have been completed and the fireworks stand location has been approved, the fire department shall authorize the erection of a fireworks stand. Each qualified organization shall pay to the administrative services director or designee a permit fee amount as listed in the master administrative fee schedule amended from time to time by resolution of the city council. This fee will include a refundable cleanup deposit. Each permit shall be for only one stand per eligible organization and shall be forwarded to the fire department for delivery as set forth in subsection E of this section.
- E. Permits will be effective only when issued by the fire department after the final inspection of the stand shows compliance with all the requirements of this article. (Ord. 1650 § 3, 4-6-2004; Ord. 1776, 4-5-2011; Ord. 1799, 11-5-2013)

12-2.7: PERIOD OF DISCHARGE:

Safe and sane fireworks, as defined by section 12529 of the California Health And Safety Code, as amended ("fireworks"), may be discharged within the city limits of the city of Porterville ("city") during the period beginning at twelve o'clock (12:00) noon on June 28 and ending at eleven fifty nine o'clock (11:59) P.M. on July 4 of any year. (Ord. 1776, 4-5-2011)

12-2.8: PROHIBITIONS ON DISCHARGE:

It shall be unlawful for any person to ignite, explode, project, or otherwise fire or use, or permit the ignition, explosion or projection of any fireworks upon, over, or onto the private property of another, or to ignite, explode, project, or otherwise fire or make use of any fireworks within fifteen feet (15') of any residence, dwelling or any other structure, public property, fields or waterway. (Ord. 1776, 4-5-2011)

12-2.9: TIME PERIOD FOR SALE:

"Safe and sane fireworks" may be sold within the city limits of the city of Porterville during the period beginning twelve o'clock (12:00) noon on June 28 and ending at ten o'clock (10:00) P.M. on July 4. The hours of operation of any stand shall be limited to nine o'clock (9:00) A.M. to ten o'clock (10:00) P.M. daily during the days identified in this article, except that hours of operation of any stand on June 28 shall commence at twelve o'clock (12:00) noon. (Ord. 1650 § 3, 4-6-2004)

12-2.10: PROHIBITIONS:

- A. The manufacture of fireworks is prohibited within the jurisdiction.
- B. No person shall possess, sell, deliver, deal in, use, explode or fire, or cause to be used, exploded or fired, any form of fireworks designated as "dangerous fireworks" by section 12505 of the Health And Safety Code of the state of California.
- C. The possession, sale, delivery, dealing in, use, exploding or firing of any form of fireworks designated as "safe and sane fireworks" by section 12529 of the Health and Safety Code of the state of California is expressly prohibited, except as limited by this article.
- D. It shall be unlawful to store any fireworks in any residence, home, garage, or automobile within the city of Porterville. It shall also be unlawful to store any fireworks in any building or other place within the city of Porterville without having first applied for and received a permit pursuant to section 12-2.2 of this article.
- E. No fireworks shall be stored within one hundred feet (100') of any gasoline service station or any garage located within twenty five feet (25') of any other structure. Any facility for the storage of fireworks shall maintain a minimum setback from the street curbing of ten feet (10').
- F. No person shall light, or cause or permit to be lighted, any fireworks, or any other article or material, within any structure approved for fireworks storage, or within fifty feet (50') thereof.
- G. No smoking shall be allowed in any structure that is used for storing fireworks nor within fifty feet (50') of said structure. "No Smoking" signs shall be prominently displayed. (Ord. 1650 § 4, 4-6-2004; Ord. 1776, 4-5-2011)
- H. Notwithstanding anything to the contrary, "piccolo pete", "whistling pete", or "whistling phantom" type fireworks (including other fireworks of similar design, construction and performance) shall not be manufactured, possessed, delivered, used, discharged, displayed, or sold separately or in combination with otherwise allowed fireworks. The possession, manufacture, storage, sale, handling, use, and discharge of fireworks of this type are subject to the penalties outlined in Section 12-2.20.A of this Code.

12-2.11: REGULATIONS RELATED TO FIRE WORKS SALES:

- A. It shall be unlawful for any eligible organization to which a permit has been issued:
 - 1. To operate in violation of California Code of Regulations title 19, chapter 6, regulating the storage, transportation, sale and use of fireworks.
 - 2. To obtain or use more than one permit for one stand per year.
 - 3. To fail to clear all flammable or burnable materials within thirty feet (30') from any fireworks stand and to maintain such conditions during the period prescribed for the sale of fireworks.

4. To allow smoking within fifty feet (50') of any such business location or stand or to fail to post "No Smoking" signs with such wording in red letters not less than four inches (4") in height on a white background on all sides of any such stand.
 5. To fail to have immediately available within the stand a certified fire extinguisher or other fire extinguishing device of a type approved by the fire department.
 6. To sell fireworks earlier than twelve o'clock (12:00) noon on June 28 or later than ten o'clock (10:00) P.M. on July 4.
 7. To fail to dismantle and remove any stand or structure of any nature where fireworks were sold as of five o'clock (5:00) P.M. July 8.
 8. To sell fireworks to persons under sixteen (16) years of age.
- B. No person other than a member (or their spouse) of the organization or a volunteer who is associated with the organization having a permit shall be permitted to sell or otherwise participate in the sale of fireworks. All fireworks stands shall have the safety regulations posted inside the stand in an approved location. The size of the safety poster will be approved and provided by the fire department. A maximum of one member for every four (4) linear feet of stand is permitted within the stand at any one time (i.e., if the stand is 32 feet long, 32 divided by 4 equals 8 members allowed in the stand) and all persons selling fireworks must be at least eighteen (18) years old.
- C. No sleeping inside the fireworks stand will be permitted at any time.
- D. No person shall use or handle fireworks while under the influence of intoxicating liquids or narcotics. Alcohol and narcotics are prohibited within the fireworks stand.
- E. All electrical/spark producing appliances (fans, coolers, air conditioners, etc.) are prohibited inside the fireworks stands and shall not block the means of egress. (Ord. 1650 § 4, 4-6-2004; Ord. 1776, 4-5-2011; Ord. 1799, 11-5-2013)
- F. Those fireworks which are classified as "dangerous" fireworks under Section 12505 of the California Health and Safety Code are prohibited, except that such fireworks as are defined and classified as "safe and sane fireworks" in Section 12529 of the California Health and Safety Code may be displayed, sold and used pursuant to the provisions of this chapter and not otherwise. Notwithstanding anything to the contrary, "piccolo pete", "whistling pete", or "whistling phantom" type fireworks (including other fireworks of similar design, construction and performance) shall not be manufactured, possessed, delivered, used, discharged, displayed, or sold separately or in combination with otherwise allowed fireworks. The possession, manufacture, storage, sale, handling, use, and discharge of fireworks of this type are subject to the penalties outlined in Section 12-2.20.A of this Code.

12-2.12: FIREWORKS STANDS; REQUIREMENTS:

All retail sales of "safe and sane fireworks" shall be permitted only from within a temporary fireworks stand and sales from any other building or structure is prohibited. Temporary stands shall be subject to the following provisions:

- A. No fireworks stand shall be located within twenty five feet (25') of any other building or within one hundred feet (100') of a gasoline pump, or within one hundred feet (100') of another fireworks stand, when measured closest point to closest point. Canopies within ten feet (10') of a stand shall be considered an extension of the stand for measurement of setback distances. Minimum setback from the street curbing, alley, or driveway shall be ten feet (10'). Stands shall not cover or impede any public rights of way.
- B. No stand shall have a floor area in excess of four hundred (400) square feet. The width and length of each stand shall be a maximum of ten feet by forty feet (10' x 40'), respectively.
- C. Each stand must have at least two (2) exits located on separate walls. Fireworks stands with only three (3) sides and open from the back will not require exits. Fireworks stands shall have exits at least thirty inches (30") in width at both ends of the structure. An aisle with a minimum width of thirty inches (30") shall lead to each exit. Exits shall remain unobstructed. No supplies or other materials shall be stored in front of exit doors. All exit doors shall remain unlocked and unlatched whenever the stand is occupied.
- D. Each stand shall keep easily accessible a minimum of one 2 1/2-gallon water pressure type fire extinguisher and one 2A10BC rated dry chemical fire extinguisher and each shall be in good working order and bear a current inspection sticker. Extinguishers must be of a type approved for such use by the Porterville fire department.
- E. All stands must be constructed of solid wood or metal.
- F. After hours, stands must be properly secured or a security guard must be provided to patrol the premises. Under no circumstances shall the night watchman sleep within the fireworks stand.
- G. All unsold stock and accompanying litter shall be removed from the location by five o'clock (5:00) P.M. July 5.
- H. Fireworks stand may be brought to the site one week prior to June 28 and must be dismantled and removed by five o'clock (5:00) P.M. July 8.
- I. Temporary lighting may be installed in the fireworks stands. Approved temporary lights must have a guard protecting the bulb/fixture and all wiring and fixtures must be 3-wire and grounded.
- J. Primary power to the temporary lighting may be by means of on site commercial power in a fixed facility or by means of an on site portable generator. Generators must be located at least twenty five feet (25') from the fireworks stand. Location of portable generators must be approved by fire department.

- K. Fuel for portable generators is not allowed to be kept on the premises.
- L. No switches, electrical receptacles (plug ins), or splices are permitted within the stand.
- M. Extension cords to the stand are to be heavy duty, minimum of fifteen (15) amp capacity, and protected from vehicular damage. Romex is not an acceptable extension cord.
- N. All trash shall be removed from the premises and the fireworks stand each evening at the close of business.
- O. No person shall light, or cause or permit to be lighted, any fireworks or any other article or material within any such stand, or within fifty feet (50') thereof.
- P. No alcoholic beverages shall be allowed on the premises. No person who is under the influence of alcoholic beverages shall enter or be allowed into the sales booth.
- Q. Signage will be clearly displayed at each site providing for the fines as specified in section 12-2.20 of this article.
- R. Canopies within twenty five feet (25') of a stand must be labeled by the manufacturer as fire resistive. The total allowable canopy area within twenty five feet (25') of a stand shall be no larger than two hundred (200) square feet.
- S. Canopies within twenty five feet (25') of a stand shall meet the requirements set forth in the California code of regulations title 24, part 9, chapter 24 and title 19, division 1. (Ord. 1650 § 4, 4-6-2004; Ord. 1776, 4-5-2011; Ord. 1799, 11-5-2013)

12-2.13: FIREWORKS STANDS; LOCATIONS:

- A. In no instance shall any fireworks stand be located within a residential zoned district.
- B. No stand shall be located closer than one hundred feet (100') from another. (Ord. 1776, 4-5-2011)

12-2.14: CERTIFICATE OF INSURANCE:

Prior to the issuance of a permit, the eligible organization shall procure a certificate of insurance acceptable to the city. The certificate shall name the city of Porterville, its officers, agents, employees and volunteers as "additional insured". The certificate shall evidence coverage in an amount determined by the city's risk manager; providing, however, the amount shall not be less than one million dollars (\$1,000,000.00) combined bodily injury and property damage for each occurrence, and the deductible, if any, shall not be greater than one thousand dollars (\$1,000.00). The certificate shall specify the time, location, and dates to be covered by the policy. The certificate shall be provided to the fire department no later than five o'clock (5:00) P.M. on the last regular business day in March of the subject year or at such other time as the chief of the fire department may allow. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001; Ord. 1799, 11-5-2013)

12-2.15: STATE FIREWORKS LAW:

The provisions of this article shall be construed so as not to conflict with the state fireworks law. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001)

12-2.16: REVOCATION OF PERMITS:

Any violation of this article or other city laws, or the terms and conditions of the permit, or state laws or administrative regulations, or safety rules of the fire department shall be grounds for the immediate revocation of the permit. All officers, agents, and employees of the eligible organization shall be responsible for compliance with all the provisions of this article. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001)

12-2.17: NONISSUANCE OF PERMITS:

The final decision to issue permits shall rest with the fire chief. In cases such as civil unrest, severe drought conditions, or any other such situation deemed to be harmful or to have the possibility of creating an extreme hazard to persons and/or property the fire chief shall be the final authority in granting permits for fireworks sales. The right to refuse permits to applicants who have violated the regulations in this article in previous years shall also rest with the fire chief. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001)

12-2.18: SEIZURE OF FIREWORKS:

The fire chief shall have the authority to seize, take, remove, or cause to be removed at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored, or held in violation of this article. (Ord. 1776, 4-5-2011)

12-2.19: EXCEPTIONS:

Nothing in this article shall be construed as prohibiting the use of torpedoes, flares, or fuses by railroads or other transportation agencies for signal purposes of illumination; or the sale or use of blank cartridges for ceremonial purposes, athletic, or sports events or military ceremonies or demonstrations; or the sale, discharge or display of fireworks by permittees having a permit as herein provided; or the use and display of fireworks of whatever nature by any person engaged in the production of motion pictures, theatricals, or operas when such use and display is a necessary part of such production; or the transportation of fireworks through the city in regular course, and in original packages or containers from any point outside of the city to any other point outside the city. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001)

12-2.20: VIOLATIONS; PENALTIES:

A. The maximum fines for any violation related to the improper use, or any violation of the provisions outlined in this Chapter for the manufacture, possession, sale, delivery, use, or discharge of "Safe and Sane" fireworks within the City of Porterville, or any other violation of this Chapter other than the violations set forth in subsection (B) below, or unless otherwise specified in this Chapter, shall be:

1. One-thousand dollars (\$1,000) for the first offense; and

2. Two-thousand five hundred dollars (\$2,500) for the second offense within 36 months of the previous violation; and
3. Five-thousand dollars (\$5,000) for each subsequent offense within 36 months of the previous violation.

B. The maximum fines for the manufacture, possession, sale, delivery, use, or discharge of dangerous fireworks within the city of Porterville shall be:

1. Two-thousand five hundred dollars (\$2,500) for the first offense; and
2. Five-thousand dollars (\$5,000) for the second offense within 36 months of the previous violation; and
3. Ten-thousand dollars (\$10,000) for each subsequent offense within 36 months of the previous violation.

C. Any administrative fine or administrative civil penalty assessed pursuant to this Chapter 12-2, shall provide for cost reimbursement to the Office of the State Fire Marshal and the collection of disposal costs pursuant to Health and Safety Code Section 12557.

D. Chapter 12-2 shall be limited to apply only to a person, organization, group, association, etc., who possesses or the seizure of 25 pounds or less of dangerous fireworks.

E. Any administrative fine or administrative civil penalty collected pursuant to this Chapter 12-2, shall not be subject to Health and Safety Code Section 12706, Disposition of Fines and Forfeitures. (Ord. 1799, 11-5-2013)

12-2.21: SOCIAL HOST:

A. Findings, Intent and Purpose.

1. Findings. The City Council, pursuant to the police powers delegated to it by the California Constitution, has the authority to enact laws which promote the public health, safety and general welfare of its residents. The illegal possession, manufacture, storage, sale, handling, use, and discharge of fireworks, defined as "Dangerous Fireworks" in Section 12-2.1 of this code, on private property is harmful to and creates a threat to public health, safety, quiet enjoyment of residential property and the general welfare. While the discharge of illegal fireworks can be tied to a particular residence or property, it is often difficult to tell who at the residence or property discharged the illegal firework(s). The owner or tenant of the premises is often in the best position to control, and knows or should know of the possession, manufacture, storage, sale, handling, use, or discharge of illegal fireworks on his/her residence or commercial premises. The City Council finds that in too many cases, persons having possession or control of private property where the illegal possession, manufacture, storage, sale, handling and use of fireworks occurs, have failed to ensure that illegal fireworks are not possessed, manufactured, stored, sold,

handled, used, or discharged on their property. Furthermore, problems associated with the illegal possession, manufacture, storage, sale, handling, use and discharge of fireworks are difficult to prevent and deter unless the Fire Chief, Police Chief, or other designated official of the City of Porterville has the legal authority to cite the owner or tenant of the premises where illegal fireworks are possessed, manufactured, stored, sold, handled, used or discharged.

2. Intent. The intent of this section is to protect the public health, safety, quiet enjoyment of residential property, and general welfare, rather than to punish. An ordinance that imposes liability on property owners or tenants for allowing the possession, manufacture, storage, sale, handling or use of illegal fireworks on their property is necessary to deter and prevent such possession, manufacture, storage, sale, handling, use, or discharge and to deter persons who actively and passively aid, allow, or tolerate such activities on their property.

3. Purposes. The purposes of this section are to protect the public health, safety and general welfare, to deter the possession, manufacture, storage, sale, handling, use or discharge of illegal fireworks, and to reduce the costs of providing police, fire, and other emergency response services to areas where illegal fireworks are being possessed, manufactured, stored, sold, handled, used, or discharged. These purposes are implemented by the imposition of a civil money penalty against social hosts (landowners or tenants) who actively or passively aid, allow or tolerate the possession, manufacture, storage, sale, handling, use, or discharge of illegal fireworks on their property.

4. Declaration. For these reasons, the City Council declares that the possession, manufacture, storage, sale, handling, use, or discharge of illegal fireworks is a threat to the peace, health, safety and general welfare of the public. Such actions constitute a public nuisance as they affect at the same time the entire community of the City of Porterville as well as the neighborhoods in which they occur. The nuisance created thereby presents an immediate threat to the public health and safety, warranting summary abatement by the Fire Chief, Police Chief, or other City of Porterville designated official under Government Code Section 38773.

B. Definitions. For the purposes of this section, the following terms shall have the following meanings:

1. "Responsible person" means a person or persons with a right of possession of the residence or other private property at which illegal fireworks are possessed, manufactured, stored, handled, used or discharged, including but not limited to:

a. Any owner of the residence or other private property, meaning the record owner of the title to property as of the time of the possession, manufacture,

storage, sale, handling or use of illegal fireworks, wherever that person or entity resides at that time;

b. A tenant or lessee of the residence or other private property at the time when illegal fireworks are possessed, manufactured, stored, handled, used or discharged;

c. The person(s) in charge of the residence or other private property at the time when illegal fireworks are possessed, manufactured, stored, sold, handled, used or discharged;

d. The person(s) who organizes, supervises, officiates, conducts or controls the gathering or any other person(s) accepting responsibility for such a gathering where illegal fireworks are possessed, manufactured, stored, sold, handled, used or discharged.

A responsible person need not be present at the time illegal fireworks are possessed, manufactured, stored, sold, handled, used, or discharged in order for the City of Porterville to impose civil money penalties upon such responsible person. Prior knowledge of the possession, use, manufacture, storage, sale, handling, use, or discharge of illegal fireworks is not prerequisite to a finding that any specific individual is a responsible person as defined by this section.

2. "Residence" or "other private property" means a home, yard, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall, meeting room, office, land or building, whether occupied on a temporary or permanent basis, whether occupied as a dwelling, business, or location for parties or other social functions, and whether owned, leased, rented, or used with or without compensation.

C. Responsibility for Proper Property Management. Every owner, occupant, lessee, tenant or holder of any possessory interest of a residence or other private property within the City of Porterville is required to maintain, manage and supervise the property and all persons thereon in a manner so as not to violate the provision of this section. The owner of the property may remain liable for such violations regardless of any contract or agreement with any third party regarding the property.

D. Penalties for Violation.

1. It is a civil violation of this section, and a public nuisance constituting an immediate threat to public health and safety warranting all remedies otherwise permitted by this Code including but not limited to summary abatement, for any responsible person to conduct or allow illegal possession, manufacture, storage, sale, handling, use, or discharge of fireworks on his/her residential or other private property. Such a violation

additionally subjects any and all responsible persons to the civil money penalties specified in Section 12-2.10.B of this code.

2. In the event that a juvenile hosts a gathering at a residence or other private property at which illegal possession, manufacture, storage, sale, handling, use, or discharge of fireworks occurs, then the parents or guardians of that juvenile will be jointly and severally liable for any penalties incurred pursuant to this section.

E. Social host liability.

1. The City, in its discretion, may opt to not hold a private property owner liable under this section for a violation of Sections 12-2.7, 12-2.8, or 12-2.10, on that property if the owner can demonstrate that at the time of such violation if they:

- a. had rented or leased the property to another,
- b. were not present,
- c. had no prior knowledge of, or reason to know of the violation, and
- d. there has been no prior notice of violation or citation issued to the particular occupant at the premises.

2. No person who has the right to use, possess or occupy a unit in a multifamily residential property under a lease, rental agreement or contract shall be liable under this section for violations of Sections 12-2.7, 12-2.8, or 12-2.10 occurring in the common areas of the property, solely on the basis of that right to use, possess or occupy that unit.

3. Nothing in this section shall limit the liability of any social host for a violation of Section 12-2.7, 12-2.8, or 12-2.10 by the social host.

F. Additional Remedies/Penalties. Violations may be deemed a misdemeanor or infraction. Any person who violates any provision of this chapter is guilty of an infraction or a misdemeanor at the discretion of the city attorney. Upon conviction, the person is subject to punishment by as prescribed in Section 1-9 and any other applicable available remedies in this Code. To the fullest extent permitted by law, that person shall also be responsible for all costs associated with the safe disposal of all confiscated fireworks as well as all expenses, costs, fees and fines associated with the investigation of the charges, as well as all expenses and costs associated with any emergency response, by fire, police, building and safety and code enforcement departments as a result of a violation.

G. Administrative citation and fine.

1. A peace officer or code enforcement officer may issue an administrative citation and fine for the violation of any of the provisions of this chapter as provided in Chapter 2, Article XIV of the Porterville Municipal Code, without prior issuance of a notice of violation. In addition to the proscribed penalties, and to the fullest extent permitted by law, the person shall also be responsible for all costs associated with the safe disposal

of all confiscated fireworks as well as all expenses, costs, fees and fines associated with the investigation of the charges, as well as all expenses and costs associated with any emergency response, by fire, police, animal control, building and safety, and code enforcement departments as a result of a violation.

2. The administrative citation fines shall be as defined in Section 12-2.20
3. All administrative citation procedures, including appeal procedures, as set forth in Chapter 2, Article XIV of the Porterville Municipal Code shall be applicable to administrative citations issued for violations of this chapter.

H. Remedies cumulative.

The remedies provided in this chapter are not to be construed as exclusive remedies and, in the event of violation, the city may pursue any proceedings or remedies otherwise provided by law.

I. Assessment against property for unpaid costs.

If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to Sections 12-2.18, 12-2.20, and this section 12-2.21 are not paid within thirty days of the date of the order, or the final disposition of an appeal therefrom, such costs may be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and may be transmitted to the tax collector for collection. Said assessment shall have the same priority as other city taxes.

J. Cost assessment.

If the City opts for enforcement pursuant to subsection I. above, City officials investigating the firework abatement matter shall keep an account of the cost of abatement on each separate lot or parcel of land where the work is done. After confirmation of an account report, on or before August 10 of each year, a certified copy of the confirmed report shall be filed with the Tulare County auditor for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. They shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for property taxes. All laws and ordinances applicable to the levy collection and enforcement of city taxes are made applicable to such special assessments, and the lien of said assessment shall have priority of the taxes with which it is collected.

12-2.22: REWARD PROGRAM:

The City Council is authorized to establish, by Resolution, a reward program, using funds consisting of fines collected from firework violations, to pay to individuals providing information leading to the identification and successful criminal or civil prosecution of any person violating the Porterville City Code related to the unlawful possession, use, manufacture, storage, sale, handling, use, or discharge of dangerous fireworks.

SECTION 3. This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED, APPROVED AND ADOPTED this 4th day of May, 2021.

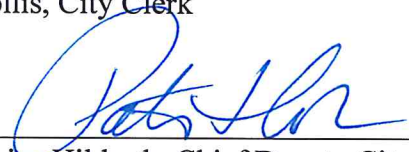


Adrian Monte Reyes, Mayor

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 qualified City Clerk of the City of Porterville do hereby certify:

THAT the foregoing ordinance is a true and correct copy of Ordinance No. 1882, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 4th day of May, 2021, 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 become effective on the 3rd day of June, 2021, at which time said ordinance is deemed to be in full force and effect.

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

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

JOHN D. LOLLIS, City Clerk



By: Fernando Gabriel-Moraga, Deputy City Clerk

Cite #	Inc St Dir	Inc St	Issued for	Section	Issue Date	Time	Officer	Fine	Paid	Disposition
1276	S	Jennifer	Fireworks	12-2.10.8.	7/4/2017	2035	Pisani	\$1,500	NO	COLLECTIONS
1251	W	Nancy	Fireworks	12-2.10.8.	7/4/2017	2048	Figueroa	\$1,500	UNK	
1121	S	Leggett	Fireworks	12-2.10.8.	7/4/2017	2053	Dignam	\$1,500	NO	COLLECTIONS
1226	N	Belmont	Fireworks	12-2.10.8.	7/4/2017	2105	Clark	\$1,500	YES THRU PP	
1277	W	Wall	Fireworks	12-2.10.8.	7/4/2017	2106	Pisani	\$1,500	NO	COLLECTIONS
1122	W	Cheryll	Fireworks	12-2.10.8.	7/4/2017	2114	Dignam	\$1,500	YES THRU PP	
1227	N	Verdugo	Fireworks	12-2.10.8.	7/4/2017	2120	Clark	\$1,500	NO	COLLECTIONS
1252	W	Pioneer	Fireworks	12-2.10.8.	7/4/2017	2122	Figueroa	\$1,500	YES THRU PP	
1253	N	Salisbury	Fireworks	12-2.10.8.	7/4/2017	2135	Figueroa	\$1,500	NO	COLLECTIONS
1228	N	Colby	Fireworks	12-2.10.8.	7/4/2017	2142	Clark	\$1,500	UNK	
1229	N	Ellis	Fireworks	12-2.10.8.	7/4/2017	2207	Clark	\$1,500	YES THRU PP	
1278	W	Westfield	Fireworks	12-2.10.8.	7/4/2017	2208	Pisani	\$1,500	NO	COLLECTIONS
1123	W	Putnam	Fireworks	12-2.10.8.	7/4/2017	2217	Dignam	\$1,500	UNK	
1279	N	Lowery	Fireworks	12-2.10.8.	7/4/2017	2225	Pisani	\$1,500	NO	COLLECTIONS
1376	W	Olive	Fireworks	12-2.10.8.	11/2/2017	1630	Clark	\$1,500	YES THRU PP	
1377	W	Olive	Fireworks	12-2.10.8.	11/14/2017	1630	Clark	\$1,500	NO	COLLECTIONS
1378	W	Olive	Fireworks	12-2.10.8.	11/14/2017	1630	Clark	\$1,500	YES	
Cite #	Inc St Dir	Inc St	Issued for	Section	Issue Date	Time	Officer	Fine	Paid	Disposition
1151	N	Howland	Fireworks	12-2.10.8.	1/4/2018	1320	Clark	\$1,500	YES 10/15/18	
1567	N	Prospect	Fireworks	12-2.10.8.	7/2/2018	1545	Dignam	\$1,500	NO	COLLECTIONS
1431	N	Third	Fireworks	12-2.10.8.	7/4/2018	2042	Dignam	\$1,500	YES 6/25/19	
1600	N	San Carlos	Fireworks	12-2.10.8.	7/4/2018	2050	Figueroa	\$1,500	YES 2/25/20	
1458	E	Date	Fireworks	12-2.10.8.	7/4/2018	2103	Mariscal	\$1,500	NO	FAILED PP
1432	E	Bellevue	Fireworks	12-2.10.8.	7/4/2018	2105	Dignam	\$1,500	YES 10/30/19	
1601	W	Sandra	Fireworks	12-2.10.8.	7/4/2018	2105	Figueroa	\$1,500	NO	COLLECTIONS
1478	W	Phillips	Fireworks	12-2.10.8.	7/4/2018	2115	Garcia	\$1,500	NO	COLLECTIONS
1433	N	South Pl	Fireworks	12-2.10.8.	7/4/2018	2123	Dignam	\$1,500	NO	COLLECTIONS
1434	N	South Pl	Fireworks	12-2.10.8.	7/4/2018	2125	Dignam	\$1,500	NO	COLLECTIONS
1435	N	South Pl	Fireworks	12-2.10.8.	7/4/2018	2127	Dignam	\$1,500	NO	COLLECTIONS
1459	E	Morton	Fireworks	12-2.10.8.	7/4/2018	2128	Mariscal	\$1,500	YES 8/27/19 THRU PP	
1602	W	Yates	Fireworks	12-2.10.8.	7/4/2018	2140	Figueroa	\$1,500	YES 7/23/18	
1436	N	Sierra	Fireworks	12-2.10.8.	7/4/2018	2146	Dignam	\$1,500	YES 8/1/19	
1603	W	Memory	Fireworks	12-2.10.8.	7/4/2018	2155	Figueroa	\$1,500	YES 7/9/18	
1437	E	Dixie	Fireworks	12-2.10.8.	7/4/2018	2205	Dignam	\$1,500	YES 5/28/19	
1438	E	Oak	Fireworks	12-2.10.8.	7/4/2018	2212	Dignam	\$1,500	YES 4/15/19 THRU PP	
1460	E	Vandalia	Fireworks	12-2.10.8.	7/4/2018	2214	Mariscal	\$1,500	YES 7/13/18	
1439			Fireworks	12-2.10.8.	7/4/2018	2224	Dignam	\$1,500	NO	COLLECTIONS
1461	S	Camellia	Fireworks	12-2.10.8.	7/4/2018	2241	Mariscal	\$1,500	YES 1/1/19	
1604	W	Bellevue	Fireworks	12-2.10.8.	7/4/2018	2245	Figueroa	\$1,500	YES 10/1/20 THRU PP	
1462	S	A	Fireworks	12-2.10.8.	7/4/2018	2309	Mariscal	\$1,500	NO	COLLECTIONS
1479			Fireworks	12-2.10.8.	7/4/2018	2325	Garcia	\$1,500	YES 1/22/19THRU PP	
1605	N	Greenfield	Fireworks	12-2.10.8.	7/4/2018	2335	Figueroa	\$1,500	NO	COLLECTIONS
1568			Fireworks	12-2.10.8.	7/6/2018	1435	Dignam	\$1,500	NO	COLLECTIONS
1569			Fireworks	12-2.10.8.	7/6/2018	1520	Dignam	\$1,500	NO FAILED PP	COLLECTIONS
1570			Fireworks	12-2.10.8.	7/6/2018	1525	Dignam	\$1,500	YES 3/31/20	
Cite #	Inc St Dir	Inc St	Issued for	Section	Issue Date	Time	Officer	Fine	Paid	Disposition
1629			Fireworks	12-2.10.8.	7/4/2019	0015	Dignam	\$1,500	YES THRU PP 4/1/20	
1975	N	Balmoral	Fireworks	12-2.10.8.	7/4/2019	2043	Hosfeldt	\$1,500	YES 8/30/19	
1630	N	Fourth	Fireworks	12-2.10.8.	7/4/2019	2106	Dignam	\$1,500	YES THRU PP 6/22/20	
1631	N	Fourth	Fireworks	12-2.10.8.	7/4/2019	2109	Dignam	\$1,500	YES THRU PP 5/13/20	
1632	N	Second	Fireworks	12-2.10.8.	7/4/2019	2121	Dignam	\$1,500	YES THRU PP 6/18/20	
1633	N	Second	Fireworks	12-2.10.8.	7/4/2019	2131	Dignam	\$1,500	FAILED PP	
1976			Fireworks	12-2.10.8.	7/4/2019	2132	Hosfeldt	\$1,500	FAILED PP	COLLECTIONS
1634	N	Second	Fireworks	12-2.10.8.	7/4/2019	2142	Dignam	\$1,500	FAILED PP	
2025	E	Mohoff	Fireworks	12-2.10.8.	7/4/2019	2144	Segovia	\$1,500	FAILED PP	
2026	E	Cleveland	Fireworks	12-2.10.8.	7/4/2019	2155	Segovia	\$1,500	FAILED PP	
1977	E	Springville	Fireworks	12-2.10.8.	7/4/2019	2208	Hosfeldt	\$1,500	YES 8/19/19	
2027	E	Cleo	Fireworks	12-2.10.8.	7/4/2019		Segovia	\$1,500	MAKING PYMTS	
1635	W	Cheryll	Fireworks	12-2.10.8.	7/4/2019	2243	Dignam	\$1,500	NO	COLLECTIONS
1636	W	Memory	Fireworks	12-2.10.8.	7/5/2019	1555	Dignam	\$1,500	NO	
3621	W	Pioneer	Fireworks	12-2.10.8.	11/15/2019	1013	Garcia	\$1,500	FAILED PP	
1643	S	Indiana	Disch. FW ou	12-2.7	12/7/2019		Dignam	\$100	NO	
Cite #	Inc St Dir	Inc St	Issued for	Section	Issue Date	Time	Officer	Fine	Paid	Disposition
1644	N	Newcomb	Fireworks	12-2.7, 2-	1/13/2020	1115	Dignam	\$100	YES	
3125	N	Prospect	Fireworks	12-2.10.8.	6/24/2020	1600	Dignam	\$1,500	NO	
3325	W	Memory	Fireworks	12-2.10.8.	6/30/2020	900	Dignam	\$1,500	YES 8/13/20	
4850	N	Patsy	Fireworks	12-2.10.8.	7/4/2020	2027	Garcia	\$1,500	NO	
4851	N	Mathew	Fireworks	12-2.10.8.	7/4/2020	2040	Garcia	\$1,500	YES THRU PP 11/18/20	
3127	N	Second	Fireworks	12-2.10.8.	7/4/2020	2049	Dignam	\$1,500	NO	
4852	N	Newcomb	Fireworks	12-2.10.8.	7/4/2020	2055	Garcia	\$1,500	PP MAKING PYMTS	
4853	N	Patsy	Fireworks	12-2.10.8.	7/4/2020	2105	Garcia	\$1,500	YES THRU PP 9/23/20	
3128	N	Jaye	Fireworks	12-2.10.8.	7/4/2020	2111	Dignam	\$1,500	YES THRU PP 3/18/21	
3129	W	McComb	Fireworks	12-2.10.8.	7/4/2020	2117	Dignam	\$1,500	NO	
3130	W	Theta	Fireworks	12-2.10.8.	7/4/2020	2129	Dignam	\$1,500	YES 3/29/21	
4854	W	Morton	Fireworks	12-2.10.8.	7/4/2020	2130	Garcia	\$1,500	NO	
4855	W	School	Fireworks	12-2.10.8.	7/4/2020	2140	Garcia	\$1,500	YES	
3131	W	Mulberry	Fireworks	12-2.10.8.	7/4/2020	2151	Dignam	\$1,500	YES	
4856	N	Wellington	Fireworks	12-2.10.8.	7/4/2020	2155	Garcia	\$1,500	YES	
4857	W	Bellevue	Fireworks	12-2.10.8.	7/4/2020	2211	Garcia	\$1,500	NO	
3132	N	Beverly	Fireworks	12-2.10.8.	7/4/2020	2214	Dignam	\$1,500	FAILED PP	
3133	N	Prospect	Fireworks	12-2.10.8.	7/4/2020	2225	Dignam	\$1,500	PP MAKING PYMTS	
4858	N	Balmayne	Fireworks	12-2.10.8.	7/4/2020	2225	Garcia	\$1,500	YES	
4859	W	Date	Fireworks	12-2.10.8.	7/4/2020	2300	Garcia	\$1,500	YES	
4860	N	Maston	Fireworks	12-2.10.8.	7/4/2020	2350	Garcia	\$1,500	FAILED PP	
3175	W	Pamela	Fireworks	12-2.10.8.	7/4/2020		Clark	\$1,500	NO	
2845	N	Westside	Fireworks	12-2.10.8.	7/4/2020		Balanga	\$1,500	NO	
2846		Kessing	Fireworks	12-2.10.8.	7/4/2020		Balanga	\$1,500	NO	
2847	N	Patsy Cr	Fireworks	12-2.10.8.	7/4/2020		Balanga	\$1,500	NO	
2848	S	Beverly	Fireworks	12-2.10.8.	7/4/2020		Balanga	\$1,500	NO	
2849	W	Tomah Av	Fireworks	12-2.10.8.	7/4/2020		Balanga	\$1,500	NO	
3176	W	Della	Fireworks	12-2.10.8.	7/5/2020	0005	Clark	\$1,500	NO	
3327	S	Leggett	Fireworks	12-2.10.8.	7/6/2020	1135	Dignam	\$1,500	NO	
3328	N	Balmayne	Fireworks	12-2.10.8.	7/6/2020	1140	Dignam	\$1,500	NO	

2017 Paid/payment plan Unpaid/failed PP/collections Percentage paid
17 6 11 35.29%
\$25,500.00 \$9,000.00 \$16,500.00

2018 Paid/payment plan Unpaid/failed PP/collections Percentage paid
27 15 12 55.56%
\$40,500.00 \$22,500.00 \$18,000.00

2019 Paid/payment plan Unpaid/failed PP/collections Percentage paid
16 7 9 43.75%
\$22,600.00 \$10,500.00 \$12,100.00

2020 Paid/payment plan Unpaid/failed PP/collections Percentage paid
32 13 19 40.63%
\$46,600.00 \$18,100.00 \$28,500.00

2213	N	Lowery St	Fireworks	12-2.10.8.	9/1/2020	1620	Balanga	\$1,500	NO	
2216	W	Monte Av	Fireworks	12-2.10.8.	9/14/2020	905	Balanga	\$1,500	NO	
Cite #	Inc St Dir	Inc St	Issued for	Section	Issue Date	Time	Officer	Fine	Paid	Disposition
3333			FW	12-2.10.8.	6/14/2021	1143	Dignam	\$2,500	YES	
3334	W	Vandalia	FW	12-2.10.8.	6/14/2021	1147	Dignam	\$2,500	NO	
3335	S	Jaye	FW	12-2.10.8.	6/28/2021	1149	Dignam	\$2,500	NO	
5171			FW	12-2.10b.	6/29/2021	900	Balanga	\$2,500	NO	
5170			FW	12-2.10b.	6/29/2021	840	Balanga	\$2,500	NO	
5172	W	Mulberry	FW	12-2.10b.	6/29/2021	935	Balanga	\$2,500	NO	
5173	N	Lombardi	FW	12-2.10b.	6/29/2021	1005	Balanga	\$2,500	FAILED PP	
5174	S	Jaye St.	FW	12-2.10b.	6/29/2021	1025	Balanga	\$2,500	YES	
5174	S	Jaye St.	FW	12-2.10b.	6/29/2021	1030	Balanga	\$2,500	FAILED PP	
3765	W	Union Ave	FW	12-2.10b.	6/29/2021	920	Garcia	\$2,500	NO	
5100	N	Walch	FW	12-2.10b.	6/29/2021	1105	Garcia	\$2,500	NO	
3766	S	C Street	FW	12-2.10b.	6/30/2021	1534	Garcia	\$2,500	YES	
3683	N	Salisbury	FW	12-2.10.8.	7/3/2021	2051	Balanga	\$2,500	NO	
5081	E	Putnam	FW	12-2.10.8.	7/3/2021	2100	Pendergra	\$2,500	NO	
3136	N	Third	FW	12-2.10.8.	7/3/2021	2104	Dignam	\$2,500	NO	
3684	W	Heritage	FW	12-2.10.8.	7/3/2021	2114	Balanga	\$2,500	YES	
5053	N	Salisbury	FW	12-2.10.8.	7/4/2021	2020	Hosfeldt	\$2,500	YES	
3685	N	Douglas	FW	12-2.10.8.	7/4/2021	2030	Balanga	\$2,500	NO	
4976	E	Vandalia	FW	12-2.10.8.	7/4/2021	2030	Graves	\$2,500	NO	
5054	W	Morton	FW	12-2.10.8.	7/4/2021	2040	Hosfeldt	\$2,500	NO	
5101	W	Morton Av	FW	12-2.10.8.	7/4/2021	2045	Garcia	\$2,500	NO	
5055	W	Bel Aire	FW	12-2.10.8.	7/4/2021	2055	Hosfeldt	\$2,500	NO	
3686	W	Mulberry	FW	12-2.10.8.	7/4/2021	2100	Balanga	\$2,500	YES	
4984	S	Wisconsin	FW	12-2.10.8.	7/4/2021	2030	Graves	\$2,500	NO	
5102	W	Thurman	FW	12-2.10.8.	7/4/2021	2110	Garcia	\$2,500	NO	
4977	W	River Edge	FW	12-2.10.8.	7/4/2021	2110	Graves	\$2,500	YES	
4978	W	Mcintire	FW	12-2.10.8.	7/4/2021	2120	Graves	\$2,500	NO	
3687	W	Putnam Av	FW	12-2.10.8.	7/4/2021	2121	Balanga	\$2,500	NO	
5057	W	Tomah	FW	12-2.10.8.	7/4/2021	2125	Hosfeldt	\$2,500	NO	
5103	W	Westfield	FW	12-2.10.8.	7/4/2021	2130	Garcia	\$2,500	NO	
4979	W	Jordan	FW	12-2.10.8.	7/4/2021	2130	Graves	\$2,500	YES	
3688	N	Lombardi	FW	12-2.10.8.	7/4/2021	2140	Balanga	\$2,500	NO	
3689	N	Lombardi	FW	12-2.10.8.	7/4/2021	2147	Balanga	\$2,500	YES THRU PAY PLAN	
5058	W	Nancy	FW	12-2.10.8.	7/4/2021	2150	Hosfeldt	\$2,500	NO	
3690	W	Oakmont	FW	12-2.10.8.	7/4/2021	2203	Balanga	\$2,500	YES	
5059	W	Santa Mar	FW	12-2.10.8.	7/4/2021	2209	Hosfeldt	\$2,500	NO	
4980	N	E	FW	12-2.10.8.	7/4/2021	2220	Graves	\$2,500	NO	
3691	W	Pioneer Av	FW	12-2.10.8.	7/4/2021	2226	Balanga	\$2,500	YES	
4981	E	Putnam	FW	12-2.10.8.	7/4/2021	2230	Graves	\$2,500	NO	
4982	E	Thurman	FW	12-2.10.8.	7/4/2021	2252	Graves	\$2,500	YES	
5060	N	York	FW	12-2.10.8.	7/4/2021	2253	Hosfeldt	\$2,500	NO	
3692	W	Santa Mar	FW	12-2.10.8.	7/4/2021	2325	Balanga	\$2,500	NO	
3693	W	Bel Aire	FW	12-2.10.8.	7/4/2021	2308	Balanga	\$2,500	YES	
5061	W	Green Acr	FW	12-2.10.8.	7/4/2021	2340	Hosfeldt	\$2,500		
4983	W	Swearinge	FW	12-2.21 M	7/4/2021	2340	Graves	\$2,500	YES	
5063	N	Jaye St.	FW	2-2.10b.1	7/4/2021	2345	Garcia	\$2,500	dismissed per hearing	
5062	N	Lindley	FW	12-2.10.8.	7/4/2021	2340	Hosfeldt	\$2,500	NO	
5143	W	Westfield	FW	12-2.10	8/13/2021	946	Pendergra	\$2,500	NO	
5144	S	Sierra Vist	FW	12-2.10.12	8/13/2021	1121	Pendergra	\$2,500	NO	
5146	W	Bellevue	FW	12-2.10.1	8/13/2021	1439	Pendergra	\$2,500	NO	
5147	N	F St.	FW	12-2.21.12	8/9/2021	1056	Pendergra	\$2,500	NO	

2021 Paid/payment plan Unpaid/failed PP/collections Percentage paid
50 14 36 28.00%
\$125,000.00 \$35,000.00 \$90,000.00

There were 51 Cites issued in 2021, 1 was overturned so I removed it from this calculation



CITY COUNCIL AGENDA – FEBRUARY 15, 2022

SUBJECT: Consideration of City Fireworks Ordinance

SOURCE: Fire

COMMENT: At its meeting on January 18, 2022, the City Council approved Mayor Reyes' request to consider and review the City's Fireworks Ordinance for potential amendments. At its meeting on February 1, 2022, due to the Mayor's absence, the Council directed staff to carry over the item to its meeting of February 15, 2022.

As the Council is aware, in Spring 2021, the Council authorized various amendments to the Ordinance, including:

- A prohibition on the use of certain fireworks commonly marketed under the name "Piccolo Pete" and "Whistling Phantom", which emit loud shrill sounds. These particular fireworks are also known to be manipulated after the sale to create explosive devices.
- The addition of a violations clause of the current fireworks Ordinance to include differentiation between prohibited legal and illegal fireworks, as well as higher fees for violations, and also to create increasingly higher fines for repeat offenders.
- The addition of a "Host" component, which will aid in the enforcement activities where it might otherwise be difficult to discern who within a given party has actually ignited an illegal firework; the property owner could then be held liable regardless of who ignites the illegal firework.
- The addition of a rewards program that would further enhance staff's ability to locate and cite those who choose not to comply with the City's fireworks regulations. Rewards of \$50 per complaint can be awarded if the tip results in a citation.

The Fireworks Ordinance is herein presented for Council's consideration. Also provided for the Council's reference is a five-year citations collection report, as well as a comprehensive enforcement report dated July 2021.

RECOMMENDATION: That the City Council consider the City's Fireworks Ordinance and provide direction as determined.

ATTACHMENTS: 1. Ordinance No. 1882

Item No. 15.

2. 5-Year Fireworks Citation Collections
3. 2021 Fireworks Enforcement Report

Appropriated/Funded:

Review By:

Department Director:
Bryan Cogburn, Deputy Fire Chief

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – JULY 20, 2021

SUBJECT: 2021 Fireworks Enforcement Review

SOURCE: Fire

COMMENT: This informational report item is to provide the City Council an update related to illegal fireworks activity during this year's Independence Day celebrations.

Illegal fireworks do not carry the "Safe and Sane" seal of the California State Fire Marshal. Illegal fireworks include skyrockets, bottle rockets, roman candles, aerial shells, firecrackers and other types of fireworks that explode, go into the air, or move on the ground in an uncontrollable manner. The use of illegal fireworks on and around the Independence Day holiday generates a high volume of calls to the Porterville Police Department (PPD).

At its meeting on April 20, 2021, the Council conducted its first reading of Ordinance 1882, amending the Porterville City Code sections that apply to fireworks violations. These code changes included increasing fine amounts for both "Safe and Sane" and Illegal fireworks, providing for additional bans of Piccolo Pete style fireworks, adding a Social Host violation, and creating a reward program. The second reading was conducted at the Council's meeting on May 4, 2021, and Ordinance 1882 went into full effect June 4, 2021.

Beginning June 4, 2021, PPD Detectives and Officers were proactive in enforcement work and their significant efforts resulted in the confiscation of over twelve hundred (1,200) pounds of illegal fireworks prior to the July 4th Holiday weekend. These efforts resulted in multiple felony and misdemeanor arrests. Code Enforcement issued 12 Administrative Citations as a result of these efforts.

A formal fireworks detail was deployed over three nights, July 2nd through July 4th, which included Fire personnel, Code Enforcement Officers, and Police Officers. These teams patrolled neighborhoods and responded to calls for service. Over the three nights, 106 fireworks calls for service were received by PPD dispatch. The detail was successful in issuing thirty-five (35) Administrative Citations and confiscating approximately one hundred (100) pounds of illegal fireworks. The Fire Department responded to thirty-five (35) calls for service over the three day period, which a breakdown of the calls is as follows:

Porterville Fire Department Calls 7/2-7/4/2021:

Type of call	#
Grass fire	9
Dumpster or other outside trash receptacle fire	2
EMS call, excluding vehicle accident with injury	9
Chemical release, reaction, or toxic condition	1
Assist invalid	2
Cover assignment, standby	1
Dispatched, cancelled en route, false alarm/call	5

No incident found on arrival at dispatch address	3
Smoke scare, odor of smoke	2
Smoke detector activation due to malfunction	1

The combined efforts and collaboration between the Porterville Police and Fire Departments over the period of June 4, 2021 through July 4, 2021 resulted in a response to 214 calls for service specific to fireworks, a total seizure of over 12,800 illegal fireworks totaling 1,347 pounds, and the issuance of \$117,500 in fines from 47 Administrative Citations.

Confiscated Fireworks 2021:

Type of Fireworks	#	weight
Mortars	1277	
Cakes, boxes	309	
Roman candles	1446	
Fire crackers	8000	
Bottle rockets	1742	
Mortar launch tubes	26	
Weight, lbs.		1347.3
Total	12,800	1,347.3

For historical reference included is a breakdown of Administrative Cites issued for illegal fireworks over the preceding 5 years:

Historical Fireworks Cites:

YEAR	CITES	FINE
2016	12	\$18,000
2017	17	\$25,500
2018	27	\$40,500
2019	15	\$22,500
2020	30	\$45,000
2021	47	\$117,500

RECOMMENDATION: Information Only

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Dave LaPere, Fire Chief

Final Approver: John Lollis, City Manager