



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
OCTOBER 18, 2016, 5:30 PM**

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: 240-050-026. Agency Negotiators: John Lollis and Donnie Moore. Negotiating Parties: City of Porterville and Porterville Masonic Properties, Inc. Under Negotiation: Terms and Price.
- 2** - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Firefighters Association and Fire Officer Series.
- 3** - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One case in which facts are not yet known to potential plaintiff.
- 4** - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One case.

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

Pledge of Allegiance Led by Council Member Ward

Invocation

PROCLAMATIONS

Friends of Libraries Week -- October 16 - 22, 2016

AB 1234 REPORTS

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

1. Tulare County Association of Governments (TCAG) - October 17, 2016

2. League of California Cities Annual Conference - October 5-7, 2016
3. Local Agency Formation Commission (LAFCO) - October 5, 2016

REPORTS

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

- I. City Commission and Committee Meetings
 1. Parks & Leisure Services Commission - October 6, 2016
 2. Library & Literacy Commission - October 11, 2016
 4. Animal Control Commission - October 10, 2016
 5. Youth Commission - October 10, 2016
 3. Arts Commission
 6. Transactions and Use Tax Oversight Committee (TUTOC)
- II. Staff Informational Reports
 1. Water Conservation Phase III Status Update

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.

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. **City Council Minutes of July 21, 2015, and October 4, 2016**
Re: Considering approval of the draft Minutes of July 21, 2015, and October 4, 2016.
2. **Approval of the 2016 City of Porterville Transit Division Title VI Program**
Re: Considering approval of a resolution affirming and approving the 2016 Title VI Program Update and authorizing staff to submit the approved 2016 Title VI Program Update to the Federal Transit Administration (FTA).

3. **Approval for Community Civic Event - U.S. Marine Corps Reserve Toys for Tots Program - A Christmas to Remember Car & Bike Show - November 12, 2016**
Re: Considering approval of an event to take place on Saturday, November 12, 2016, from 8:00 a.m. to 3:00 p.m., at Centennial Park, and street closures on Main Street, Harrison Avenue, Thurman Avenue, and Cleveland Avenues.
4. **Approval for Community Civic Event - Barn Theater - Beauty and the Beast Presents "A Haunting We Will Go" - October 29, 2016**
Re: Considering approval of an event to take place on Saturday, October 29, 2016, from 5:00 p.m. to 12:00 a.m. at the Barn Theater.

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

PUBLIC HEARINGS

5. **Public Health Goal Report**
Re: A Public Hearing to receive comments about the City's Public Health Goal Report, which was established by the Cal-EPA's Office of Environmental Health Hazard Assessment (OEHHA) and intended to inform the public of drinking water contaminants that exceed the Public Health Goal set by Cal-EPA.
6. **Adoption of the California Building and Fire Codes**
Re: Consideration of ordinances adopting the 2016 Editions of the California Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historical Buildings, Existing Buildings, and Referenced Standards Codes.

SCHEDULED MATTERS

7. **Porterville Animal Control Shelter Facility Staffing**
Re: Consideration of staffing at the Porterville Animal Shelter Facility.
8. **Consideration of Reappointments to the Library & Literacy Commission**
Re: Consideration of the reappointment of three Library and Literacy Commissioners to three-year terms expiring in October 2019.
9. **Consideration of a Resolution in Opposition to Proposition 57 - The Public Safety and Rehabilitation Act**
Re: Consideration of a Resolution in opposition to Proposition 57.
10. **Status and Review of Declaration of Local Emergency**
Re: Consideration of the continuance of the Declaration of Local Emergency.

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 1, 2016

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

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



CITY COUNCIL AGENDA – OCTOBER 18, 2016

SUBJECT: 1. Water Conservation Phase III Status Update

SOURCE: Public Works

COMMENT: As Porterville has continued to implement an active water conservation approach, both conserving and providing flexibility to the community, the City transitioned from Phase IV to Phase III of the City's Water Conservation Plan as of June 1, 2016. The Water Conservation Plan applies to all municipal water users within or not within city limits. As part of the Phase III implementation, the City has provided additional watering days, a two day per week watering schedule, based on address. If an address ends with an "odd" number, the watering days are Tuesday and Saturday; if an address ends with an "even" number, the watering days are Wednesday and Sunday. Watering is prohibited between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m., with no watering allowed Monday, Thursday or Friday. Watering of outdoor landscape is prohibited during, and within 48 hours after, measurable rainfall, which is defined as greater than 0.01 of an inch.

Violations of prohibited activities are considered infractions and are punishable by fines of up to \$500 for each day in which the violation occurs. Any peace officer or employee of a public agency charged with enforcing laws and authorized to do so by ordinance may issue a citation to the violator. The City of Porterville will be responding to enforcement by issuing a Notice of Violation for all witnessed occurrences and staff will be processing all reported issues. Enforcement statistics for the month of September 2016 show that a total of 29 Notice of Violations were issued for water wasting; 1 resulted in an Administrative Citation.

Water production for September 2016 shows a 13% reduction from the 5-year average. The production for the month of September 2016 was 373 million gallons, which when compared to the production for the month of September 2013 of 521 million gallons, equates to a 28% reduction. Residential consumption for September 2016 was 150.6 gallons per capita per day (GPCD).

On May 18, 2016, the State Water Resources Control Board adopted a statewide water conservation approach that replaces the prior percentage reduction-based water conservation standard with a localized self-certification approach which mandates that urban water suppliers act to ensure at least a three-year supply of water to their customers under drought conditions.

Recognizing persistent, yet less severe, drought conditions throughout California, the newly adopted emergency regulation will replace the February 2, 2016, emergency water conservation regulation that set specific water conservation benchmarks at the state level for each urban water supplier. This

newly adopted regulation, which will be in effect through January 2017, requires locally developed conservation standards based upon each agency's specific circumstances.

These standards require local water agencies to ensure a three-year supply assuming three more dry years comparable to the years the state experienced from 2012 to 2015. Water agencies that would face shortages under three additional dry years will be required to meet a conservation standard equal to the amount of shortage.

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

The State Water Board will also continue to require monthly reporting to track what agencies plan to do and how they perform throughout the year. During the extended regulation, agency reporting will continue to monitor performance of urban water conservation, with a preparedness to return back with a 25% state mandate early next year if necessary.

Compliance with individual water supplier conservation requirements is based on cumulative savings. Cumulative tracking means that conservation savings will be added together from one month to the next and compared to the amount of water used during the same months in 2013. The cumulative total for the City of Porterville will reflect June 2015 through October 2016. Porterville's cumulative total conservation through September 2016 is 28.86%.

RECOMMENDATION: Information Only

ATTACHMENTS: 1. Monthly Production Status September 2016
 2. Drought Response Phase III Flyer

Appropriated/Funded:

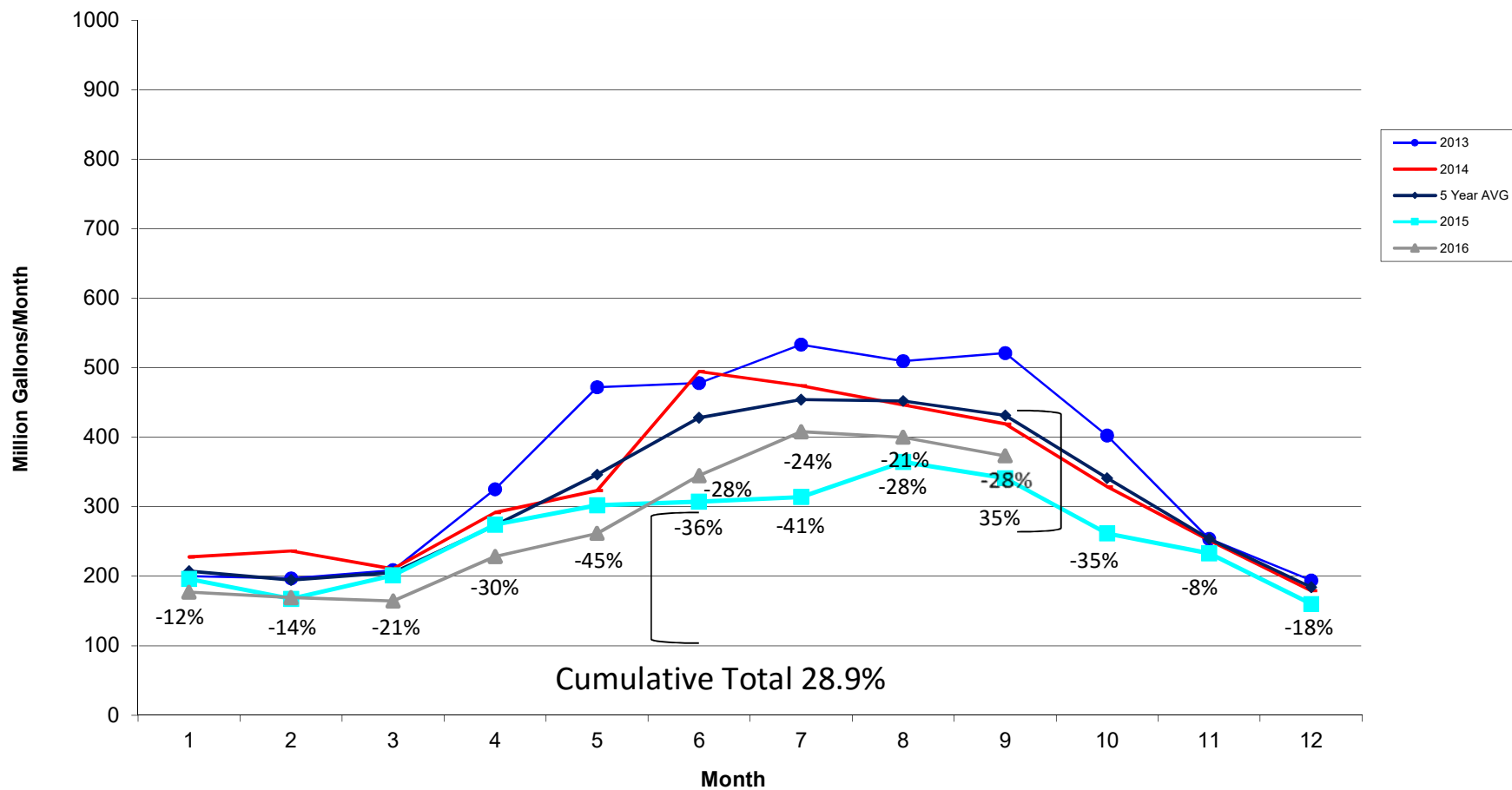
Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

Monthly Production Status 15/16 Production Comparison to 2013 & 5 Year Average





DROUGHT RESPONSE Phase III

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

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

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

Excessive water runoff is prohibited.

The washing of sidewalks and driveways is prohibited.

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

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

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

DROUGHT RESPONSE PHASE III

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

Mandatory Odd/Even Watering Schedule

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

Odd Address
 Even Address

ODD NUMBER ADDRESSES

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

OR

EVEN NUMBER ADDRESSES

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

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

**Mandatory
Odd/Even Watering
Schedule**

**Excessive water
runoff prohibited**

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

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

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

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

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



CITY COUNCIL AGENDA – OCTOBER 18, 2016

SUBJECT: City Council Minutes of July 21, 2015, and October 4, 2016

SOURCE: Administrative Services

COMMENT: Staff has prepared the draft Minutes of July 21, 2015, and October 4, 2016, for the Council's review and consideration.

RECOMMENDATION: That the Council approve the draft Minutes of July 21, 2015, and October 4, 2016.

ATTACHMENTS:

1. Draft Minutes of July 21, 2015
2. Draft Minutes of October 4, 2016

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: Luisa Zavala, Deputy City Clerk

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JULY 21, 2015, 5:30 PM**

Called to Order at 5:30 p.m.

Roll Call: Council Member Reyes, Council Member Ward, Council Member Gurrola, Vice Mayor Hamilton, Mayor Stowe

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Employees Association; Management And Confidential Series; Porterville Police Officers Association; Fire Officer Series; Porterville City Firefighters Association; Public Safety Support Unit; And All Unrepresented Management Employees.

2 - Government Code Section 54956.95 – Liability Claim: Claimant: Hisham Mutaetaher. Agency Claimed Against: City Of Porterville.

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

4 - Government Code Section 54956.9(D)(4) – Conference With Legal Counsel – Anticipated Litigation – Initiation Of Litigation: Five Cases.

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

City Attorney Lew reported action pertaining to A-2, as follows:

A-2. On a MOTION made by Council Member Gurrola, and SECONDED by Vice Mayor Hamilton the City Council unanimously rejected the claim filed by Hisham MutaeTaher.

Documentation: M.O. 01-072115

Disposition: Claim Rejected.

Pledge of Allegiance Led by Council Member Gurrola
Invocation -- a moment of silence was observed.

AB 1234 REPORTS

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

1. Council of Cities - July 15, 2015
Vice Mayor Hamilton reported on discussion regarding County impact fees and the future of the CWMA in light of Administrator Anne Magana's upcoming retirement.
2. Tulare County Association of Governments (TCAG) - July 20, 2015
Council Member Gurrola reported on discussion regarding proposed transportation fee/tax increases.

REPORTS

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

- I. City Commission and Committee Meetings
 1. Parks & Leisure Services Commission - Summer Hiatus
 2. Library & Literacy Commission - Vice Chair Bailey reported on: library highlights from May and June, patronage attendance on Sundays, volunteer activity, and summer activities/programs.
 3. Arts Commission – no meeting.
 4. Animal Control Commission – no meeting.
 5. Youth Commission - Summer Hiatus
 6. Transactions and Use Tax Oversight Committee (TUTOC) – no meeting
- II. Staff Informational Reports
 1. Water Conservation Phase III System Status

ORAL COMMUNICATIONS

- Val Staley, Porterville resident, spoke in support of the Chelsea Glen annexation; requested the inclusion of four additional parcels; and thanked staff for their efforts.
- Judy Kaiser, 1961 N. Newcomb, indicated that she too was in favor of approval of Item No. 12.
- Greg Curry, 1658 West North Grand, spoke in support of Item No. 12.
- Carla Perez, 1987 N. Newcomb, spoke in favor of Item No. 12; and stated that she was not sure how much longer she would have water.
- Barry Caplan stated that the City flag outside City Hall was in poor condition; requested a status update on Highway 65; and expressed concern regarding the functionality of the SuiteAgenda product.
- Jack Flores presented photographs of water trucks that travel through Village Garden to haul water; expressed concerns regarding the speed at which the trucks travel, the frequency, the noise, and water waste.
- Janelle Martin spoke of The Recorder article and alleged that the truckers were starting rumors and causing problems.
- Norma Fox, 250 N. Third, requested that the City paint the curb near her apartment complex to allow the buses to drop off and pick up riders at the curb.
- David Mendoza, 1529 Cedar Road, spoke of well water being used to mitigate dust on dirt roads.

- Angie Guzman spoke of her experience being without water and stated that she did not want to be put in that position again; and complained about the water trucks.
- Nick Contreras, Magnolia Street, inquired about the depth of the wells at Village Garden.
- Sylvia Mendoza expressed concern regarding the potential loss of water in the area of Village Garden where her parents resided.
- Brock Neeley Porterville, stated that people need to have compassion for those without water who were being serviced by the water trucks.

CONSENT CALENDAR

There were no items pulled from the Consent Calendar for discussion. Council Member Gurrola noted she would be abstaining from Item No. 4. Council Member Reyes noted that he would be abstaining from Item No. 3.

COUNCIL ACTION: MOVED by Council Member Brian Ward, SECONDED by Vice Mayor Cameron Hamilton that the City Council approve Items Nos. 1-8, with noted abstentions. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF DECEMBER 2, 2014

Recommendation: That the City Council approve the Minutes of December 2, 2014.

Documentation: M.O. 02-072115

Disposition: Approved.

2. AUTHORIZATION TO ADVERTISE FOR PROPOSALS - OFF-HIGHWAY VEHICLE PARK MANAGEMENT SERVICES

Recommendation: That the City Council authorize staff to distribute Requests for Proposals for Off-Highway Vehicle Management Services.

Documentation: M.O. 03-072115

Disposition: Approved.

3. ASPHALT OVERLAY PROGRAM FOR 2015/2016

Recommendation: That the City Council:

1. Approve the 2015/2016 Asphalt Overlay Program authorizing the expenditure of \$319,753; and
2. Direct the Finance Director to appropriate \$179,000 from Surface Transportation Program funds, for a total project cost of \$498,204.

AYES: Ward, Gurrola, Hamilton, Stowe

NOES: None

ABSTAIN: Reyes

ABSENT: None

Documentation: M.O. 04-072115

Disposition: Approved.

4. AREAS 458 AND 455 SEWER UTILITY DISTRICT ANNUAL ASSESSMENTS

Recommendation: That City Council adopt the resolutions ordering the continued assessments for Districts 458 and 455 for the 2015/2016 tax years.

AYES: Reyes, Ward, Hamilton, Stowe

NOES: None

ABSTAIN: Gurrola

ABSENT: None

Documentation: Resolution Nos. 80-2015; and 81-2015

Disposition: Approved.

5. REINITIATION OF THE 2015 BIOSOLIDS MANAGEMENT PLAN - PERIGO ROADSIDING

Recommendation: That City Council:

1. Approve Carollo Engineering's request to reinitiate the 2015 Five-Year Biosolids Management Plan at a cost of \$17,900; and
2. Invoice Perigo Roadsiding once the final Biosolids Management Plan is received by the City.

Documentation: M.O. 05-072115

Disposition: Approved.

6. RESPONSE TO GRAND JURY REPORT - TRANSPARENCY-OPEN MEETING LAW

Recommendation: That the City Council:

1. Consider the draft "Response to the Grand Jury" letter regarding the 2014-2015 Report on Transparency-Open Meeting Law; and
2. Authorize the Mayor to sign the Response letter.

Documentation: M.O. 06-072115

Disposition: Approved.

7. RESPONSE TO GRAND JURY REPORT - FARMING WITH BIO-SOLIDS IN PORTERVILLE

Recommendation: That the City Council:

1. Consider the draft "Response to the Grand Jury" letter regarding the 2014-2015 Report on Farming with Bio-Solids in Porterville; and
2. Authorize the Mayor to sign the Response letter.

Documentation: M.O. 07-072115

Disposition: Approved.

8. AUTHORIZATION TO ROLL WEED ABATEMENT BALANCES, DELINQUENT DEVELOPMENT FEE PAYMENT PLAN AGREEMENTS, AND UNPAID UTILITY ACCOUNTS TO THE PROPERTY TAX ROLLS

Recommendation: That the City Council adopt the resolution authorizing the County Auditor to place the 2015-2016 property tax rolls for collection.

Documentation: Resolution No. 82-2015

Disposition: Approved.

PUBLIC HEARINGS

9. LANDSCAPE AND LIGHTING DISTRICT ANNUAL ASSESSMENTS

Recommendation: That the City Council:

1. Conduct a public hearing on the 2015-2016 assessments for the Landscape and Lighting Maintenance District to take comments or receive protests on the proposed assessments; and
2. Adopt the Resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer's Report and Assessments for the 2015-2016 Fiscal Year.

City Manager Lollis and Parks and Leisure Director Donnie Moore excused themselves from Council Chambers stating they owned property in the jurisdiction. Community Development Manager Julie Phillips introduced the item, and presented the staff report.

The Public Hearing opened at 7:14 p.m. Seeing no one, the Mayor closed the Public Hearing at 7:15 p.m.

There was a brief discussion regarding the use of water for street medians, and staff reported that options to replace all grass with artificial grass had been researched and implemented on some medians.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council adopt the resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer's Report and Assessments for the 2015-2016 Fiscal Year. The motion carried unanimously.

Documentation: Resolution No. 83-2015

Disposition: Approved.

10. **CONDITIONAL USE PERMIT (PRC 2015-019-C) FOR THE SALE OF ALCOHOL IN CONJUNCTION WITH A RESTAURANT WITH OUTDOOR SEATING (JAFFA MEDITERRANEAN GRILL) LOCATED AT 460 W. VANDALIA AVENUE, SUITE E**

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit (PRC 2015-019-C) subject to conditions of approval.

City Manager Lollis introduced the item, and Associate Planner Fernando Rios presented the staff report.

The Public Hearing Opened at 7:19 p.m.

- Name not given spoke in support of the business.

The Public Hearing was closed at 7:20 p.m.

There was a brief discussion regarding the serving of alcohol in the outside patio area. Staff reported that the business owner had proposed to extend the canopy to cover the entire patio area and surrounding it with a rod iron fence.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council adopt the draft resolution approving Conditional Use Permit (PRC 2015-019-C) subject to conditions of approval. The motion carried unanimously.

Documentation: Resolution No. 84-2015

Disposition: Approved.

The Council took a 10 minute recess at 7:24 p.m.

SCHEDULED MATTERS

11. **CONSIDERATION OF RECEIVERSHIP PROGRAM TO CORRECT BLIGHTED PROPERTIES**

Recommendation: That the City Council:

1. Receive the information presented by Mr. Curtis Wright; and
2. Provide direction to staff.

City Manager Lollis introduced the item, and Community Development Director Jenni Byers presented the staff report. Ms. Byers then introduced Mr. Curtis Wright who gave a presentation on the Receivership Program and addressed questions from the Council regarding cost recovery.

Documentation: None

Disposition: No action taken.

12. POTENTIAL ANNEXATION APPLICATIONS AND ASSOCIATED REQUESTS FOR WATER CONNECTIONS

Recommendation: That the City Council consider the information provided and provide direction to staff on how to proceed.

City Manager Lollis introduced the item, and Community Development Manager Julie Phillips presented the staff report. Ms. Phillips then addressed questions from the Council regarding the boundaries of the annexation and the City's capacity to support the annexation.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council approve proceeding with proposed annexation 475D, scheduling a Public Hearing for August 4, 2016; and authorize processing Chelsea Rose annexation and Urban Development Boundary amendment at the City's cost. The motion carried unanimously.

Documentation: M.O. 08-072115.

Disposition: Approved.

13. STATUS AND REVIEW OF DECLARATION OF LOCAL DROUGHT EMERGENCY

Recommendation: That the City Council:

1. Receive the report of status and review of the Declaration of Local Emergency and, determine the need exists to continue said Declaration; and
2. Review any modifications to the draft Agreement between the City and County of Tulare.

City Manager Lollis introduced the item and presented the staff report.

Following the staff report, staff addressed questions from the Council regarding the remaining PACC tanks in East Porterville, servicing of tanks in the Vandalia area, and of the recent water shortage in the Cobb Street area and its potential impact to the City. The Council expressed the need for the County and City to work together in order to carry out the drought assistance programs.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve the continued Declaration of Local Drought Emergency. The motion carried unanimously.

Documentation: M.O. 09-072115

Disposition: Approved.

ORAL COMMUNICATIONS

- Jack Flores apologized for using his outside voice; stated that the residents in Village

Garden area were compassionate; stated that the quality of life had declined in the Village Garden community; and reiterated his concerns regarding the water trucks.

- Janell Martin stated that the Village Garden residents were not against the provision of water to East Porterville residents, but spoke against the use of the water for dirt roads and water leaving the Porterville area.
- Name not given, spoke of the approach to his home on West North Grand for home care clients.

OTHER MATTERS

- Council Member Gurrola thanked staff for their contributions to the community during the drought.
- Vice Mayor Hamilton inquired about the attendance at the Summer Night Lights event at Fallen Heroes Park on July 17th.
- Council Member Ward requested an update regarding purchase of street lights from Edison; and requested clarification regarding the amount of water being pumped from the Village Garden area well.
- Council Member Reyes thanked staff and Council for being sensitive to the Village Garden area residents and the citizens for their water conservation efforts.
- Mayor Stowe also thanked the residents for saving water; welcomed Council Member Ward back after his surgery; and inquired about Fire Chief Irish's wife.
- City Manager Lollis spoke of a recent visit from the Koret School of Shelter Medicine to the City's animal shelter facilities, and indicated that a report would be forthcoming.

CLOSED SESSION

None.

ADJOURNMENT

The Council adjourned at 8:48 p.m. to the meeting of August 4, 2015.

Luisa M. Zavala, Deputy City Clerk

SEAL

Milt Stowe, Mayor

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
OCTOBER 4, 2016, 5:30 PM**

Called to Order at 5:32 p.m.

Roll call: Council Member Reyes, Council Member Ward, Council Member Gurrola, Vice Mayor Hamilton, Mayor Stowe

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 240-050-026. Agency Negotiators: John Lollis and Donnie Moore. Negotiating Parties: City of Porterville and Porterville Masonic Properties, Inc. Under Negotiation: Terms and Price.
- 2 - Government Code Section 54956.9(d)(1) - Conference with Legal Counsel - Existing Litigation: M. Azevedo v. City of Porterville et al., Tulare County Superior Court Case No. 252894.
- 3 - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case in which facts are not yet known to potential plaintiff.
- 4 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One case.

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

City Attorney Lew reported that there was no reportable action.

Pledge of Allegiance Led by Council Member Reyes
Invocation – a moment of silence observed.

AB 1234 REPORTS

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

1. Council of Cities - September 21, 2016

Mayor Stowe reported on Mr. Craig Vejvoda's request for support as the representative for the San Joaquin Valley Air Pollution Control District's Governing Board (SJVAPCD); and Mr. Lollis reported on discussion regarding the SJVAPCD's PM2.5 Plan and a Public Hearing on continuance of the Indirect Source Review.

2. Tulare County Economic Development Corp. (TCEDC) - September 28, 2016

Council Member Reyes reported on approval of the SEDS Plan Update, and a College of the Sequoias presentation about technical education.

ORAL COMMUNICATIONS

- Margaret Land, followed up on request from the Animal Control Commission for an agenda item pertaining to additional personnel at the animal shelter.

CONSENT CALENDAR

There were no items pulled from the Consent Calendar for discussion. Council Member Gurrola indicated that she would be abstaining from Item No. 4 due to a conflict pertaining to property ownership.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Reyes that the City Council approve Items Nos. 1 through 9, noting the aforementioned abstention.

1. CITY COUNCIL MINUTES OF JUNE 21, 2016, AND SEPTEMBER 20, 2016

Recommendation: That the Council approve the draft Minutes of June 21, 2016, and September 20, 2016.

Documentation: M.O. 01-100416

Disposition: Approved.

2. AUTHORIZATION TO PURCHASE EQUIPMENT

Recommendation: That the City Council authorize the purchase by negotiation of the equipment and authorize payment for said equipment upon satisfactory delivery.

Documentation: M.O. 02-100416

Disposition: Approved.

3. AUTHORIZATION TO ADVERTISE FOR BIDS - GARDEN AVENUE PEDESTRIAN PROJECT

Recommendation: That City Council:

1. Approve staff's recommended Plans and Project Manual;
2. Authorize staff to advertise for bids on the project; and
3. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #02-100714.

Documentation: M.O. 03-100416

Disposition: Approved.

4. METER INSTALLATION FOR NON-METERED CITY WATER SERVICES

Recommendation: That City Council:

1. Approve the installation of meters to non-metered residences for \$278,000 from the Water Operating fund; and
2. Approve the use of temporary workers to expedite the installation process.

AYES: Reyes, Ward, Hamilton, Stowe
NOES: None
ABSTAIN: Gurrola
ABSENT: None

Documentation: M.O. 04-100416

Disposition: Approved.

5. APPROVAL OF TRANSIT MEASURE R PROGRAM SUPPLEMENT TO COOPERATIVE AGREEMENT

Recommendation: That the City Council:

1. Approve the draft Resolution in support of the Program Supplement to the Cooperative Agreement;
2. Authorize the Mayor and City Clerk to execute the Program Supplement; and
3. Authorize staff to forward the executed Program Supplement to TCAG for approval.

Documentation: Resolution No. 69-2016

Disposition: Approved.

6. APPROVAL FOR COMMUNITY CIVIC EVENT - CENTRAL CALIFORNIA FAMILY CRISIS CENTER, INC. - CANDLELIGHT VIGIL - OCTOBER 13, 2016

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Central California Family Crisis Center, subject to the stated requirements contained in the Application and Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 05-100416

Disposition: Approved.

7. APPROVAL FOR COMMUNITY CIVIC EVENT - AMERICAN CANCER SOCIETY - RALLY FOR A CURE - OCTOBER 30, 2016

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the American Cancer Society, subject to the stated requirements contained in the Application, Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 06-100416
Disposition: Approved.

8. APPROVAL FOR COMMUNITY CIVIC EVENT - VETERANS HOMECOMING COMMITTEE - VETERANS DAY PARADE - NOVEMBER 11, 2016

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Veterans Homecoming Committee, subject to the stated requirements contained in the Application and Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 07-100416
Disposition: Approved.

9. REQUEST FOR PROCLAMATION - FRIENDS OF LIBRARIES WEEK - OCTOBER 16-22, 2016

Recommendation: That the City Council consider approval of the request to proclaim October 16 through 22, 2016, as "Friends of Libraries Week."

Documentation: M.O. 08-100416
Disposition: Approved.

PUBLIC HEARINGS

10. APPROVAL OF A CONDITIONAL USE PERMIT FOR TYPE 41 ALCOHOL LICENSE AT 560 N. MAIN STREET

Recommendation: That the City Council:

1. Adopt the draft resolution approving Conditional Use Permit (PRC 2013-033-C); and
2. Authorize the Mayor to sign the Letter of Public Convenience or Necessity.

City Manager Lollis introduced the item, and Community Development Director Jenni Byers presented the staff report.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council adopt the draft resolution approving Conditional Use Permit PRC 2013-033-C and authorize the Mayor to sign the Letter of Public Convenience or Necessity. The motion carried unanimously.

Documentation: Resolution No. 70-2016
Disposition: Approved.

11. MINOR CONDITIONAL USE PERMIT FOR COMMERCIAL CROP CULTIVATION

Recommendation: That the City Council adopt the draft resolution approving the minor Conditional Use Permit for commercial crop cultivation subject to conditions of approval.

City Manager Lollis introduced the item and Community Development Director Jenni Byers presented the staff report. During the staff report Ms. Byers indicated that the applicant had requested a modification to Condition No. 5, which would eliminate the 20-foot wide drive aisle requirement along the south and east boundaries of the property.

The Public Hearing was opened at 6:52 p.m.

- Jim Winton, 150 W. Morton Avenue, on behalf of the applicant, explained that the modification to Condition No. 5 was being requested to allow for an extension of irrigation into the proposed area.

The Public Hearing was closed at 6:53 p.m.

There was a brief discussion regarding the request for modification, during which staff recommended that the drive aisle requirement on the north and west boundaries of the subject site remain.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Reyes that the City Council adopt the draft resolution approving the minor Conditional Use Permit for commercial crop cultivation subject to conditions of approval, as amended to modify Condition No. 5 to maintain a 20-foot wide drive aisle along the west and north boundary of the subject site. The motion carried unanimously.

Documentation: Resolution No. 71-2016

Disposition: Approved.

12. BUDGET ADJUSTMENT/CITIZENS' OPTION FOR PUBLIC SAFETY (COPS) FUNDING

Recommendation: That the City Council:

1. Conduct the public hearing to receive public comment;
2. Authorize use of these funds to offset costs for personnel assigned to the department's Patrol Division, including necessary training, equipment, and overtime costs; and
3. Approve a budget adjustment increasing the Police Department's Special Safety Grants-Citizen's Option for Public Safety (COPS) budget by \$100,000.

City Manager Lollis introduced the item, and Police Chief Kroutil presented the staff report.

The Public Hearing opened at 6:59 p.m. Seeing no one, the Mayor closed the Public Hearing at 6:59 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council authorize the use of funds to offset costs for personnel assigned to the department's Patrol Division, including necessary training, equipment, and overtime costs and approve a budget adjustment increasing the Police Department's Special Safety Grants-Citizen's Option for Public Safety (COPS) budget by \$100,000. The motion carried unanimously.

Documentation: Resolution No. 72-2016
Disposition: Approved.

SCHEDULED MATTERS

13. BID RESULTS FOR THE VETERANS PARK MULTI-USE PARKWAY PROJECT

Recommendation: That the City Council:

1. Award the Veterans Park Multi-use Parkway Project to Mac General Engineering in the amount of \$384,349.00;
2. Authorize a 10% contingency to cover unforeseen construction costs;
3. Authorize 5% for construction management, quality control and inspection; and
4. Authorize the Finance Director to appropriate the additional Local Transportation Funds in the amount of \$119,451.35 needed to fund the project.

City Manager Lollis introduced the item. Council Member Ward exited Council Chambers due to a potential conflict of interest pertaining to proximity of real property to the area. Acting Public Works Director Mike Reed presented the staff report, and provided clarification regarding the redesign.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Reyes that the City Council award the Veterans Park Multi--use Parkway Project to Mac General Engineering in the amount of \$384,349.00.

AYES: Reyes, Gurrola, Hamilton, Stowe
NOES: None
ABSTAIN: Ward
ABSENT: None

Documentation: M.O. 09-100416
Disposition: Approved.

14. CONSIDERATION OF NOMINATION TO THE CITY SELECTION COMMITTEE FOR APPOINTMENT TO THE GOVERNING BOARD OF THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT.

Recommendation: That the City Council:

1. Approve the draft resolution nominating its preferred candidate to the Committee for appointment to the District's Governing Board; and
2. Direct the City Clerk to forward a copy of the signed resolution to the District by October 7, 2016.

City Manager Lollis introduced the item and presented the staff report.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve the draft resolution nominating its preferred candidate to the Committee for appointment to the District's Governing Board. The motion carried unanimously.

Documentation: Resolution No. 73-2016

Disposition: Approved.

15. STATUS AND REVIEW OF DECLARATION OF LOCAL EMERGENCY

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.

City Manager Lollis introduced the item and presented the staff report.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council approve the continued Declaration of Local Emergency. The motion carried unanimously.

Documentation: M.O. 10-100416

Disposition: Approved.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Gurrola spoke of her attendance at Relay for Life and lauded the people of the community who help put the event together every year.
- Vice Mayor Hamilton spoke of his attendance at Relay for Life, and stated that a good time was had by all.
- Council Member Ward spoke of the website smile.amazon.com as a fundraising option for local non-profits.
- Council Member Reyes spoke of the recent suicide of a local youth and urged everyone to pay attention and speak up if someone communicates thoughts of suicide. He also spoke

of his attendance at Relay for Life and of being jailed at the request of Vice Mayor Hamilton.

- City Manager Lollis thanked those involved in putting together the Jaye Street Bridge Groundbreaking. He spoke of his attendance at Relay for Life, and of the following upcoming events: League Conference, Leadership Porterville Reception, League Dinner, and Porterville Chamber of Commerce Taste of Porterville.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 7:24 p.m. to the meeting of October 18, 2016.

SEAL

Luisa M. Zavala, Deputy City Clerk

Milt Stowe, Mayor



CITY COUNCIL AGENDA – OCTOBER 18, 2016

SUBJECT: Approval of the 2016 City of Porterville Transit Division Title VI Program

SOURCE: Public Works

COMMENT: Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, and national origin in programs and activities receiving federal financial assistance. The Federal Transit Administration (FTA) Title VI implementing regulations ensures nondiscriminatory transportation in support of their mission to enhance the social and economic quality of life for all Americans. As a recipient of FTA funding, the City of Porterville must ensure that it is in compliance with all applicable FTA Title VI implementing regulations and is required to prepare and submit an update to its Title VI Program to FTA every three (3) years. Guidance from FTA published in the FTA Title VI Circular 4702.1B requires grant recipients operating less than 50 fixed route vehicles in peak service to include the following in their Title VI Program Update:

- A Title VI Notice, complaint procedure, and complaint form.
- A Limited English Proficiency Plan and a Public Participation Plan.
- A list of Title VI investigations, lawsuits, and complaints.
- A table depicting racial composition of membership of non-elected bodies, when membership is selected by the recipient.
- Information regarding the siting of fixed facilities.
- The Title VI Program update must be approved by the recipient's governing entity.
- System-wide standards and policies (on-time performance, service frequency, vehicle load, passenger amenities, etc.).

The last Title VI Program Update was approved October 1, 2013, by the City of Porterville City Council as a consent agenda item. The attached Title VI Program Update fulfills the requirements outlined by FTA in Circular 4702.1B, and is the current three-year update to the 2013 Title VI Report.

RECOMMENDATION: That the City Council adopt the Resolution affirming and approving the 2016 Title VI Program Update and authorizing staff to submit the approved 2016 Title VI Program Update to the Federal Transit Administration (FTA).

ATTACHMENTS:

1. Draft Resolution
2. 2016 Title VI Program Update

Appropriated/Funded:

Item No. 2.

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

RESOLUTION #_____ - 2016

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AFFIRMING AND APPROVING
THE 2016 TITLE VI PROGRAM UPDATE**

WHEREAS, pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et seq (“the Act”) and 49 CFR Part 21, the U.S. Department of Transportation and the Federal Transit Administration (FTA) prohibit discrimination on the basis of race, color or national origin; and

WHEREAS, as a recipient of federal funds, the City of Porterville is required to comply with the requirements of the Act and applicable implementing regulations; and

WHEREAS, pursuant to FTA Circular 4702.1B, the City of Porterville is required to submit its Title VI Program to its governing entity for approval.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville does hereby affirm and approve the City’s 2016 Title VI Program as set forth in the attachment entitled “2016 Title VI Program Update.”

PASSED, ADOPTED AND APPROVED this 18th day of October, 2016.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk



TITLE VI PROGRAM



A Division of City of Porterville
Public Works Department
15 E. Thurman Ave., Suite A
Porterville, CA 93257
(559) 782-7448

Adopted by Porterville City Council on October 4, 2016

INTRODUCTION

The City of Porterville (City) operates Porterville Transit and is responsible for providing bus and paratransit service in Porterville, California and within the unincorporated community of East Porterville, California.

Title VI (codified at 42 U.S.C §2000d et seq.) was enacted as part of the landmark Civil Rights Act of 1964 signed by President Lyndon B. Johnson. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.

In accordance with the FTA Title VI Circular, the City is required to submit a Title VI Program triennially. The Title VI Program is a compilation of documents, plans, maps, policies and standards, etc. that demonstrate the City's compliance with Title VI. Guidance provided by FTA Title VI Circular 4702.1B requires, for the first time, approval of City's Title VI Program by its City Council.

Porterville Transit is a sub-recipient of the California Department of Transportation (Caltrans).

This document was prepared by Porterville Transit, a division of the City of Porterville Public Works Department and approved by the City of Porterville City Council to comply with the Title VI of the Civil Rights Act of 1964, including new provisions detailed in the U.S. Department of Transportation's FTA Circular 4702.1B, "Title VI Requirement and Guidelines for Federal Transit Administration Recipients."

This plan is for FY 2016 through FY 2019 and is effective, October 4, 2016.

The Table of Contents was created from FTA Title VI Circular 4702.1b, Appendix A-1: Title VI Program Checklist.

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TITLE VI POLICY AND PROCEDURES

Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. At a minimum, recipients shall disseminate this information to the public by posting a Title VI notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, etc. Recipients should also post Title VI notices at stations, stops, and/or on transit vehicles. The notices shall be translated into languages other than English, as needed and consistent with the DOT LEP Guidance and the recipient's language assistance plan.

Title VI Notice to the Public



TITLE VI – KNOW YOUR RIGHTS



Porterville Transit operates its programs and services without regard to race, color or national origin in accordance with Title VI and other civil rights statutes. To request additional information on Porterville Transit's Title VI and other anti-discrimination obligations, or if information is needed in languages other than English, please contact Porterville Transit Customer Service Center.

Any person who believes that he or she has been subjected to discrimination under Title VI or other civil rights statutes may file a complaint with Porterville Transit. Complaints must be filled within 180 days of the alleged discriminatory act. Please call Porterville Transit Administration Office or submit your complaint in writing.

Complaints may also be filed directly with the Federal Transit Administration at www.fta.dot.gov; the Department of Fair Employment and Housing at www.dfeh.ca.gov; the Equal Opportunity Commission at www.eeoc.gov; Caltrans at www.dot.ca.gov/hq/bep/title_vi/t6_violated.htm; or Federal Highway Administration (FHWA) at www.fhwa.dot.gov/civilrights/programs/iecd.htm. Please review information on the respective agency websites for details on filing Title VI complaints.

If information is needed in another language, please contact Porterville Transit Customer Service at (559) 791-7800.

Si necesita información en Español, por favor comuníquese con el Departamento de Servicio al Cliente de Porterville Transit al (559) 791-7800.

☎ (559)791-7800

✉ rtree@ci.porterville.ca.us

📍 Porterville Transit, 291 N. Main St., Porterville, CA 93257

Porterville Transit Title VI Program

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List of Locations Where Title VI Notice is Posted

Location Name	Location
Porterville Transit Center	61 W. Oak Ave., Porterville, CA 93257
Porterville Transit Administration Office	15 E. Thurman Ave., Porterville, CA 93257
City of Porterville, City Hall	291 N. Main St., Porterville, CA 93257
Porterville Transit Website	www.ridept.com

Title VI Complaint Procedures

Any person who believes she or he has been discriminated against on the basis of race, color, and/or national origin may file a complaint with Porterville Transit by completing and submitting Porterville Transit's Title VI Complaint Form or by contacting the Federal Transit Administration (see below for contact information).

Complaints will be made in writing and will include all information relevant to a determination of discrimination. If a complaint form is received and is not complete, Porterville Transit will be unable to process the complaint. A complaint will be filed within one hundred eighty (180) days after alleged discrimination. If a complainant is unable or incapable of providing a written statement, a Porterville Transit designee will, if necessary, assist the person in converting verbal complaints to writing and will interview the complainant. The complainant or his/her representative will sign all complaints.

Within five (5) business days of receiving a complaint, a letter will be sent to the complainant acknowledging receipt of the completed form or requesting the complaint be completed and returned within ten (10) business days. If the requested information is not received within ten (10) business days the case will be closed.

Within thirty (30) business days of receiving the complaint, Porterville Transit administration will review the complaint, which will include, but not be limited to, interviewing all appropriate personnel, the complainant, witnesses and review Porterville Transit's policies and service standards. The complainant will be notified in writing of the cause to any planned extension to the 30-day rule. If it is found that discrimination did not occur, the complainant will be notified in writing and the procedure will be terminated. At that time the complainant will be advised of their right to challenge the decision of Porterville Transit by submitting a written request for a hearing within five (5) days of the receipt of the determination.

If after review of the complaint, it is found that discrimination may have occurred, a formal hearing will be held. The complainant will be notified of this determination within reasonable time of the submission of the complaint. The hearing will occur on an available and mutually agreed upon date among both parties and will be attended by the Public Works Director, the complainant and appropriate personnel. Following the hearing, Porterville Transit will make final determination. The complainant will be notified of this determination within ten (10) business days of the hearing. If justified, appropriate remedial action will be taken. The decision will be considered final.

If the Administrator finds the discrimination did not occur, the complainant will be notified of that disposition and will advise the complainant of their right to submit their complaint to the Federal Transit Administration, Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington DC 20490, for further investigation.

Title VI Complaint Form

Porterville Transit, a division of the City of Porterville Public Works Department

15 E. Thurman Ave., Suite A, Porterville, CA 93257

Title VI Discrimination Complaint Form

Complainant's Name: _____

Street Address: _____

Mailing Address: _____

City/State/ZIP: _____

Phone: _____ E-Mail Address: _____

Date of Violation: _____ Time of Violation: _____

Date of Complaint: _____ Place of Violation: _____

Bus Number: _____ Bus Route: _____

Discrimination because of: ☐ Race ☐ Color ☐ National Origin

Please provide the name(s) of the Porterville Transit employee(s) who allegedly discriminated against you, including their job titles (if known).

Identify what Porterville Transit service, program, or activity did not comply with the Title VI of the Civil Rights Act of 1964.

Identify any witnesses that have information relating to the violation by name, address and phone number. _____

Explain as clearly as possible what happened, how you feel you were discriminated against and who was involved. Please include how other individuals were treated differently from you. If more space is needed additional page(s) may be attached.

Signature of Complainant: _____ Date: _____

The Porterville Transit Title VI Public Notice, Complaint Form (as well as complaint procedures and complete program information) may be printed from the Porterville Transit website or be requested in person or by phone from the Porterville Transit Administration Office.

Transit-Related Title VI Investigations, Complaints, and Lawsuits

In order to comply, Porterville Transit will prepare and maintain a list of any active investigations conducted by Porterville Transit or any other entities other than the FTA, lawsuits of complaints naming Porterville Transit and/or its subcontractor(s) that allege discrimination on the basis of race, color, or national origin.

This list will include:

- The date the investigation, lawsuit or complaint was filed;
- A summary of the allegation(s);
- The status of the investigation, lawsuit or complaint;
- Actions taken by Porterville Transit in response to the investigation, lawsuit or complaint.

To date, Porterville Transit has no transit related Title VI Complaints.

Type of Process	Date	Summary (including basis of complaint)	Status	Action(s) Taken
Investigations				
1.				
2.				
Lawsuits				
1.				
2.				
Complaints				
1.				
2.				



PUBLIC PARTICIPATION PLAN



A Division of City of Porterville
Public Works Department
15 E. Thurman Ave., Suite A
Porterville, CA 93257
(559) 782-7448

Adopted by Porterville City Council on September 20, 2016

2016 Porterville Transit Title VI Program

Introduction

Porterville Transit is committed to ensuring it serves the communities in which it operates fairly, consistently and in the most cost-efficient and appropriate manner using available resources. Through conversation and collaboration with riders, prospective riders, and the Social Services Transportation Advisory Council, Porterville Transit continually assesses the quality of its service, measures potential impacts from Porterville Transit proposed initiatives and ensures that it is providing valuable services to the residents and visitors of Porterville Transit. Public participation is a vital part of the process.

Purpose of the Public Participation Plan

As part of the Title VI Program, Porterville Transit, a division of the City of Porterville Public Works Department, is bolstering its public participation processes and enhancing its strategies for engaging under-served groups, including those with limited English. This plan outlines the importance of and provides guidelines for involving the public in Porterville Transit planning efforts to ensure that all groups are represented and their needs considered.

Public Participation Process

A public participation process will be considered at the earliest stages of any Porterville Transit project that may impact the general public and/or potential riders. As the scope of projects vary in time and size, the public participation process may vary for each, as well as the extent of public participation.

Porterville Transit's public participation process ensures that:

- Information about public participation opportunities will be advertised and/or posted appropriately. Any public members with concerns or interests will have an appropriate opportunity to participate in decisions about Porterville Transit services and will be notified of these opportunities to provide input.
- At the beginning of all projects staff will determine which strategies might have the highest potential to encourage public participation and best serve all those affected or possibly affected by the project, including those in the under-served communities. At any time during the project, it may be reevaluated and if appropriate, additional public participation activities will be explored.
- Community involvement and contributors will be included in the development of the plans, passenger amenities and improvements at Porterville Transit.
- Comments and concerns of all persons or groups participating in the process will be considered in the development of the plans and locations of transit services and amenities.
- At any time, members of the public are welcome to submit comments or concerns to Porterville Transit via email (rtree@ci.porterville.ca.us); by submitting a "Comment" on Porterville Transit's webpage; in person at the Porterville Transit Administration Office,

15 E. Thurman Ave., Suite A, Porterville, CA; by mail at 15 E. Thurman Ave., Suite A, Porterville, CA 93257; or by calling Porterville Transit at (559) 782-7448.

Public Participation Outreach Options

Porterville Transit uses several strategies to provide interested parties with reasonable opportunities to be involved in the planning process. The following is a non-inclusive list of participation strategies and techniques that have been utilized:

- **Notify the public**
Posting and/or distributing notices and/or flyers at key community locations, in buses and at bus stops; creating public utility bill inserts; notifying stakeholders such as Health and Human Services, Human Response Network, and Behavioral Health.
- **Hold public meetings and workshops**
Partner with community-based organizations and/or agencies for targeted outreach; hold a facilitated discussion or question and answer session using visual aids such as maps, charts, illustrations, and/or photographs; hold meetings at varied dates, times and locations to ensure that all riders and potential riders in the Porterville Transit service area have equal access and opportunity to participate.
- **Conduct surveys**
Rider surveys and interviews on board the transit vehicles and/or community locations; electronic surveys via websites or email; printed surveys distributed at meetings.
- **Utilize local media and news sources**
Advertising in the weekly newspaper and Advertiser; news releases; submitting human interest stories centered around Porterville Transit projects; inserts into utility bills; public service announcements (radio and/or internet resources).
- **Electronic access to information**
Posting on the Porterville Transit website planning information, down-loadable materials, surveys, advance notice of public meetings and events, calendars; email notices to local service agencies to distribute to their clients.

Beyond Transit's Public Participation Plan

Porterville Transit is committed to serving the local communities throughout its service area and will continue providing public participation opportunities and outreach activities as well as execute various strategies to monitor the service area's transit needs against services provided and future plans.

Transit's Public Presence and Assistance

In the past Porterville Transit has used various ways to engage, train, and distribute information to the public.

- Participating in the Porterville Christmas Parade.
- Participating in the Porterville Veterans Day Parade.

- Participating in the Porterville Freedom Fest.
- Participating in the Porterville Fair with bus on site for the public to board and view inside –with a Transit representative available for questions.
- Posting schedules and fare information at many locations throughout Tulare County and adjacent counties such as Community Resource Centers, Human Services, Behavioral Health and Domestic Violence agencies, as well as common shopping and social areas.
- Conducting “Travel Trainings” for potential riders (including senior center residents), at community resource centers, and for stakeholders in order to help them understand how to use the website, ride the bus, and interpret the bus route schedule.
- Attending coordination meetings with connecting transportation agencies such as Tulare County Area Transit and Orange Belt.
- Coordinating with service agencies to attend or present information at meetings.

Unmet Transit Needs Process

Each year the Tulare County Association of Governments (TCAG) consults with the Social Service Transportation Advisory Council at a publicly advertised meeting regarding Unmet Transit Needs. Prior to the meeting the Unmet Transit Needs process is advertised in the local newspaper and all transit buses requesting Unmet Transit Needs comments. A public hearing is then held to consider the submitted comments.



LANGUAGE ASSISTANCE PLAN



A Division of City of Porterville
Public Works Department
15 E. Thurman Ave., Suite A
Porterville, CA 93257
(559) 782-7448

Adopted by Porterville City Council on September 20, 2016

2016 Porterville Transit Title VI Program

Introduction

This Limited English Proficiency Plan has been prepared to address the Porterville Transit's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English proficiency language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000D, et seq, and it's implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color, or national origin.

The Title VI of the 1964 Civil Rights Act is one of two federal mandates that guarantee the provision of meaningful access to federally-funded services for LEP individuals:

- Title VI of the 1964 Civil Right Act provides that no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives federal financial assistance. This includes meaningful access to LEP customers.
- President's Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (August 11, 2000): instructs federal agencies to improve access to services by mandating that any federally conducted or assisted programs of activities (i.e. recipients of federal funding) must provide meaningful access to LEP customers.

Porterville Transit's Title VI Plan in its entirety is available at www.ridept.com

Plan Summary

Porterville Transit has developed this Limited English Proficiency Plan in order to address Porterville Transit's responsibilities as a recipient of federal funding and to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided.

LEP individuals are those who do not speak English as their primary language and have limited ability to read, write or understand English.

Porterville Transit's goal is to provide meaningful access for LEP customers to all of its services, information and materials. Efforts to effectively engage LEP individuals will ensure that Limited English Proficient (LEP) persons can equally contribute to and benefit from the development and improvement of Porterville Transit services and passenger amenities.

The plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, how to notify LEP persons that assistance is available, staff training that may be required, and measures to regularly monitor and evaluate the plan.

Results of the Four Factor Analysis

Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the Porterville Transit program.

Estimating the number or proportion of LEP individuals that may be encountered by Porterville Transit services will help identify the populations covered by the USDOT's Safe Harbor Provision. This provision stipulates that if an LEP group speaking a given non-English language constitutes five percent or 1,000 persons, whichever is less, of the total population of persons likely to be encountered by transit services, then the service provider must make the following materials and services available to speakers of that language:

- Documents critical for accessing recipients services or benefits;
- Letters requiring response from customer;
- Informing customers of free language assistance;
- Complaint forms, and;
- Notification of rights.

Porterville Transit used available census data from the U.S. Census Bureau 2010-2014 American Community Survey to determine and identify LEP populations within its geographic service boundary.

As demonstrated in the table below, it was determined that out of Porterville's population of 72,470 residents over the age of five, 41,406 speak a language other than English and 16,704 speak English less than "very well" (23.05%)

The most common LEP persons are those who speak Spanish (52.75%). This significant population means the Safe Harbor Provision would apply to the city's Spanish-speaking population, requiring Porterville Transit to provide the materials listed above.

	Population	Speaks English Only	Speaks Spanish	Speaks English "less than very well"	All other languages spoken	Speak English "less than very well"
Porterville	66,548	29,383	34,056	13,484	3,109	1,094
East Porterville	5,922	1,681	4,175	2,090	66	36
Total Number of Persons	72,470	31,064	38,231	15,574	3,175	1,130
% of Population	100%	42.86%	52.75%	21.49%	4.38%	1.55%

Factor 2: The frequency with which LEP persons come into contact with the program.

- A. To determine the frequency of contact between LEP person and Porterville Transit services, Porterville Transit conducted passenger surveys between August 29, 2016 and September 7, 2016 (**Appendix C**).

Passenger Survey Results: As demonstrated in the tables below, of the 104 responses from riders, 13% responded that they did not speak English “very well”, and 18% indicated they did not read English “very well”. Of the 104 responses, 40% speak a language other than English at home (Spanish); 63% read and speak English “very well”, “somewhat well”, and 19% “not very well”; 65% telephoned the Porterville Transit office during normal office hours and were able to communicate with staff “very well”, 31% “somewhat well”, and 4% “not very well”, 68% use the service frequently, 12% moderately, and 20% infrequently.

Of the 104 Respondents	
Do not speak English “very well”	18%
Do not read English “very well”	13%
Speak a language other than English at home	*40%
*Of the 40% who speak a language other than English at home	
Read & Speak English “very well”	63%
Read & Speak English “somewhat well”	18%
Read & Speak English “not very well”	19%
Called the Porterville Transit office & able to communicate with staff “very well”	65%
Called the Porterville Transit office & able to communicate with staff “somewhat well”	31%
Called the Porterville Transit office & able to communicate with staff “not very well”	4%
Use the Porterville Transit service frequently (more than 10 times a month)	68%
Use the Porterville Transit service moderately (6-10 times a month or less)	12%
Use the Porterville Transit service infrequently (1-5 times a month or less)	20%

- B. Additionally Porterville Transit polled office staff and transit drivers to determine the frequency and nature of any contact with LEP persons over the course of their employment (**Appendix D**).

Staff Survey Results: Of the 41 responses from office staff and transit drivers, all 41 office staff and transit drivers noted that they have interacted with LEP individuals. Only 4 of the 41 office staff and transit drivers felt they were unable to fully assist the LEP individual.

Conclusion from the passenger and staff surveys: The frequency which LEP persons come into contact with the Porterville Transit program is extremely high.

Complete results of all both surveys can be viewed in **Appendix F**.

Monitoring the frequency with which LEP persons come into contact with the program.

In an effort to improve our language assistance program in an on-going manner, Porterville Transit is committed to monitoring the frequency and nature of contact LEP persons have with our program. We will conduct annual passenger surveys during the peak times; office staff and drivers will communicate each incident of contact with LEP persons, affording us the ability to assess and record the frequency and nature of inquiries as they occur.

Additionally, we will work closely with various social service organizations and agencies in our service area to stay aware of transportation needs specific to LEP persons as they become evident.

Factor 3: The nature and importance of the program, activity, or service provided by the program to people's lives.

Porterville Transit understands that its services are used for life-sustaining activities, such as transportation to and from work, non-emergency medical appointments, social service appointments and grocery shopping, as well as life-enriching activities, such as school, recreation and social events and also in order to connect with other transportation services. As evident from survey results below, for transit-dependent individuals, Porterville Transit services are very important. For this reason, Porterville Transit is committed to improving its services for riders and potential riders on a continual basis.

To determine the nature and importance of services that riders use the Porterville Transit most often for, destination questions were included in the passenger surveys conducted between August 29, 2016 and September 7, 2016 **(Appendix C/F)**.

From the 104 respondents (some of which use the service for multiple destinations):

Transportation to and from Life-Sustaining Destinations	
Work	25
Medical Appointments	45
Social Service Appointment	22
Grocery Shopping	60
Transportation to and from Life-Enriching Destinations	
School	41
Recreation	20
Social Events	19

Results: Because riders often use the service for multiple destinations, of the 104 responses from riders, 152 marks were given to services for destinations which fall under the life-sustaining activities category; 80 marks given for destinations which fall under life-enriching activities and connections to other buses.

Additionally, the August 2016 survey covered the importance of Porterville Transit services relative to rider's transportation options via access to and ability to drive another vehicle.

Results: Of the 104 responses from riders, 45% do not have access to a vehicle.

Conclusion from the passenger survey: The nature and importance of the services which Porterville Transit provides in its service area is extremely important to many people. Therefore, in terms of outreach, it is important Porterville Transit continue its efforts to address language-related barriers faced by the Spanish-speaking population, such as ensuring key written materials such as rider information are translated, and that bilingual staff members are available as needed.

Factor 4: The resources available to the recipient for LEP outreach, as well as the costs associated with the outreach.

As a Factor 1 demonstrates, the Spanish-speaking LEP population is sufficiently large that Porterville Transit must take measures to minimize language barriers faced by these groups. To address these barriers and fulfill the LEP requirements required under the Safe Harbor Provision, Porterville Transit provides staff, written materials, and online and phone services in Spanish.

Spanish-Speaking Staff

According to the 2031 Title VI plan, Porterville Transit provides several forms of language assistance for Spanish speakers. Among office staff, there is a bilingual staffer available at the Transit Center during normal business hours on each service day.

Written Materials Translated into Spanish

Supplementing the bilingual personnel are translations of all essential rider information and service notice documents. Such documents include the "How to Ride Guide," bus schedules, all notices related to service changes or updates, as well as a flyer in Spanish informing riders of their rights under Title VI.

A large portion of Porterville Transit LEP outreach efforts will be possible through continuing to cultivate relationships with key stakeholders (Social Service agencies) within the LEP community. Keeping these contacts informed about Porterville Transit activities, services and events, and working with them to connect with the LEP populations will be an important outreach activity with little or no associated costs.

The table below identifies potential translation based outreach strategies that may be utilized as is appropriate and their associated costs.

Specific Element	Unit Cost
Translation of Written Documents	
Vital Documents	
Title VI Notice to the Public	\$0.29 per page
Complaint Form	\$0.29 per page
Complaint Procedures	\$0.29 per page
Rider's Guide	\$0.29 per page
ADA Application	\$0.29 per page
Signage advertising Porterville Transit's language assistance program	\$0.29 per page
System Map	\$0.29 per page
Route Schedules	\$0.29 per page
Ad-hoc Documents	
Fliers, Advertisements, Surveys, Announcements	To be determined
Common Transit phrases for staff/drivers	To be determined
Social Events	To be determined
Website	To be determined
Interpretation and Translation Services	
Language Line	\$3.95 per minute utilized
Interpreter at public meetings/workshops	To be determined
Spanish-speaking consultant	To be determined
Advertisements and Outreach	
Availability of language assistance poster	\$.29 per page
Spanish-language radio spots	To be determined
Advertisements in Spanish-language publications	To be determined

Overview of Existing Language Assistance Services

As described in the 4-factor analysis, the largest LEP populations within the Porterville Transit service area include Spanish, Laotian, and Tagalog. However, the Spanish-speaking LEP population is the one whose members are most likely to encounter language-related barriers to using Porterville Transit services. In addition, with a population of approximately 15,000, Spanish-speaking LEP persons are protected under the Federal DOT's Safe Harbor Provision, requiring Porterville Transit to provide translation services and written materials in Spanish.

To address the language-related needs of the Spanish-speaking LEP population, Porterville Transit provides all essential written materials related to rider information in Spanish. In addition, a bilingual staff person provides customer assistance at the Transit Center and Administration Office.

Current Efforts to Notify LEP Populations of Availability of Language Assistance

Through frequent interactions with bilingual drivers and other Transit staff, LEP persons are made aware of bilingual staff members who are available to assist them and also have an opportunity to ask about any other services they may need provided in Spanish. In addition to bilingual staff, rider information notices translated to Spanish are regularly posted on transit vehicles.

Current Employee Training Specific to Language Assistance

As the driver survey revealed, 24 of 41 drivers reported speaking Spanish as a part of their daily work. This finding indicates many drivers are already at least partly bilingual and therefore would not need any additional training for working with Spanish-speaking LEP riders. However, if drivers encounter riders whose language they do not speak (e.g. Tagalog and Laotian), drivers will generally try to assist such riders using hand signals, nodding, and other physical gestures.

Ongoing Monitoring and Updating of the Language Assistance Plan

The Porterville Transit Language Assistance Plan was last reviewed in the Federal Transit Administration 2013 Title VI Program Update and deemed to be in compliance with the requirements set out in FTA Circular 4702.1B. These requirements include:

- Results of the Four Factor Analysis;
- Description of how Porterville Transit provides language assistance for each non-English language;
- Description of how Porterville Transit notifies LEP persons about the availability of language assistance;
- How Porterville Transit monitors and evaluates the language assistance plan; and
- How Porterville Transit trains employees to provide language assistance to LEP populations.

Actions to Ensure Compliance with Title VI Language Requirements

Document Translation

It is recommended that Porterville Transit provide key informational materials in Spanish. All of these materials should be easily accessible and, where possible, presented in highly visible areas likely to be seen by patrons, including onboard vehicles, at the Transit Center and Administration Office, and stops throughout the system. For more significant changes, such as new service or removal of service, additional notices should be provided in local news outlets to maximize awareness among all patrons. Specific written materials Porterville Transit should provide in Spanish include:

- Schedules and maps,
- Notices related to service changes and events that could affect service (e.g., special events, construction),
- Rider guides that provide information on how to use transit services and fare information,

- Notices of fare changes,
- Customer service contact information,
- Notices of all public hearings and meetings at which transit service will be discussed, and
- Title VI Notifications and Complaint Forms.

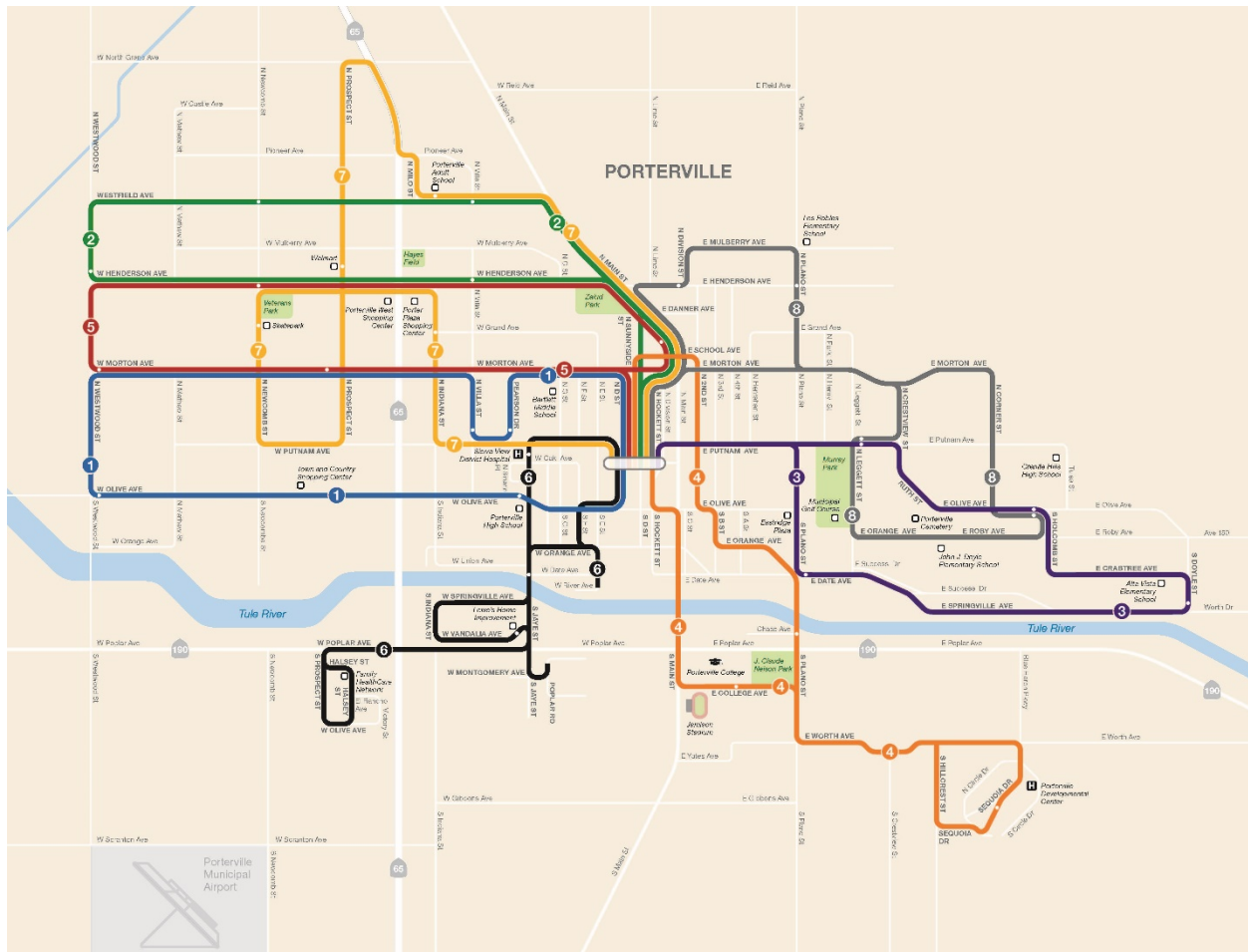
Driver Training to Assist LEP Patrons Who Speak Languages Other than Spanish

Although Spanish speakers are the only LEP population in Porterville Transit service area currently protected by the Safe Harbor clause, Porterville Transit should work to minimize language-related barriers to using Porterville Transit among other LEP populations, including Tagalog, Laotian, Vietnamese, and speakers of other languages. In particular, it is recommended that basic driver training include elements to prepare drivers to work with patrons whose language they do not speak. Recommended elements include in this training are:

- Learning to identify what language is being spoken using the Census Bureau's Language Identification Cards,
- Knowing what language assistance services Porterville Transit offers and how patrons can access those services, and
- How to document requests for language assistance.

Service Analysis

The City of Porterville funds the Porterville Transit and COLT Paratransit Program. Porterville Transit operates bus service along nine fixed routes while COLT provides complementary, ADA-required paratransit service within a ¾ mile radius of fixed routes. A map of the Porterville Transit Service is below.



Frequency and Operating Hours

Porterville Transit buses generally operate with 40 to 80-minute headways, depending on the line, with the schedule and frequencies set up to facilitate time transfers at the Transit Center. While service hours vary among routes, most fixed-route services operate between 6:00 am to 10:40 pm on weekdays, 8:00 am and 10:40 pm on Saturdays, and 8:00 am and 6:00 pm on Sundays. The table below provides the specific operating hours and frequencies for each route.

Line/Service	Operating Hours	Frequency (minutes)
1	6:00am – 10:40 pm weekdays 8:00am – 10:40 pm Saturday 8:00am – 6:00 pm Sunday	40
2	6:00am – 10:40 pm weekdays 8:00am – 10:40 pm Saturday 8:00am – 6:00 pm Sunday	40
3	6:00am – 10:40 pm weekdays 8:00am – 10:40 pm Saturday 8:00am – 6:00 pm Sunday	40
4	6:00am – 10:40 pm weekdays 8:00am – 10:40 pm Saturday 8:00am – 6:00 pm Sunday	40
5	6:00am – 10:40 pm weekdays 8:00am – 10:40 pm Saturday 8:00am – 6:00 pm Sunday	40
6	6:00am – 10:40 pm weekdays 8:00am – 10:40 pm Saturday 8:00am – 6:00 pm Sunday	40
7	6:00am – 10:40 pm weekdays 8:00am – 10:40 pm Saturday 8:00am – 6:00 pm Sunday	80
8	6:00am – 10:40 pm weekdays 8:00am – 10:40 pm Saturday 8:00am – 6:00 pm Sunday	80
9	6:00am – 10:40 pm weekdays 8:00am – 10:40 pm Saturday 8:00am – 6:00 pm Sunday	60
COLT	6:00am – 10:40 pm weekdays 8:00am – 10:40 pm Saturday 8:00am – 6:00 pm Sunday	Demand-Response

Fare Structure

The table below lists the fare structure for Porterville Transit fixed-route and COLT services. Reduced fares are available to seniors age 65 and older, persons with disabilities, Medicare cardholders, and Veterans.

Fare Type	Cost
Adult 1-way	\$1.50
Reduced 1-way	\$0.75
Children Age 5 and younger	Free
General Day Pass	\$3.00
Reduced Day Pass	\$1.50
General 31-day Pass	\$40.00
Reduced 31-day Pass	\$20.00
Student 31-day Pass	\$25.00
COLT General One-Ride	\$5.00
COLT Reduced One-Ride	\$2.50

Fixed-Route Key Performance Indicators

The table below summarizes key operating statistics and how Porterville Transit scored on several common performance metrics during Fiscal Year 2015.

Operating Statistics	
Unlinked Trips	
Farebox Revenue	
Vehicle Service Miles (VSM)	
Vehicle Service Hours (VSH)	
Performance Measures	
Operating Cost per VSH	
Operating Cost per VSM	
Passengers per VSH	
Passengers per VSM	
Farebox Recovery	



System-Wide Service Standards & Policies



Porterville Transit Title VI Program (2016-2019)
October 4, 2016

System-Wide Service Standards & Policies

Purpose

As outlined in Title VI Circular 4702.1B and Environmental Justice Circular 4703.1, the Federal Transit Administration (FTA) requires that all fixed route transit providers establish and monitor a set of service standards and policies that can be used to measure system performance and ensure that transit services are being provided in a fair and equitable manner. The purpose of this document is to establish the new Title VI standards and policies that will be used by Porterville Transit and submitted to the FTA as part of the triennial Title VI Program.

Scope

These standards and policies apply to all Porterville Transit service and passenger facilities.

Responsibilities

General oversight and ongoing implementation and execution for the following Title VI policies is performed by Porterville Transit's Transit Manager.

Policy

In accordance with FTA Title VI requirements, Porterville Transit shall regularly monitor the performance of its fixed bus routes relative to system-wide service standards for the following indicators to ensure that minority and non-minority routes are being operated in a fair and equitable manner.

- Vehicle Load;
- Vehicle Headways;
- On-Time Performance;
- Service Availability; and
- Ridership Productivity

Any significant service deficiencies identified through this process must be evaluated further to determine the extent to which minorities are affected. If the negative effect on minority persons is proportionally higher than the effect on non-minority persons, additional steps may be necessary to address the discrepancy.

Porterville Transit shall also monitor its vehicle assignments and the distribution of transit amenities based on the policies outlined in this document to prevent discriminatory practices.

A. Route Categories

In order to develop appropriate standards for the different types of Porterville Transit service, each route is classified as belonging to one of the six categories listed below. These classifications are used to identify service standards which are specific to each route category.

1. **Core.** Core bus routes provide high-frequency service with extended service spans to some of the busiest corridors in the region. The routes are longer and serve major trip generators such as colleges, shopping malls, and high-density housing and employment areas.
2. **Local.** Local bus service usually operates on medium-length corridors and offers slightly lower levels of service. These routes will often serve smaller trip generators such as schools, hospitals, small shopping centers, and medium-density housing and employment sites.
3. **Community Bus/Shuttles.** Community bus routes are typically shorter and operate with less frequent service. These routes tend to operate within specific neighborhoods and connect small trip generators with transit centers and other nearby destinations. Shuttles are operated or managed are included in this category.
4. **Express/Limited Stop.** Express and Limited Stop bus routes provide quicker, more direct service along major corridors and to large employment centers. These routes are designed for commuters and typically only operate during weekday peak periods.
5. **Bus Rapid Transit.** BRT routes provide enhanced, rapid, high-frequency service in major transit corridors.
6. **Light Rail.** Light rail trains operate on dedicated tracks.

B. System-wide Service Standards

The following sections outline the five primary service indicators that will be used to monitor Porterville Transit service and draw comparisons between minority and non-minority routes. Each standard is set based on the six service categories listed above and the specified time periods. Porterville Transit defines weekday peak periods as 7:00 am to 9:00 am and 3:00 pm to 7:00 pm.

The data samples used to compare route performance to these standards should be collected over a representative time period to ensure that they provide an accurate snapshot of each route. To ensure consistency, Porterville Transit typically uses data from March, April, September or October, which represent the busiest months of the year in terms of ridership. These months also serve as good comparison points because schools are in session and few major holidays are observed. Data collection time periods may also fluctuate based on data availability.

Vehicle Loads

The FTA Title VI Circular describes vehicle loads as follows:

Vehicle load can be expressed as the ratio of passengers to the total number of seats on a vehicle. For example, on a 40-seat bus, a vehicle load of 1.3 means all seats are filled and there are approximately 12 standees. A vehicle load standard is generally expressed in terms of peak and off-peak times. Transit providers that operate multiple modes of transit must describe the specific vehicle load standards for peak and off-peak times for each mode of fixed route transit service (i.e., bus, express, bus rapid transit, light rail, heavy rail,

commuter rail, passenger ferry, etc., as applicable), as the standard may differ by mode.

Porterville Transit monitors load factor data on all routes to prevent overcrowding and determine when additional service is needed. The load factor for each route is calculated based on the average maximum load of each trip on a route during the peak and midday weekday periods. Load factors are not typically a major influence on weekend service planning decisions so no weekend load data is included.

The following table outlines the vehicle load factor standards, which are based upon historical data, industry practices, and staff analyses. If a route exceeds its respective load factor standard, Porterville Transit staff will review the service to determine if additional capacity should be provided. Express and Limited Stop routes are subject to a reduced load factor standard to ensure passenger safety on routes that operate on highways.

Table 1 – Vehicle Load Factor Standards

Category	Seated Capacity	Peak		Midday	
		Load Factor	Passengers	Load Factor	Passengers
Core	32	1.2	38.4	1.0	32.0
Local	32	1.2	38.4	1.0	32.0
Community Bus	25	1.2	30.0	1.0	25.0
Express/Limited Stop	32	1.0	32	1.0	32.0
Bus Rapid Transit	Not Provided				
Light Rail	Not Provided				

Vehicle Headways

The FTA Title VI Circular describes vehicle headways as follows:

Vehicle headways is the amount of time between two vehicles traveling in the same direction on a given line or combination of lines. A shorter headway corresponds to more frequent service. Vehicle headways are measured in minutes (e.g., every 15 minutes); service frequency is measured in vehicles per hour (e.g., 4 buses per hour). Headways and frequency of service are general indications of the level of service provided along a route. Vehicle headway is one component of the amount of travel time expended by a passenger to reach his/her destination. A vehicle headway standard is generally expressed for peak and off-peak service as an increment of time (e.g., peak: every 15 minutes; and off peak: every 30 minutes). Transit providers may set different vehicle headway standards for different modes of transit service. A vehicle headway

standard might establish a minimum frequency of service by area based on population density. For example, service at 15-minute peak headways and 30-minute off-peak headways might be the standard for routes serving the most densely populated portions of the service area, whereas 30-minute peak headways and 45-minute off-peak headways might be the standard in less densely populated areas. Headway standards are also typically related to vehicle load. For example, a service standard might state the vehicle headways will be improved first on routes that exceed the load factor standard or on routes with the highest load factors.

Vehicle headways are largely determined by ridership demand and vary widely by route, time and day. Based on changes in ridership levels, headways may be adjusted during the annually scheduled change process by agency staff.

Table 2 – Vehicle Headway Standards

Category	Peak	Off-Peak
Core	40	40
Local	40/80	40/80
Community Bus	40	40
Express/Limited Stop	60	60
Bus Rapid Transit	Not Provided	
Light Rail	Not Provided	

Porterville Transit calculates headways as the average length of time between the scheduled arrival times of subsequent vehicles on a specific route. The preceding table outlines the vehicle headway standards by route category and time of day. These standards represent typical headways for each route category; however, routes may operate with more frequent service based on ridership demand.

On-Time Performance

The FTA Title VI Circular describes on-time performance as follows:

On-time performance is a measure of runs completed as scheduled. This criterion first must define what is considered to be “on time.” For example, a transit provider may consider it acceptable if a vehicle completes a scheduled run between zero and five minutes late in comparison to the established schedule. On-time performance can be measured against route origins and destinations only, or against origins and destinations as well as specified time points along the route. Some transit providers set an on-time performance standard that prohibits vehicles from running early (i.e., ahead of schedule) while others allow vehicles to run early within a specified window of time (e.g., up to five minutes ahead of schedule). An acceptable level of performance must

be defined (expressed as a percentage). The percentage of runs completed system-wide or on a particular route or line within the standard must be calculated and measured against the level of performance of the system. For example, a transit provider might define on-time performance as 95 percent of all runs system-wide or on a particular route or line completed within the allowed “on-time” window.

Porterville Transit regularly monitors on-time performance to increase service reliability and determine if running time changes are needed. As part of the annual schedule update process, running times on each route are reviewed and adjusted as warranted by changing traffic conditions.

Porterville Transit has previously established an on-time performance goal of 95 percent for all modes. For bus routes, “on time” is defined as arriving no more than three minutes before or five minutes after the scheduled arrival time. The 95 percent goal continues to apply as the weekday on-time performance standard for all six route categories.

Table 3 – On-Time Performance Standards

Category	OTP
Core	95.0%
Local	95.0%
Community Bus	95.0%
Express/Limited Stop	95.0%
Bus Rapid Transit	Not Provided
Light Rail	Not Provided

Service Availability

The FTA Title VI Circular describes service availability as follows:

Service availability is a general measure of the distribution of routes within a transit provider’s service area. For example, a transit provider might set a service standard to distribute routes such that a specified percentage of all residents in the service area are within a one-quarter mile walk or bus service or a one-half mile walk of rail service. A standard might also indicate the maximum distance between stops or stations. These measures related to coverage and stop/station distances might also vary by population density. For example, in more densely populated areas, the standard for bus stop distance might be a shorter distance than it would be in less densely populated areas, and the percentage of the total population within a one-quarter mile walk of routes or lines might be higher in less densely populated areas than it would be in less densely populated areas. Commuter rail service or passenger ferry service availability standards might include a threshold of residents within a

certain driving distance as well as within walking distance of the stations or access to the terminal.

The Porterville Transit approach to service availability is shaped largely by the Porterville Transit Sustainability Policy. This policy mandates the use of a market-based approach in determining when and where transit service will be operated. More specifically, it “provides a framework for the efficient and effective expenditure of transit funds, and for realizing the highest return on investment in terms of public good and ridership productivity.” Therefore, instead of requiring Porterville Transit to make service available to a larger geographic region, these guidelines enable Porterville Transit to provide frequent, high-quality service to the areas with the highest ridership demand. This approach has proven to be particularly effective at fulfilling the transit needs of Tulare County’s minority and low income populations.

Table 4 – Service Availability Standards

Category	Stop Spacing (mi)
Core	0.25
Local	0.25
Community Bus	0.25
Express/Limited Stop	0.50
Bus Rapid Transit	Not Provided
Light Rail	Not Provided

Although Porterville Transit utilizes this ridership-based approach to service availability, the agency has developed stop-spacing standards for each route categories. These standards are based on the current average distance between stops for all of the routes for each category. Distances between individual stops vary significantly based on nearby land uses, development densities, geographic characteristics, ridership demand and other local conditions.

Ridership Productivity

Porterville Transit’s Sustainability Policy identifies a series of ridership-based standards that are used to monitor and evaluate route performance. Based on historical ridership and staff analysis, the primary standard for measuring service performance is boardings per revenue hour. For evaluation purposes, a specific standard is applied to each route category and day. This standard is recalibrated each quarter based on the average boardings per revenue hour for each route category with a minimum standard of 15 boardings per revenue hour. Bus routes that consistently operate below their respective thresholds and are unresponsive to marketing, restructuring, and operational refinements are subject to discontinuation.

A complete summary of the minimum ridership productivity standards by service category is shown below.

Table 5 – Ridership Productivity Standards

Category	Weekday	Saturday	Sunday
Core	15.0	13.0	12.0
Local	15.0	13.0	12.0
Community Bus	15.0	13.0	12.0
Express/Limited Stop	15.0	13.0	12.0
Bus Rapid Transit	Not Provided		
Light Rail	Not Provided		

System-wide Service Policies

These policies are intended to provide guidance and instruction to ensure that vehicle assignment and passenger amenity distribution practices do not result in discrimination on the basis of race, color or national origin.

Vehicle Assignment

The FTA Title VI Circular describes vehicle assignment as follows:

Vehicle assignment refers to the process by which transit vehicles are placed into service in depots and on routes throughout the transit provider's system. Policies for vehicle assignment may be based on the age of the vehicle, where age would be a proxy for condition. For example, a transit provider could set a policy to assign vehicles to depots so that the age of vehicles at each depot does not exceed the system-wide average. The policy could also be based on the type of vehicle. For example, a transit provider may set a policy to assign vehicles with more capacity to routes with higher ridership and/or during peak periods. The policy could also be based on the type of service offered. For example, a transit provider may set a policy to assign specific types of vehicles to express or commuter service. Transit providers deploying vehicles equipped with technology designed to reduce emissions could choose to set a policy for how these vehicles will be deployed throughout the service area.

The Porterville Transit fleet features over 20 active vehicles. The bus fleet includes a mix of three different vehicle types: standard 30-foot diesel buses, 30-foot compressed natural gas (CNG) buses, and 25-foot gasoline community buses. Buses are typically assigned to the operational or ridership characteristics of certain routes.

Currently, all CNG buses must operate as the active fleet.

Porterville Transit Language Assistance Plan

Passenger Survey

In order for the Porterville Transit bus system to meet the needs of persons with Limited English Proficiency (LEP) we are conducting a simple survey. We appreciate your input, thank you!

1. How well do you read English? ☐ Very Well ☐ Somewhat well ☐ Not very well
2. How well do you speak English? ☐ Very Well ☐ Somewhat well ☐ Not very well
3. Do you speak a language other than English at home? ☐ No ☐ Yes, I speak _____
4. Which destinations do you most often use the transit system for? (select all that apply)
☐ Work ☐ Shopping ☐ Medical ☐ Recreation ☐ School
☐ Social Service ☐ Other _____
5. How often do you use the Porterville Transit service each month?
☐ 1-5 time ☐ 6-10 times ☐ More than 10 times
6. Have you ever called the Transit Office?
☐ Yes ☐ No
- If yes, how well were you able to communicate with the staff?
☐ Very Well ☐ Somewhat well ☐ No very well
7. How do you get information about Porterville Transit services? (select all that you use)
☐ Ask bus drivers ☐ Read maps & schedules ☐ Transit website
☐ Call the Transit Office ☐ Ask other people ☐ Other _____
8. Other than riding the bus, do you have access to and drive a vehicle sometimes?
☐ Yes ☐ No
9. Do you have friends or family who speak little to no English, and do not use the bus system?
☐ Yes ☐ No

If yes, to the best of your knowledge, what is the reason they do not use the bus system?

- ☐ They prefer driving their own vehicle
☐ They do not understand the system due to language limitations
☐ The bus schedules/destinations do not fit their needs
☐ Other: _____

Comments or questions: _____

Plan de asistencia de idioma de tránsito de Porterville
Para Ayudar Con el Idioma ~ Encuesta Para los Pasajeros

Para poder ayudar a las personas de Ingles limitado, Porterville Transit está llevando a cabo una encuesta sencilla. ¡Apreciamos su cooperación. Muchas gracias!

1. ¿Qué tan bien lee usted Inglés? ☐ Muy bien ☐ Algo bien ☐ No muy bien
2. ¿Qué tan bien habla usted Inglés? ☐ Muy bien ☐ Algo bien ☐ No muy bien
3. ¿Habla usted una idioma otro de Inglés en casa? ☐ No ☐ Si, hablo _____
4. ¿Para ir a cuál de estos sitios o lugares, lo usa usted?
☐ El trabajo ☐ La escuela ☐ De compras ☐ Servicios Sociales
☐ Servicios Médicos ☐ Recreación ☐ Otro _____
5. ¿Qué tan seguido usa usted el sistema de transportación publica de Porterville por mes?
☐ 1 a 5 veces ☐ 6 a 10 veces ☐ Más de 10 veces
6. ¿Alguna vez ha llamado a la oficina de transito de Porterville?
☐ Si ☐ No
Y si ha llamado, ¿qué tan bien pudo comunicarse con el personal?
☐ Muy bien ☐ Algo bien ☐ No muy bien
7. ¿Cómo obtiene información acerca del servicio de transportación publica de Porterville?
(Marcar todas las que use.)
☐ Le pregunto al conductor ☐ Consulto mapas y horarios
☐ Voy al sitio/website de Porterville Transit ☐ Llamo a la oficina de transito
☐ pregunto a otra personas ☐ Otro _____
8. Aparte de usar autobús/camión, ¿usted tiene acceso a otro tipo de transporte?
☐ Si ☐ No
9. ¿Tiene familiares o amistades que hablan poco o no Ingles y que no usan el sistema de transportación publica?
☐ Si ☐ No
Si contesto si, ¿según usted, cuál sería la razón por la que no lo usan?
☐ Prefieren usar su propio auto.
☐ No entienden el sistema porque no entienden el Ingles muy bien.
☐ Los horarios y sitios o lugares no les convienen.
☐ Otro: _____

Comentarios o preguntas: _____

Porterville Transit Language Assistance Plan

Staff Survey

In order for the Porterville Transit bus system to meet the needs of persons with Limited English Proficiency (LEP) as well as the drivers and office staff who may have occasion to assist LEP passengers, we are conducting a simple survey which may aide in the development of our Language Assistance Plan. Please take a moment to complete the survey below.

(Feel free to use the back of survey if you need more room)

1. Can you communicate in a language other than English? ☐ Yes ☐ No
If so, the name of the language: _____
To what proficiency? ☐ Fluently ☐ Somewhat(can get by ok) ☐ Barely (very limited)
2. How many times during your employment here have you interacted in any capacity with someone who did not speak English proficiently? _____ times in _____ years/months
3. Briefly describe the most involved incident (including their language if you recognized it):

4. Did you feel you were able to assist the person? ☐ Yes ☐ No
(Why/why not)

5. Can you think of any resources/tools that could help staff be better equipped to assist LEP persons?

6. Can you speculate as to why more persons with limited English do not use the transit system?

7. Can you think of a way we can pro-actively encourage more LEP ridership?

Your input and experience are valuable...thank you for taking the time to help make Porterville Transit the best transit system we can.

Your Name (print): _____



CITY COUNCIL AGENDA – OCTOBER 18, 2016

SUBJECT: Approval for Community Civic Event - U.S. Marine Corps Reserve Toys for Tots Program - A Christmas to Remember Car & Bike Show - November 12, 2016

SOURCE: Finance

COMMENT: The U.S. Marine Corps Reserve is requesting approval to hold a car and bike show on Saturday, November 12, 2016, from 8:00 a.m. to 3:00 p.m., at Centennial Park, for their Toys for Tots Program. The following street closures have been requested:

Main Street, from Morton Avenue to Putnam Avenue,
Harrison Avenue from Hockett Street to Second Street;
Thurman Avenue from Division Street to Second Street;
Cleveland Avenue from Division Street to Second Street.

This request is made under the Community Civic Events Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. The requirements are listed on the attached copy of the application, agreement and Exhibit A.

RECOMMENDATION: That the City Council approve the attached Community Civic Event Application and Agreement submitted by the U.S. Marine Corps Reserve subject to the stated requirements contained in the Application, Agreement and Exhibit A.

ATTACHMENTS:

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

Appropriated/Funded:

Review By:

Department Director:
Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE

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



(Incomplete applications can delay permit process)

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

DO YOU HAVE? Event Flyer? E-mail address? Website?
Application date: 9/29/16 Event date: 11/12/16
10/5/16 Event time: 8-3PM
Name of Event: "A Christmas to Remember"
Car & Bike Show for Toys for Tots
Sponsoring organization: U.S. Marines Reserve Phone # 559-289-9381
Address: 345 West Bellerive Ave, Porterville, CA 93257
Authorized representative: Grace Monoz-Rios, LCSW Phone # 559-289-9381
Address: 345 West Bellerive Ave, Porterville, CA 93257
Event chairperson: Marsha Randolph Phone # 559-202-9254
Location of event Main Street & Cleveland - Centennial Park
(Location map must be attached)
Type of event: Fundraiser Car Show for Toys for Tots

Non-profit organization status: BL# 004432
(IRS Determination)

City services requested (fees associated with these services will be billed separately):
Barricades (quantity): 18 Street sweeping Yes ☒ No ☐
Police protection Yes ☐ No ☒ Refuse pickup Yes ☒ No ☐
Other: _____

Parks facility application required: Yes ☒ No ☐ Attached ☐
Assembly permit required: Yes ☐ No ☒ Attached ☐

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

<u>Appr.</u>	<u>Deny</u>		
_____	_____	Bus. Lic. Spvr.	_____
_____	_____	Pub. Works Dir	_____
_____	_____	Comm. Dev. Dir.	_____
_____	_____	Field Svcs. Mgr.	_____
_____	_____	Fire Chief	_____
_____	_____	Parks Dir.	_____
_____	_____	Police Chief	_____
_____	_____	Admin. Svcs. Dir.	_____

CITY OF PORTERVILLE

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

What constitutes a Community Civic Event?

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

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

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

gnm Authorized Representative Initial

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

gnm Authorized Representative Initials

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

gnm Authorized Representative Initials

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

gnm Authorized Representative Initials

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

gnm Authorized Representative Initials

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

US Marines Reserves	<i>Grace Muñoz-Rios</i>	9/29/16
(Name of Organization)	(Signature)	(Date)

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

Location: Centennial Park Event date: 11/12/16 Event time: 8:30 PM

[illegible]

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

CITY OF PORTERVILLE

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

Name of event: "A Christmas to Remember" Car & Bike Show

Sponsoring organization: US Marines Reserve Toys for Tots

Event date: 11/12/16 Hours: 8 to 3 PM

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed

<u>Street Name</u>	<u>From</u>	<u>To</u>	<u>Activity</u>
Morton Ave			Car Show
Putnam Ave			Car Show
Main Street	Morton	Putnam	Car Show
Harrison	Hackett	Second	Car Show
Thurman	DIVISION	Second	Car Show
Cleveland	DIVISION	Second	Car Show
<u>Sidewalks</u>	<u>From</u>	<u>To</u>	<u>Activity</u>
Main Street	Morton	Putnam	
<u>Parking lots and spaces</u>	<u>Location</u>		<u>Activity</u>

Requirements for Community Civic Event

U.S. Marines Reserve Toys for Tots
Christmas to Remember Car and Bike Show

November 12, 2016

Finance Director:
M. Bemis

Public Works Director:
M. Reed

Community Development Manager:
J. Phillips

Field Services Manager:
B. Styles

Barricades may be obtained and returned at
555 N. Prospect Street.

Fire Chief:
G. Irish

No comments.

Parks and Leisure Services Director:
D. Moore

Vehicles to remain off grass. Public to remain
out of Main Street planters.

Police Lieutenant:
C. Contreras

Please see Conditions/Requirements in
Exhibit B.

Administrative Services Director:
P. Hildreth

Please see Exhibit A, page 2.

Requirements for Community Civic Event

Sponsor: U.S. Marines Reserve Toys for Tots
Event: A Christmas to Remember Car and Bike Show
Event Chairman: Grace Munoz-Rios
Location: Centennial Park
Date of Event: November 12, 2016

RISK MANAGEMENT: Conditions of Approval

That the U.S. Marines Reserve Toys for Tots provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than \$1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as 'Additional Insured' against all claims arising from, or in connection with, the Permittee's operation and sponsorship of the aforementioned Community Civic Event

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

CITY OF PORTERVILLE

APPLICATION FOR COMMUNITY CIVIC EVENT

Proposed Event:

Car Show – A Christmas to Remember – Toys for Tots
Centennial Park
November 12th, 2016 from 9:00am – 3:00pm

Staff Comments: Conditions/Requirements by Police Department

- All street closures require City Council approval well in advance of the event.
- No procession has been mentioned, but participants in any procession on city roadways must comply with all traffic laws and rules of the road. Additionally, they shall not impede vehicular or pedestrian traffic or generally interfere with the normal flow of traffic.
- There shall be no sales, possession or consumption of alcoholic beverages in the park during the event.
- Food vendors should provide inspection certificates from the Tulare County Health Department to event organizers to ensure safe food products.
- An Outside Amplifier Permit has been requested and granted. However, event organizers shall not allow music or other amplifications to be played so loud as to unreasonably disturb the peace and good order of the business establishments or neighborhoods in the area. If a complaint is received by the Police Department, an officer will respond to the complaint.
- Amplified music or sound shall not continue beyond 3:00 p.m.

Chris Contreras / Lieutenant
Porterville Police Department

Exhibit B

Thurman

SECOND STREET

ALLEY

Porta Potties

STAGE

HANDICAP
BATHROOM

HOGGIES
SANDWICHES

Cleveland

Finance
and Thrift

18

17



16



15

14



13

23

21

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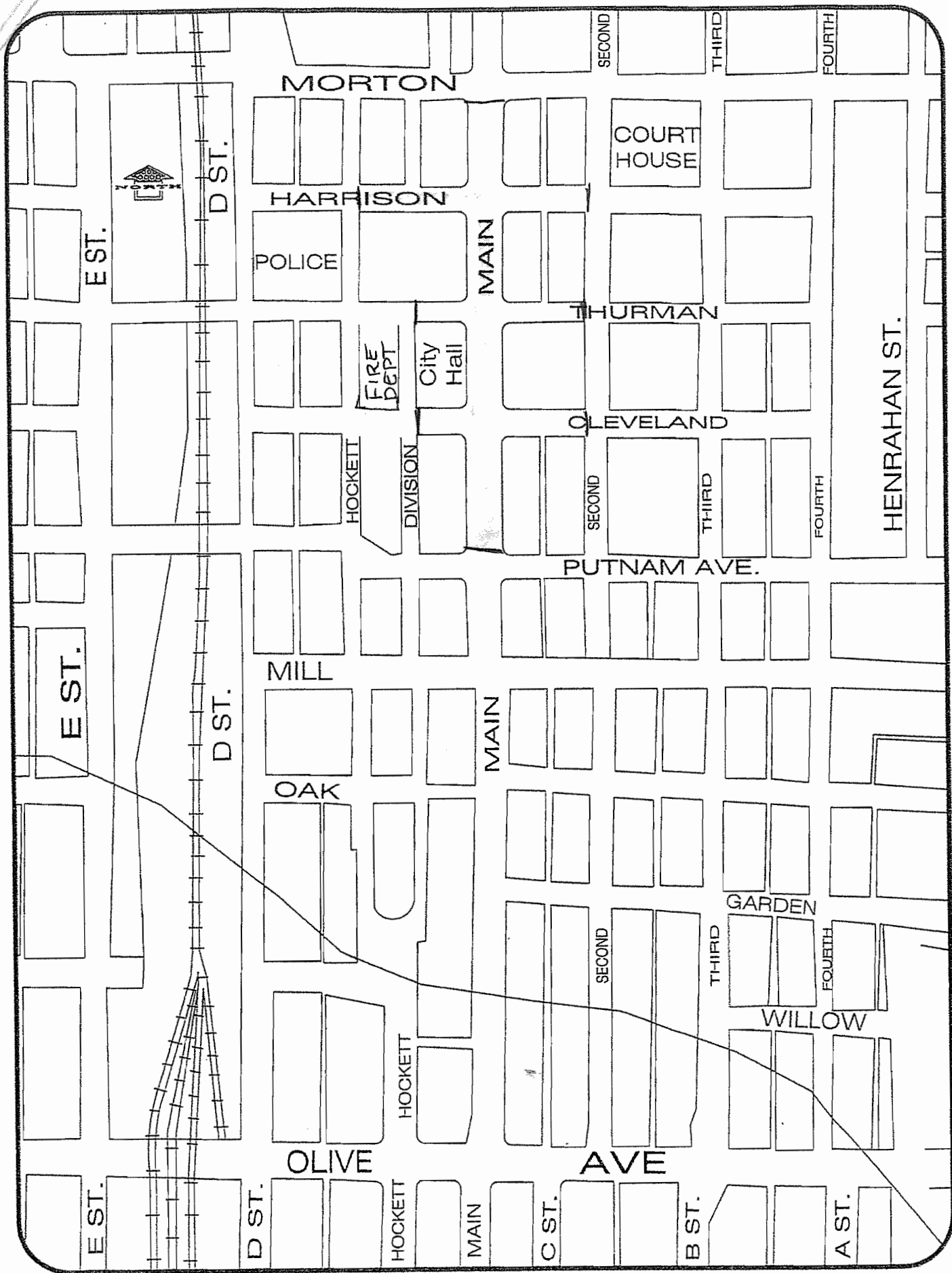
4

5

6

MAIN ST.

CITY HALL



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



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

- 1 Name and home address of the applicant: US Marines Reserve Toys for Tots - Grace Muñoz-Rios, LCO, 345 West Bellevue Ave, Porterville, CA 93257
- 2 Address where amplification equipment is to be used: Centennial Park - Gazebo
- 3 Names and addresses of all persons who will use or operate the amplification equipment: Arturo Villagomez-DJR 4647 N. Chestnut Ave #112, Fresno, CA 93726
- 4 Type of event for which amplification equipment will be used: Car & Bike Show - Toy Drive
- 5 Dates and hours of operation of amplification equipment: 11/12/16 9-3 PM
- 6 A general description of the sound amplifying equipment to be used: Speakers, DJ equipment, microphone

Section 18-9

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

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

Section 18-14

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

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

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

Grace Muñoz-Rios
Signature of Applicant

9/29/16
Date

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

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

10-10-16
Date



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/05/2016

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

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

PRODUCER Specialized Insurance Services Inc. Chesapeake 900 Stanhope Gardens Suite 100 Chesapeake VA 23320		CONTACT NAME: Jackie Dunnagan PHONE (A/C, No. Ext): (757)410-5800 FAX (A/C, No): (866)264-7244 E-MAIL ADDRESS: Jdunnagan@specializedins.com	
		INSURER(S) AFFORDING COVERAGE	
		INSURER A: Philadelphia Insurance Company	
		INSURER B: The Hartford	
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ Hired/Non-Owned Auto \$1 Mil. CSL GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC	Y	N	PHPK1463214	04/22/2016	04/22/2017	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ HIRED AUTOS ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☒ RETENTION \$ 10,000	N	N	PHUB532642	04/22/2016	04/22/2017	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☐	N/A	N	14WECVT2839	04/22/2016	04/22/2017

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

RE: "A Christmas to Remember" Car & Bike Show-Porterville; Centennial Park, Main & Cleveland, Porterville, CA 93257.
Successor Agency to the Porterville Redevelopment Agency is an additional insured with respects to General Liability per form #PIGLDHSV(10/11) as required by written contract.

CERTIFICATE HOLDER

City of Porterville 291 North Main Street Porterville CA 93257
--

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

- (1) Any "occurrence" which takes place after you cease to be a tenant in that premises; or
- (2) Structural alterations, new construction or demolition operations performed by or on behalf of that person or organization.

- g. Lessor of Leased Equipment – Automatic Status When Required in Lease Agreement With You** – Any person or organization from whom you lease equipment when you and such person or organization have agreed in writing in a contract or agreement that such person or organization is to be added as an additional insured on your policy. Such person or organization is an insured only with respect to liability for "bodily injury," "property damage" or "personal and advertising injury" caused, in whole or in part, by your maintenance, operation or use of equipment leased to you by such person or organization.

A person's or organization's status as an additional insured under this endorsement ends when their contract or agreement with you for such leased equipment ends.

With respect to the insurance afforded to these additional insureds, this insurance does not apply to any "occurrence" which takes place after the equipment lease expires.

- h. Grantors of Permits** – Any state or political subdivision granting you a permit in connection with your premises subject to the following additional provision:
- (1) This insurance applies only with respect to the following hazards for which the state or political subdivision has issued a permit in connection with the premises you own, rent or control and to which this insurance applies:
 - (a) The existence, maintenance, repair, construction, erection, or removal of advertising signs, awnings, canopies, cellar entrances, coal holes, driveways, manholes, marquees, hoist away openings, sidewalk vaults, street banners or decorations and similar exposures;
 - (b) The construction, erection, or removal of elevators; or
 - (c) The ownership, maintenance, or use of any elevators covered by this insurance.
- i. Vendors** – Only with respect to "bodily injury" or "property damage" arising out of "your products" which are distributed or sold in the regular course of the vendor's business, subject to the following additional exclusions:
- (1) The insurance afforded the vendor does not apply to:
 - (a) "Bodily injury" or "property damage" for which the vendor is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the vendor would have in the absence of the contract or agreement;
 - (b) Any express warranty unauthorized by you;
 - (c) Any physical or chemical change in the product made intentionally by the vendor;
 - (d) Repackaging, except when unpacked solely for the purpose of inspection, demonstration, testing, or the substitution of parts under instructions from the manufacturer, and then repackaged in the original container;

- (e) Any failure to make such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products;
- (f) Demonstration, installation, servicing or repair operations, except such operations performed at the vendor's premises in connection with the sale of the product;
- (g) Products which, after distribution or sale by you, have been labeled or relabeled or used as a container, part or ingredient of any other thing or substance by or for the vendor; or
- (h) "Bodily injury" or "property damage" arising out of the sole negligence of the vendor for its own acts or omissions or those of its employees or anyone else acting on its behalf. However, this exclusion does not apply to:
 - (i) The exceptions contained in Sub-paragraphs (d) or (f); or
 - (ii) Such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products.
- (2) This insurance does not apply to any insured person or organization, from whom you have acquired such products, or any ingredient, part or container, entering into, accompanying or containing.
- j. **Franchisor** – Any person or organization with respect to their liability as the grantor of a franchise to you.
- k. **As Required by Contract** – Any person or organization where required by a written contract executed prior to the occurrence of a loss. Such person or organization is an additional insured for "bodily injury," "property damage" or "personal and advertising injury" but only for liability arising out of the negligence of the named insured. The limits of insurance applicable to these additional insureds are the lesser of the policy limits or those limits specified in a contract or agreement. These limits are included within and not in addition to the limits of insurance shown in the Declarations
- l. **Owners, Lessees or Contractors** – Any person or organization, but only with respect to liability for "bodily injury," "property damage" or "personal and advertising injury" caused, in whole or in part, by:

(1) Your acts or omissions; or

(2) The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured when required by a contract.

With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to "bodily injury" or "property damage" occurring after:



CITY COUNCIL AGENDA – OCTOBER 18, 2016

SUBJECT: Approval for Community Civic Event - Barn Theater - Beauty and the Beast Presents "A Haunting We Will Go" - October 29, 2016

SOURCE: Finance

COMMENT: The Barn Theater is requesting approval to hold a fundraising event for the production of Beauty and the Beast and presents "A Haunting We Will Go" on October 29, 2016 from 5:00 pm to 12:00 am. This event will include a Halloween carnival, haunted hay rides and a monster ball inside the theater. The request also includes the use of the property behind the theater and a portion of Murry Park for the carnival and hay rides.

This request is made under the Community Civic Events Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. The requirements are listed on the attached copy of the application, agreement and Exhibit A.

RECOMMENDATION: That the City Council approve the Community Civic Event Application and Agreement from the Barn Theater, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit A of the Community Civic Event Application.

ATTACHMENTS:

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

Appropriated/Funded:

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

10/18/16

CITY OF PORTERVILLE

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



(Incomplete applications can delay permit process)

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

DO YOU HAVE? Event Flyer? E-mail address? Website?

Application date: 9/28/16 Event date: 10/29/16

Event time: 5pm - 12am

Name of Event: Barn Theatre's Beauty and the Beast

presents A Haunting We will go

Sponsoring organization: Barn Theatre Phone #

Address: 42 S. Plano Porterville Ca 93257

Authorized representative: Mary Shaw Phone # 359-1698

Address: c/o 42 S. Plano Porterville, Ca 93257

Event chairperson: Melissa Lentner Phone # 359-6980

Monica Soto 333-8866

Location of event Barn Theatre and Murry Park

(Location map must be attached)

Type of event: Halloween carnival, haunted hayride,

Monster ball inside theater

Non-profit organization status: BL# 0099

(IRS Determination)

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

Barricades (quantity): 10 Street sweeping Yes No

Police protection Yes No Refuse pickup Yes No

Other:

Parks facility application required: Yes No Attached

Assembly permit required: Yes No Attached

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

Appr. Deny

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

mshaw@mail.brandman.edu

CITY OF PORTERVILLE

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

What constitutes a Community Civic Event?

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

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

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

MG Authorized Representative Initial

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

MG Authorized Representative Initials

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

MG Authorized Representative Initials

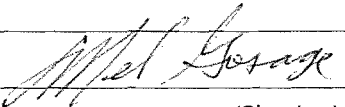
First aid station: Organization/Applicant will establish a first aid station, with clearly posted signs, to provide basic emergency care, such as ice/hot packs, bandages, and compresses.

MG Authorized Representative Initials

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

MG Authorized Representative Initials

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

The Barn Theatre		09/24/16
(Name of Organization)	(Signature)	(Date)

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

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION.** Vendors with no valid City of Porterville business license are required to pay \$1 per day to the City, with the exceptions of non-profit organizations per *City of Porterville Municipal Code 15-20(E) Community Civic Events (16). This form should be completed at the time of application, but must be submitted **NO LESS THAN ONE WEEK PRIOR TO THE EVENT.**

<u>Vendor name</u>	<u>Address/Telephone</u>	<u>Business License required?</u>	<u>Type of Activity</u>
<i>None</i>			

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

CITY OF PORTERVILLE

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

Name of event: "Beauty & the Beast" A Haunting we will go

Sponsoring organization: Barn Theatre

Event date: 10-29-2016 Hours: 5^{pm} - 12^{am}

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed

<u>Street Name</u>	<u>From</u>	<u>To</u>	<u>Activity</u>
Requesting to use Property behind BARN THEATRE for Carnival & Hayrides.			
<u>Sidewalks</u>	<u>From</u>	<u>To</u>	<u>Activity</u>
<u>Parking lots and spaces</u>	<u>Location</u>	<u>Activity</u>	

Requirements for Community Civic Event

Barn Theater
Beauty and the Beast Presents A Haunting We Will Go

October 29, 2016

Finance Director:

M. Bemis

Public Works Director:

M. Reed

Community Development Manager:

J. Phillips

Field Services Manager:

B. Styles

Barricades may be obtained and returned at 555 N. Prospect Street.

Fire Chief:

G. Irish

Carnival rides must be inspected prior to operation and use. Monster Ball requires safety inspection prior to opening.

Parks and Leisure Services Director:

D. Moore

Gates to access road inside Murry Park are scheduled to lock at 8:00 p.m.

Police Lieutenant:

C. Contreras

No comments.

Administrative Services Director:

P. Hildreth

See Exhibit A, page 2.

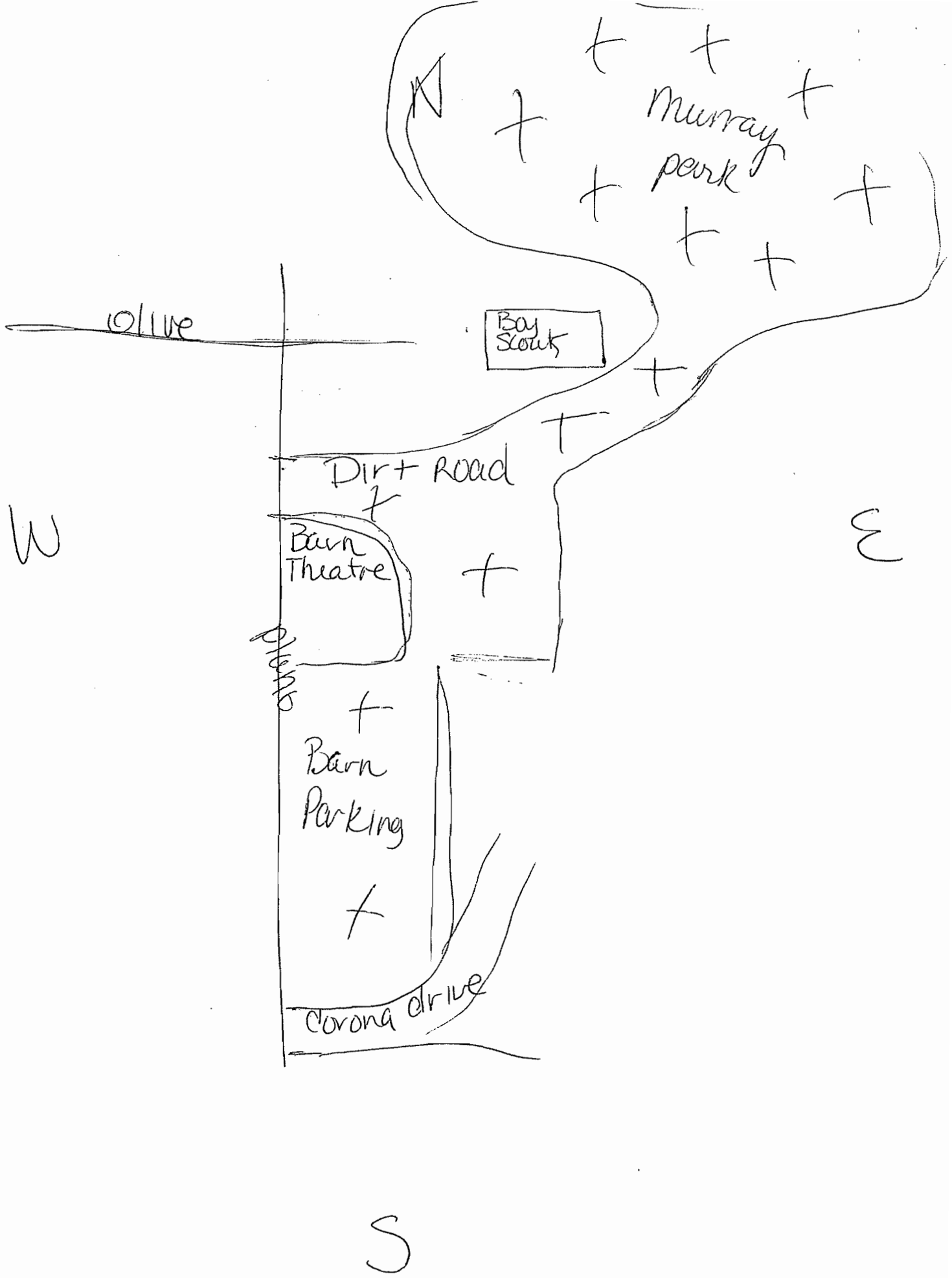
Requirements for Community Civic Event

Sponsor: Barn Theater
Event: Beauty and the Beast Presents A Haunting We Will Go
Event Chairman: Melissa Lentcner
Location: Barn Theater
Date of Event: October 29, 2016
Time of Event: 5:00 p.m. to 12:00 a.m.

RISK MANAGEMENT: Conditions of Approval

That the Barn Theater provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than \$1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as "Additional Insured" against all claims arising from, or in connection with, the Permittee's operation and sponsorship of the aforementioned Community Civic Event.

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



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



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

1 Name and home address of the applicant: _____

2 Address where amplification equipment is to be used: _____

3 Names and addresses of all persons who will use or operate the amplification equipment: _____

4 Type of event for which amplification equipment will be used: _____

5 Dates and hours of operation of amplification equipment: _____

6 A general description of the sound amplifying equipment to be used: _____

Section 18-9

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

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

(Ord. Code § 6311)

Section 18-14

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

Penal Code Section 415 (2)

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

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

Signature of Applicant

Date

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

City of Porterville, Chief of Police/Designee

Date

Mary Shaw
359-1698

POLICY NUMBER: 2015-05111-NPO

COMMERCIAL GENERAL LIABILITY
CG 20 26 04 13

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

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

Any person or organization that you are required to add as an additional insured on this policy, under a written contract or agreement currently in effect, or becoming effective during the term of this policy. The additional insured status will not be afforded with respect to liability arising out of or related to your activities as a real estate manager for that person or organization.

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

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

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

However:

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

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

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

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

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



CITY COUNCIL AGENDA – OCTOBER 18, 2016

SUBJECT: Public Health Goal Report

SOURCE: Public Works

COMMENT: SB 1307 added new provisions to the California Health and Safety Code specifying that larger (>10,000 service connections) water utilities prepare a special report if their water quality measurements have exceeded any Public Health Goals (PHGs). Established by the Cal-EPA's Office of Environmental Health Hazard Assessment (OEHHA), PHGs are non-enforceable standards, and no action to meet them is mandated. The law also requires that where OEHHA has not adopted a PHG for a constituent, the water suppliers are to use the maximum contaminant level goals (MCLGs) adopted by the United States Environmental Protection Agency (US EPA). A public hearing is required for the purpose of accepting and responding to public comment on the report.

The attached report is intended to provide information to the public in addition to the Consumer Confidence Report mailed to each customer in June. The City of Porterville's water system complies with all of the health-based drinking water standards and maximum contaminant levels (MCLs) required by the California Department of Health Services and the US EPA.

RECOMMENDATION: That City Council conduct a public hearing to solicit comments on the Public Health Goal Report.

ATTACHMENTS: 1. Public Health Goal Report 2016

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE

PUBLIC HEALTH GOAL REPORT

The California Health and Safety Code Section 116470(b), (c) and (f) specifies that on July 1, 1998, and every three years thereafter, public water systems serving more than 10,000 service connections shall prepare a report intended to inform the public concerning any Public Health Goal (PHG) that is exceeded.

PHGs are set by the California Office of Environmental Health Hazard Assessment (OEHHA) which is part of Cal-EPA and are based solely on public health risk considerations. None of the practical risk-management factors that are considered by the USEPA or the California Department of Health Services (CDHS) in setting drinking water standards (MCLs) are considered in setting PHGs. These factors include analytical detection capability, treatment technology available, benefits and costs. The PHGs are not enforceable and are not required to be met by any public water system. MCLGs are the federal equivalent to PHGs.

The following constituent was detected in the city of Porterville drinking water sources at levels above the PHG, or if no PHG, above the MCLG:

Tetrachloroethylene (PCE): The PHG for PCE is 0.06 ppb, with a MCL of 5 ppb. Detection levels in 6 wells range from 0 to 3.8 ppb. **These levels were below the MCL at all times.** The category of health risk associated with PCE is that people who drink water containing PCE **above** the MCL throughout their lifetime could experience liver problems and may have an increased risk of getting cancer. CDHS says that "Drinking water which meets the MCL is associated with little to none of this risk and should be considered safe with respect to PCE." The numerical health risk for a PHG of .06 ppb is 1 in 1,000,000. The numerical health risk for a MCL of 5 ppb is 8 in 100,000.

Definitions:

Public Health Goals (PHG): The level of a contaminant in drinking water below which there is no known or expected risk to health. PHGs are set by the California Environmental Protection Agency.

Maximum Contaminant Level Goal (MCLG): The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs are set by the U. S. Environmental Protection Agency.

Maximum Contaminant Level (MCL): The highest level of a contaminant that is allowed in drinking water. Primary MCLs are set as close to the PHGs (or MCLGs) as is economically and technologically possible. Secondary MCLs are set to protect the odor, taste, and appearance of drinking water.

Action Level: The concentration of which, if exceeded, triggers treatment or other requirements which a water system must follow.

ppb: Parts per billion



CITY COUNCIL AGENDA – OCTOBER 18, 2016

SUBJECT: Adoption of the California Building and Fire Codes

SOURCE: Public Works

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 and fire codes, specifically the California Building and Fire Codes, were updated in 2016. The State of California has since adopted the 2016 International Codes as the State Codes for Building, Plumbing, Mechanical, Electrical, Energy, and Fire.

In addition to these Codes, the State of California has also mandated the adoption of the 2016 Green Building Standards Code, the 2016 Residential Code, and the 2016 Referenced Standards Code. The 2016 Codes become State mandated as of January 1, 2017.

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 2016 Editions of the California Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historical Buildings, Existing Buildings, and Referenced Standards Codes; and
2. Approve for first reading the draft ordinances adopting the 2016 Editions of the California Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historical Buildings, Existing Buildings, and Referenced Standards Codes, waive further reading and order the ordinances to print.

ATTACHMENTS:

1. Draft Ordinance - Building and Energy Codes
2. Draft Ordinance - Mechanical Code
3. Draft Ordinance - Plumbing Code
4. Draft Ordinance - Electrical Code
5. Draft Ordinance - Green Building Code
6. Draft Ordinance - Fire Code

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, City Engineer

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 2016 EDITIONS OF THE CALIFORNIA ADMINISTRATIVE CODE, THE CALIFORNIA BUILDING CODE, 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 2016 Edition of the California Administrative Code Title 24 Part 1; 2016 California Building Code Part 2, Volumes 1 and 2; the 2016 California Residential Code Title 24 Part 2.5; the 2016 Energy Code Title 24 Part 6; the 2016 Edition of the California Historical Buildings Code Title 24 Part 8; the 2016 Edition of the California Existing Buildings Code Title 24 Part 10; and the 2016 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: E, H, J, and V of the 2016 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, 2016 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 2016 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, 2016 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 7-3.5. 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. 1804 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, 2017.

PASSED, ADOPTED AND APPROVED this ___ day of _____, 2016.

ATTEST:
John D. Lollis, City Clerk

Milt Stowe, 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 2016 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 2016 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 2016 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.1805 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, 2017.

PASSED, ADOPTED AND APPROVED this __ day of _____, 2016.

Milt Stowe, 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 2016 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 2016 Edition of the California Plumbing Code Title 24 Part 5, the
Referenced Standards, and Appendixes C and H.

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 2016 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 7-6.1 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. 1806 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, 2017.

PASSED, ADOPTED AND APPROVED this __ day of _____, 2016.

Milt Stowe, 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 2016 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 2016 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 2016 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 2016 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 7-9.1 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. 1807 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, 2017.

PASSED, ADOPTED AND APPROVED this ___ day of _____, 2016.

ATTEST:
John D. Lollis, City Clerk

Milt Stowe, 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 2016 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 2016 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 2016 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. 1809 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, 2017.

PASSED, ADOPTED AND APPROVED this ___ day of _____, 2016.

Milt Stowe, 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 CHAPTER 12 OF THE CODE OF THE CITY OF PORTERVILLE
ADOPTING BY REFERENCE EXCEPT AS OTHERWISE PROVIDED IN THIS
ARTICLE, THE 2016 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, Fire Prevention, Section 12.1.1, of the Municipal Code of
the City of Porterville is hereby amended to read as follows:

SECTION 12-1.1: CALIFORNIA FIRE CODE ADOPTION; FILING OF COPIES:

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 2016 Edition thereof together with the
following appendices thereto, and the California Fire Code Standards are hereby
amended and changed as follows:

Adoption of Appendices; Appendix Chapter 4, Appendix B as amended by this
code, Appendix C, Appendix D as amended by this code, Appendix E, Appendix F,
Appendix G, Appendix H, Appendix I, Appendix J, Appendix K, Appendix L, Appendix
M, Appendix N.

B. Fire Code Amendments:

1. Section 105.1.1 is amended to read as follows:

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. The exception to section D104.2 of Appendix D is deleted.
3. The exception to Section D106.1 of Appendix D is deleted.
4. Exceptions 1 & 2 of section D107.1 of Appendix D are deleted.
5. Sections 108, 108.1, 108.2, and 108.3 are deleted.

C. SECTION 12-1.1.1 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.

D. Fire Code Copy on File: One 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.

E. That Ordinance No. 1808 of the Municipal Code of the City of Porterville is hereby repealed.

F. This Ordinance shall be in full force and in effect on January 1, 2017.

PASSED, ADOPTED AND APPROVED this __ day of _____, 2016.

ATTEST:
John D. Lollis, City Clerk

Milt Stowe, Mayor

By: Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – OCTOBER 18, 2016

SUBJECT: Porterville Animal Control Shelter Facility Staffing

SOURCE: Police

COMMENT: On October 27, 2015, a joint meeting of the Porterville City Council and Animal Control Commission was held at Fire Station No. 2 Training Facility. During that meeting, consideration was given to the recently completed Koret Report, which was an evaluation of the Porterville Animal Control Shelter Facility/Practices. A main topic discussed as a result of the Koret Report was the need for an increase in shelter personnel. Animal Control Supervisor Augie Gonzalez also spoke to the need for at least two additional full-time personnel at the shelter.

The Council concurred there was a need for additional staff at the shelter. The staffing options discussed included a Live Release Coordinator position as part of the increased staffing at the shelter. This position has since been authorized by Council and implemented by the City. With regard to other staffing, the possibility of partnering with Community Services Employment Training (CSET) to provide additional shelter personnel was discussed as a potential more cost effective alternative to hiring another full time Community Service Officer to be assigned at the shelter.

Staff explored a possible partnership with CSET to increase staffing at the Animal Shelter, meeting with CSET staff on April 1, 2016, to discuss that possible partnership. After that meeting, a job title was identified and a list of job duties was drafted to read:

Animal Shelter Technician (AST)

Animal Shelter Technician duties include cleaning kennels, moving animals to and from kennels, using cleaning chemicals, disinfecting main walking aisles, squeegeeing, feeding animals, changing bedding, disinfecting beds, washing and sanitizing food and water bowls, cleaning waste gutters, washing and drying laundry, sweeping, throwing away trash, and monitoring animals for medical or behavioral issues. Duties may also include interacting with and comforting animals and documenting observations in a daily log. Other duties related to the care of animals and/or the maintenance of the shelter may be assigned.

Animal Shelter Technicians are in high animal contact positions and must be able to safely work around animals, work independently, and be receptive to

feedback. They must also be able to handle the physical demands of the position, such as repetitious scrubbing, bending and lifting, as well as have a tolerance for loud noise and strong odors.

In addition to a list of job duties, a potential staffing schedule was also included in the draft. The staffing schedule was based on the limitation that CSET workers would not be available to work on weekends/holidays. The staffing schedule was drafted to read:

(3) Half-time positions – (4) hours per day – (5) days per week
Total hours per year – 3120 – (1040 hours per position)
Work Shifts – (2) shifts Monday-Friday, 0900-1300
(1) shift Monday-Friday, 1100-1500

The draft of the job duties and potential staffing schedule were created and submitted to CSET for their use in drafting a project proposal for a CSET/Porterville Police Department partnership. On May 4, 2016, the Police Department received the partnership proposal from CSET. The proposal listed the job duties and staffing schedule as submitted by the Department. CSET indicated in their proposal they would be able provide (3) part time personnel with the ability to perform the job duties of Animals Shelter Technician and who would work as scheduled on the submitted proposal.

The submitted CSET proposal provided for a cost to the City at the rate of \$20.16 per hour (\$20.66 starting January 1, 2017). The proposal did not provide a breakdown for the hourly rate, such as the actual hourly rate paid to the employee, benefits cost and administrative cost. At the cost provided, the yearly rate to the City – per employee – would be \$20,966.40. The yearly cost for (3) employees working (20) hours per week would result in a yearly cost to the City of \$62,899.20. This cost would provide for (60) total work hours per week. (*For comparison purposes, the current yearly cost for (1) F/T Community Service Officer (CSO) is \$59,374.20, with a total of (40) work hours per week.)

Due to this cost being higher than expected, Department staff explored additional alternatives. These alternatives were calculated at the cost per hour, for (20) hours per week, to provide the most accurate comparison.

As part of the comparison, staff determined the costs of our two current part-time CSO's who are assigned to the Shelter. Our current part-time CSO's are currently paid \$16.73 per hour, with an additional cost to the City of \$1.41 per hour for benefits. (City of Porterville benefits for part-time employees include: medi-care, unemployment insurance, and worker's compensation insurance.) Also determined were the costs of an employee with the City's Lifeguard program. This position was used for comparison as it represents one of the City's part-time positions with the least financial impact (per position) to the City, yet also provides an important public safety function. For this past summer's program, lifeguards were paid \$10.00 per hour, with an additional cost to the City of \$0.39 per hour for benefits.

The personnel costs as provided by the CSET staffing proposal were then compared to the personnel costs of potential City employees. The attached chart documents the comparison results.

Based on the comparison, it is staff's opinion that the CSET proposal is not the most viable option to pursue. A more cost effective solution at a minimum would be to pursue the option of additional part time CSO's, which would result in a savings of over \$6,000 per year (assuming (3) positions are authorized) when considering the CSET staffing proposal.

An even more cost effective solution would be to establish the position of Animal Shelter Technician as a part time position within the City's job positions and establish a pay scale similar to the other listed part time positions. Using the position of Lifeguard as an example, this option would result in a savings of over \$30,000 per year when considering the CSET staffing proposal. An added benefit when considering one of the non-CSET staffing options is the flexibility in scheduling (weekends, holidays) that is not available with the CSET staffing option.

On October 10, 2016, an agenda item explaining these staffing options was presented to the Animal Control Commission members. The Commission is in support of any option that provides additional staffing at the shelter, and were in agreement that the establishment of part time Animal Shelter Technician positions would enhance the care of animals at the facility and was the most cost effective option.

Additional staffing at the shelter is necessary to enhance the quality care given to the animals in our facility. However, the addition of staffing must be authorized by Council due to the need for the Department budget to be adjusted to accommodate any increase, with supporting revenues pledged from General Fund balance.

RECOMMENDATION: That the City Council consider Staff's report and provide direction.

ATTACHMENTS: 1. Animal Control Shelter Staffing Costs

Appropriated/Funded:

Review By:

Department Director:

Eric Kroutil, Police Chief

Final Approver: John Lollis, City Manager

Animal Shelter Technician Cost Comparison

	Salary/ Hour	Benefits/ Hour	Total/ Hour	Per Year Salary	Per Year Benefits	Per Year Total	Per Year (3) Emp
CSET	20.16	N/A	20.16	N/A	N/A	20,966.40	62,899.20
P/T CSO	16.73	1.41	18.13	17,399.20	1,466.40	18,865.60	56,596.80
LIFEGUARD	10.00	0.39	10.39	10,400.00	405.60	10,805.60	32,416.80



CITY COUNCIL AGENDA – OCTOBER 18, 2016

SUBJECT: Consideration of Reappointments to the Library & Literacy Commission

SOURCE: Administrative Services

COMMENT: The Library and Literacy Commission has three Commissioners with terms expiring this month. All three Commissioners have voiced their interest in continuing to serve and have submitted Requests for Appointment for Council's consideration. Copies of these Requests are attached for Council's reference. The three Commissioners are:

- Catherine May
- Tamara Bishop
- Jennifer Biagio

RECOMMENDATION: That the City Council consider the reappointment of Catherine May, Tamara Bishop and Jennifer Biagio to serve on the Library and Literacy Commission for three-year terms to expire in October 2019.

ATTACHMENTS:

1. Request for Appt - Catherine May
2. Request for Appt - Tamara Bishop
3. Request for Appt - Jennifer Biagio

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager

RECEIVED

AUG 16 2016

CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

CITY OF PORTERVILLE
CITY CLERK OFFICE

Please complete all blanks.

Name: Catherine E. May
(Please Print)

Appointment to: Library and Literacy Commission
(Name of Board, Commission, or Committee)

☒ Reappointment; or IF NEW, please provide :

Street Address: _____

Mailing Address: _____

Name of Business: _____

☐ Own ☐ Operate

Business Address: _____

Telephone: Home _____

Work _____

FAX _____

E-mail _____

City of Porterville resident:

☒ Yes
☐ No

Registered Voter:

☒ Yes
☐ No

Qualifications: _____

- ☐ Resume attached
- ☐ Letter of request attached

Submitted By: Catherine E. May 8/7/16
Date

Received by: _____

Forwarded to: City Clerk ☐ Date: _____
City Council ☐ Date: _____
City Manager ☐ Date: _____
Applicable Dept. ☐ Date: _____

Tentative Council Mtg Date: _____

RECEIVED

AUG 16 2016

CITY OF PORTERVILLE
CITY CLERK OFFICE

CITY OF PORTERVILLE REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Tamara Bishop-Mitchell
(Please Print)

Appointment to: Library and Literacy Commission
(Name of Board, Commission, or Committee)

☒ Reappointment; or IF NEW, please provide :

Street Address: _____

Mailing Address: _____

Name of Business: _____

☐ Own ☐ Operate

Business Address: _____

Telephone: Home _____

Work _____

FAX _____

E-mail _____

City of Porterville resident:

☒ Yes

☐ No

Registered Voter:

☒ Yes

☐ No

Qualifications: _____

☐ Resume attached

☐ Letter of request attached

Submitted By: Tamara Bishop-Mitchell August 9, 2016
Date

Received by: _____

Forwarded to: City Clerk ☐ Date: _____

City Council ☐ Date: _____

City Manager ☐ Date: _____

Applicable Dept. ☐ Date: _____

Tentative Council Mtg Date: _____

CITY OF PORTERVILLE REQUEST FOR APPOINTMENT

RECEIVED

OCT 13 2016

CITY OF PORTERVILLE
ADMINISTRATIVE SERVICES

Please complete all blanks.

Name: Jennifer Lambte Bragio
(Please Print)

Appointment to: Library & Literacy Commission
(Name of Board, Commission, or Committee)

☒ Reappointment; or IF NEW, please provide :

Street Address: _____

Mailing Address: _____

Name of Business: _____

☐ Own ☐ Operate

Business Address: _____

Telephone: Home _____

Work _____

FAX _____

E-mail _____

City of Porterville resident:

☒ Yes

☐ No

Registered Voter:

☒ Yes

☐ No

Qualifications: _____

Current Commissioner

☐ Resume attached

☐ Letter of request attached

Submitted By: _____

Jennifer B. [Signature]

10/13/2016
Date

Received by: _____

Forwarded to: City Clerk



Date:

10-13-16

City Council



Date:

City Manager



Date:

Applicable Dept.



Date:

Tentative Council Mtg Date: _____

10-18-16



CITY COUNCIL AGENDA – OCTOBER 18, 2016

SUBJECT: Consideration of a Resolution in Opposition to Proposition 57 - The Public Safety and Rehabilitation Act

SOURCE: City Manager's Office

COMMENT: During the Annual Conference on October 6, 2016, the League of California Cities Board of Directors voted to oppose Proposition 57, the Public Safety Rehabilitation Act of 2016. The vote followed an extended deliberative process commencing with the League's Public Safety Policy Committee in April 2016, discussion by the Board of Directors in June, and a Board delegation meeting requested by Governor Brown to discuss the measure in July. Fundamental to the League's opposition are public safety concerns stemming from reducing sentences for specific crimes which are considered clearly violent.

The provision generating the most concern is the change to parole rules for offenders defined as "non-violent" under current law. Under the measure, many offenders would be eligible to seek parole after serving the full term of their primary offense, without factoring in any sentencing enhancements they received in addition to the base term. Offenses that could trigger earlier parole include: assault with a deadly weapon; throwing acid with the intent to disfigure; rape of an unconscious person; rape accomplished by the use of an intoxicating or controlled substance; discharging a firearm at a motor vehicle; discharging a firearm at an unoccupied dwelling; and the furnishing of a weapon used in a crime.

If Proposition 57 passes, offenders convicted of such crimes would be eligible for parole at an earlier date. While the Board of Parole Hearings would retain the discretion it has under current law to weigh for itself an inmate's progress toward meaningful rehabilitation, and deny parole to any offender, the possibility that this particular type of offenders would potentially be released early has raised concerns for both the city and law enforcement community alike.

Compounding concerns for the League have been the public safety impacts of two recent changes affecting sentencing of offenders which the law enforcement community allege have contributed to recent increases in crime: the 2011 prison realignment measure that shifted many state offenders into county jails, thereby reducing bed space for local offenders, as well as Proposition 47 in 2014, which further recategorized many serious crimes as misdemeanors.

The League has joined the California Police Chiefs Association in opposition to Proposition 57, and requests that cities consider the same.

RECOMMENDATION: That the City Council consider approval of the Draft Resolution in opposition to Proposition 57.

ATTACHMENTS: 1. Draft Resolution
 2. Proposition 57 Text

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE,
IN OPPOSITION TO PROPOSITION 57, "THE PUBLIC SAFETY AND
REHABILITATION ACT OF 2016"

WHEREAS, the City of Porterville considers it appropriate to oppose actions or initiatives at local, state and federal levels that could jeopardize the public safety; and

WHEREAS, Proposition 57, known as the Public Safety and Rehabilitation Act of 2016" has qualified for the November 8, 2016 General Election ballot in California; and

WHEREAS, Proposition 57 is intended to ease over-crowding in prisons, incentive rehabilitation and provide leniency to inmates who avail themselves of meaningful rehabilitation opportunities; and

WHEREAS, Proposition 57 attempts to establish a more reasoned approach for our court system in its disposition of juvenile offenders, as well as standardize and streamline procedures for establishing an offenders' eligibility for parole; and

WHEREAS, notwithstanding the objectives of Proposition 57, California has experienced increased and sustained property crime in the aftermath of the 2011 public safety realignment and the passage of Proposition 47 in 2014, leading to an increasing number of crimes being treated as misdemeanors, aggravating a pre-existing shortage of beds in county jails, and resulting in an increasing number of offenders being at liberty on the streets of California's cities; and

WHEREAS, violent crime in California rose by 10% in 2015 according to crime statistics maintained by the California Department of Justice, which indicate that over 15,000 more violent crimes occurred in California in 2015 than 2014; and

WHEREAS, Proposition 57 would potentially lead to early release for offenders convicted of "non-violent crimes," many of which seem more properly categorized as violent, including assault with a deadly weapon, throwing acid with the intent to disfigure, rape of an unconscious person, or discharging a firearm at a motor vehicle or unoccupied dwelling, and this prompts concerns that offenders which committed offenses widely regarded as violent will be provided undue leniency; and

WHEREAS, Proposition 57 could increase the likelihood of parole for persons convicted of “non-violent” felonies after completing the full term for his or her primary offense, and by disqualifying earned enhancements; and

WHEREAS, the passage of Proposition 57 may result in undetermined but negative consequences to public safety and well-being for California’s cities and residents alike,

NOW, THEREFORE, it is hereby DECLARED and ORDERED, as follows:

The City Council of the City of Porterville does hereby oppose Proposition 57, “The Public Safety and Rehabilitation Act of 2016.”

This Resolution shall take effect from and after the date of its passage and adoption by this Council.

PASSED, APPROVED, AND ADOPTED this 18th day of October, 2016.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

THE PUBLIC SAFETY AND REHABILITATION ACT OF 2016

SECTION 1. Title.

This measure shall be known and may be cited as “The Public Safety and Rehabilitation Act of 2016.”

SEC. 2. Purpose and Intent.

In enacting this Act, it is the purpose and intent of the people of the State of California to:

1. Protect and enhance public safety.
2. Save money by reducing wasteful spending on prisons.
3. Prevent federal courts from indiscriminately releasing prisoners.
4. Stop the revolving door of crime by emphasizing rehabilitation, especially for juveniles.
5. Require a judge, not a prosecutor, to decide whether juveniles should be tried in adult court.

SEC. 3. Section 32 is added to Article I of the California Constitution, to read:

SEC. 32. (a) The following provisions are hereby enacted to enhance public safety, improve rehabilitation, and avoid the release of prisoners by federal court order, notwithstanding anything in this article or any other provision of law:

(1) Parole consideration: Any person convicted of a non-violent felony offense and sentenced to state prison shall be eligible for parole consideration after completing the full term for his or her primary offense.

(A) For purposes of this section only, the full term for the primary offense means the longest term of imprisonment imposed by the court for any offense, excluding the imposition of an enhancement, consecutive sentence, or alternative sentence.

(2) Credit Earning: The Department of Corrections and Rehabilitation shall have authority to award credits earned for good behavior and approved rehabilitative or educational achievements.

(b) The Department of Corrections and Rehabilitation shall adopt regulations in furtherance of these provisions, and the Secretary of the Department of Corrections and Rehabilitation shall certify that these regulations protect and enhance public safety.

SEC. 4. Judicial Transfer Process.

Sections 602 and 707 of the Welfare and Institutions Code are hereby amended.

Section 602 of the Welfare and Institutions Code is amended to read:

602. ~~(a)~~ Except as provided in ~~subdivision (b)~~ Section 707, any person who is under 18 years of age when he or she violates any law of this state or of the United States or any ordinance of any city or county of this state defining crime other than an ordinance establishing a curfew based

solely on age, is within the jurisdiction of the juvenile court, which may adjudge such person to be a ward of the court.

~~(b) Any person who is alleged, when he or she was 14 years of age or older, to have committed one of the following offenses shall be prosecuted under the general law in a court of criminal jurisdiction:~~

~~(1) Murder, as described in Section 187 of the Penal Code, if one of the circumstances enumerated in subdivision (a) of Section 190.2 of the Penal Code is alleged by the prosecutor, and the prosecutor alleges that the minor personally killed the victim.~~

~~(2) The following sex offenses, if the prosecutor alleges that the minor personally committed the offense, and if the prosecutor alleges one of the circumstances enumerated in the One Strike law, subdivision (d) or (e) of Section 667.61 of the Penal Code, applies:~~

~~(A) Rape, as described in paragraph (2) of subdivision (a) of Section 261 of the Penal Code.~~

~~(B) Spousal rape, as described in paragraph (1) of subdivision (a) of Section 262 of the Penal Code.~~

~~(C) Forcible sex offenses in concert with another, as described in Section 264.1 of the Penal Code.~~

~~(D) Forcible lewd and lascivious acts on a child under 14 years of age, as described in subdivision (b) of Section 288 of the Penal Code.~~

~~(E) Forcible sexual penetration, as described in subdivision (a) of Section 289 of the Penal Code.~~

~~(F) Sodomy or oral copulation in violation of Section 286 or 288a of the Penal Code, by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.~~

~~(G) Lewd and lascivious acts on a child under 14 years of age, as defined in subdivision (a) of Section 288, unless the defendant qualifies for probation under subdivision (d) of Section 1203.066 of the Penal Code.~~

Section 707 of the Welfare and Institutions Code is amended to read:

707. (a)(1) In any case in which a minor is alleged to be a person described in ~~subdivision (a) of~~ Section 602 by reason of the violation, when he or she was 16 years of age or older, of any felony criminal statute, or ordinance except those listed in subdivision (b), or of an offense listed in subdivision (b) when he or she was 14 or 15 years of age, the District Attorney or other appropriate prosecuting officer may make a motion to transfer the minor from juvenile court to a court of criminal jurisdiction. upon The motion of the petitioner must be made prior to the attachment of jeopardy. Upon such motion, the juvenile court shall cause order the probation officer to investigate and submit a report on the behavioral patterns and social history of the minor, being considered for a determination of unfitness. The report shall include any written or oral statement offered by the victim pursuant to Section 656.2.

(2) Following submission and consideration of the report, and of any other relevant evidence that the petitioner or the minor may wish to submit, the juvenile court shall decide whether the minor should be transferred to a court of criminal jurisdiction. In making its decision, the court shall consider the criteria specified in subparagraphs (A) to (E) below. If the court orders a transfer of jurisdiction, the court shall recite the basis for its decision in an order entered upon the minutes. In any case in which a hearing has been noticed pursuant to this section, the court shall postpone the taking of a plea to the petition until the conclusion of the transfer hearing, and no plea that may have been entered already shall constitute evidence at the hearing. ~~may find that the minor is not a fit and proper subject to be dealt with under the juvenile court law if it concludes that the minor would not be amenable to the care, treatment, and training program available through the facilities of the juvenile court, based upon an evaluation of the criteria specified in clause (i) of subparagraphs (A) to (E), inclusive:~~

(A)(i) The degree of criminal sophistication exhibited by the minor.

(ii) When evaluating the criterion specified in clause (i), the juvenile court may give weight to any relevant factor, including, but not limited to, the minor's age, maturity, intellectual capacity, and physical, mental, and emotional health at the time of the alleged offense, the minor's impetuosity or failure to appreciate risks and consequences of criminal behavior, the effect of familial, adult, or peer pressure on the minor's actions, and the effect of the minor's family and community environment and childhood trauma on the minor's criminal sophistication.

(B)(i) Whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction.

(ii) When evaluating the criterion specified in clause (i), the juvenile court may give weight to any relevant factor, including, but not limited to, the minor's potential to grow and mature.

(C)(i) The minor's previous delinquent history.

(ii) When evaluating the criterion specified in clause (i), the juvenile court may give weight to any relevant factor, including, but not limited to, the seriousness of the minor's previous delinquent history and the effect of the minor's family and community environment and childhood trauma on the minor's previous delinquent behavior.

(D)(i) Success of previous attempts by the juvenile court to rehabilitate the minor.

(ii) When evaluating the criterion specified in clause (i), the juvenile court may give weight to any relevant factor, including, but not limited to, the adequacy of the services previously provided to address the minor's needs.

(E)(i) The circumstances and gravity of the offense alleged in the petition to have been committed by the minor.

(ii) When evaluating the criterion specified in clause (i), the juvenile court may give weight to any relevant factor, including but not limited to, the actual behavior of the person, the mental state of the person, the person's degree of involvement in the crime, the level of harm actually caused by the person, and the person's mental and emotional development.

A determination that the minor is not a fit and proper subject to be dealt with under the juvenile court law may be based on any one or a combination of the factors set forth above in clause (i) of subparagraphs (A) to (E), inclusive, which shall be recited in the order of unfitness. In any case in which a hearing has been noticed pursuant to this section, the court shall postpone the taking of a plea to the petition until the conclusion of the fitness hearing, and no plea that may have been entered already shall constitute evidence at the hearing.

(2)(A) This paragraph shall apply to a minor alleged to be a person described in Section 602 by reason of the violation, when he or she has attained 16 years of age, of any felony offense when the minor has been declared to be a ward of the court pursuant to Section 602 on one or more prior occasions if both of the following apply:

(i) The minor has previously been found to have committed two or more felony offenses.

(ii) The offenses upon which the prior petition or petitions were based were committed when the minor had attained 14 years of age.

(B) Upon motion of the petitioner made prior to the attachment of jeopardy the court shall cause the probation officer to investigate and submit a report on the behavioral patterns and social history of the minor being considered for a determination of unfitness. Following submission and consideration of the report, and of any other relevant evidence that the petitioner or the minor may wish to submit, the minor shall be presumed to be not a fit and proper subject to be dealt with under the juvenile court law unless the juvenile court concludes, based upon evidence, which evidence may be of extenuating or mitigating circumstances, that the minor would be amenable to the care, treatment, and training program available through the facilities of the juvenile court based upon an evaluation of the criteria specified in subclause (I) of clauses (i) to (v), inclusive:

(i)(I) The degree of criminal sophistication exhibited by the minor.

(II) When evaluating the criterion specified in subclause (I), the juvenile court may give weight to any relevant factor, including, but not limited to, the minor's age, maturity, intellectual capacity, and physical, mental, and emotional health at the time of the alleged offense, the minor's impetuosity or failure to appreciate risks and consequences of criminal behavior, the effect of familial, adult, or peer pressure on the minor's actions, and the effect of the minor's family and community environment and childhood trauma on the minor's criminal sophistication.

(ii)(I) Whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction.

(II) When evaluating the criterion specified in subclause (I), the juvenile court may give weight to any relevant factor, including, but not limited to, the minor's potential to grow and mature.

(iii)(I) The minor's previous delinquent history.

(II) When evaluating the criterion specified in subclause (I), the juvenile court may give weight to any relevant factor, including, but not limited to, the seriousness of the minor's previous

~~delinquent history and the effect of the minor's family and community environment and childhood trauma on the minor's previous delinquent behavior.~~

~~(iv)(I) Success of previous attempts by the juvenile court to rehabilitate the minor.~~

~~(II) When evaluating the criterion specified in subclause (I), the juvenile court may give weight to any relevant factor, including, but not limited to, the adequacy of the services previously provided to address the minor's needs.~~

~~(v)(I) The circumstances and gravity of the offense alleged in the petition to have been committed by the minor.~~

~~(II) When evaluating the criterion specified in subclause (I), the juvenile court may give weight to any relevant factor, including, but not limited to, the actual behavior of the person, the mental state of the person, the person's degree of involvement in the crime, the level of harm actually caused by the person, and the person's mental and emotional development.~~

~~A determination that the minor is a fit and proper subject to be dealt with under the juvenile court law shall be based on a finding of amenability after consideration of the criteria set forth in subclause (I) of clauses (i) to (v), inclusive, and findings therefore recited in the order as to each of the those criteria that the minor is fit and proper under each and every one of those criteria. In making a finding of fitness, the court may consider extenuating and mitigating circumstances in evaluating each of those criteria. In any case in which the hearing has been noticed pursuant to this section, the court shall postpone the taking of a plea to the petition until the conclusion of the fitness hearing and no plea that may have been entered already shall constitute evidence at the hearing. If the minor is found to be a fit and proper subject to be dealt with under the juvenile court law pursuant to this subdivision, the minor shall be committed to placement in a juvenile hall, ranch camp, forestry camp, boot camp, or secure juvenile home pursuant to Section 730, or in any institution operated by the Department of Corrections and Rehabilitation, Division of Juvenile Facilities.~~

~~(3) If, pursuant to this subdivision, the minor is found to be not a fit and proper subject for juvenile court treatment and is tried in a court of criminal jurisdiction and found guilty by the trier of fact, the judge may commit the minor to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, in lieu of sentencing the minor to the state prison, unless the limitations specified in Section 1732.6 apply.~~

~~(b) Subdivision (c) (a) shall be applicable in any case in which a minor is alleged to be a person described in Section 602 by reason of the violation of one of the following offenses when he or she was 14 or 15 years of age:~~

~~(1) Murder.~~

~~(2) Arson, as provided in subdivision (a) or (b) of Section 451 of the Penal Code.~~

~~(3) Robbery.~~

~~(4) Rape with force, violence, or threat of great bodily harm.~~

- (5) Sodomy by force, violence, duress, menace, or threat of great bodily harm.
- (6) A lewd or lascivious act as provided in subdivision (b) of Section 288 of the Penal Code.
- (7) Oral copulation by force, violence, duress, menace, or threat of great bodily harm.
- (8) An offense specified in subdivision (a) of Section 289 of the Penal Code.
- (9) Kidnapping for ransom.
- (10) Kidnapping for purposes of robbery.
- (11) Kidnapping with bodily harm.
- (12) Attempted murder.
- (13) Assault with a firearm or destructive device.
- (14) Assault by any means of force likely to produce great bodily injury.
- (15) Discharge of a firearm into an inhabited or occupied building.
- (16) An offense described in Section 1203.09 of the Penal Code.
- (17) An offense described in Section 12022.5 or 12022.53 of the Penal Code.
- (18) A felony offense in which the minor personally used a weapon described in any provision listed in Section 16590 of the Penal Code.
- (19) A felony offense described in Section 136.1 or 137 of the Penal Code.
- (20) Manufacturing, compounding, or selling one-half ounce or more of a salt or solution of a controlled substance specified in subdivision (e) of Section 11055 of the Health and Safety Code.
- (21) A violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code, which also would constitute a felony violation of subdivision (b) of Section 186.22 of the Penal Code.
- (22) Escape, by the use of force or violence, from a county juvenile hall, home, ranch, camp, or forestry camp in violation of subdivision (b) of Section 871 if great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the commission of the escape.
- (23) Torture as described in Sections 206 and 206.1 of the Penal Code.
- (24) Aggravated mayhem, as described in Section 205 of the Penal Code.
- (25) Carjacking, as described in Section 215 of the Penal Code, while armed with a dangerous or deadly weapon.

(26) Kidnapping for purposes of sexual assault, as punishable in subdivision (b) of Section 209 of the Penal Code.

(27) Kidnapping as punishable in Section 209.5 of the Penal Code.

(28) The offense described in subdivision (c) of Section 26100 of the Penal Code.

(29) The offense described in Section 18745 of the Penal Code.

(30) Voluntary manslaughter, as described in subdivision (a) of Section 192 of the Penal Code.

~~(c) With regard to a minor alleged to be a person described in Section 602 by reason of the violation, when he or she was 14 years of age or older, of any of the offenses listed in subdivision (b), upon motion of the petitioner made prior to the attachment of jeopardy the court shall cause the probation officer to investigate and submit a report on the behavioral patterns and social history of the minor being considered for a determination of unfitness. Following submission and consideration of the report, and of any other relevant evidence that the petitioner or the minor may wish to submit, the minor shall be presumed to be not a fit and proper subject to be dealt with under the juvenile court law unless the juvenile court concludes, based upon evidence, which evidence may be of extenuating or mitigating circumstances, that the minor would be amenable to the care, treatment, and training program available through the facilities of the juvenile court based upon an evaluation of each of the following criteria specified in subparagraph (A) of paragraphs (1) to (5), inclusive:~~

~~(1)(A) The degree of criminal sophistication exhibited by the minor.~~

~~(B) When evaluating the criterion specified in subparagraph (A), the juvenile court may give weight to any relevant factor, including, but not limited to, the minor's age, maturity, intellectual capacity, and physical, mental, and emotional health at the time of the alleged offense, the minor's impetuosity or failure to appreciate risks and consequences of criminal behavior, the effect of familial, adult, or peer pressure on the minor's actions, and the effect of the minor's family and community environment and childhood trauma on the minor's criminal sophistication.~~

~~(2)(A) Whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction.~~

~~(B) When evaluating the criterion specified in subparagraph (A), the juvenile court may give weight to any relevant factor, including, but not limited to, the minor's potential to grow and mature.~~

~~(3)(A) The minor's previous delinquent history.~~

~~(B) When evaluating the criterion specified in subparagraph (A), the juvenile court may give weight to any relevant factor, including, but not limited to, the seriousness of the minor's previous delinquent history and the effect of the minor's family and community environment and childhood trauma on the minor's previous delinquent behavior.~~

~~(4)(A) Success of previous attempts by the juvenile court to rehabilitate the minor.~~

~~(B) When evaluating the criterion specified in subparagraph (A), the juvenile court may give weight to any relevant factor, including, but not limited to, the adequacy of the services previously provided to address the minor's needs.~~

~~(5)(A) The circumstances and gravity of the offenses alleged in the petition to have been committed by the minor.~~

~~(B) When evaluating the criterion specified in subparagraph (A), the juvenile court may give weight to any relevant factor, including, but not limited to, the actual behavior of the person, the mental state of the person, the person's degree of involvement in the crime, the level of harm actually caused by the person, and the person's mental and emotional development.~~

~~A determination that the minor is a fit and proper subject to be dealt with under the juvenile court law shall be based on a finding of amenability after consideration of the criteria set forth in subparagraph (A) of paragraphs (1) to (5), inclusive, and findings therefore recited in the order as to each of those criteria that the minor is fit and proper under each and every one of those criteria. In making a finding of fitness, the court may consider extenuating or mitigating circumstances in evaluating each of those criteria. In any case in which a hearing has been noticed pursuant to this section, the court shall postpone the taking of a plea to the petition until the conclusion of the fitness hearing and no plea which may have been entered already shall constitute evidence at the hearing. If, pursuant to this subdivision, the minor is found to be not a fit and proper subject for juvenile court treatment and is tried in a court of criminal jurisdiction and found guilty by the trier of fact, the judge may commit the minor to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, in lieu of sentencing the minor to the state prison, unless the limitations specified in Section 1732.6 apply.~~

~~(d) (1) Except as provided in subdivision (b) of Section 602, the district attorney or other appropriate prosecuting officer may file an accusatory pleading in a court of criminal jurisdiction against any minor 16 years of age or older who is accused of committing an offense enumerated in subdivision (b).~~

~~(2) Except as provided in subdivision (b) of Section 602, the district attorney or other appropriate prosecuting officer may file an accusatory pleading against a minor 14 years of age or older in a court of criminal jurisdiction in any case in which any one or more of the following circumstances apply:~~

~~(A) The minor is alleged to have committed an offense that if committed by an adult would be punishable by death or imprisonment in the state prison for life.~~

~~(B) The minor is alleged to have personally used a firearm during the commission or attempted commission of a felony, as described in Section 12022.5 or 12022.53 of the Penal Code.~~

~~(C) The minor is alleged to have committed an offense listed in subdivision (b) in which any one or more of the following circumstances apply:~~

(i) ~~The minor has previously been found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (b).~~

(ii) ~~The offense was committed for the benefit of, at the direction of, or in association with any criminal street gang, as defined in subdivision (f) of Section 186.22 of the Penal Code, with the specific intent to promote, further, or assist in criminal conduct by gang members.~~

(iii) ~~The offense was committed for the purpose of intimidating or interfering with any other person's free exercise or enjoyment of a right secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States and because of the other person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, or because the minor perceives that the other person has one or more of those characteristics, as described in Title 11.6 (commencing with Section 422.55) of Part 1 of the Penal Code.~~

(iv) ~~The victim of the offense was 65 years of age or older, or blind, deaf, quadriplegic, paraplegic, developmentally disabled, or confined to a wheelchair, and that disability was known or reasonably should have been known to the minor at the time of the commission of the offense.~~

(3) ~~Except as provided in subdivision (b) of Section 602, the district attorney or other appropriate prosecuting officer may file an accusatory pleading in a court of criminal jurisdiction against any minor 16 years of age or older who is accused of committing one or more of the following offenses, if the minor has previously been found to be a person described in Section 602 by reason of the violation of a felony offense, when he or she was 14 years of age or older:~~

(A) ~~A felony offense in which it is alleged that the victim of the offense was 65 years of age or older, or blind, deaf, quadriplegic, paraplegic, developmentally disabled, or confined to a wheelchair, and that disability was known or reasonably should have been known to the minor at the time of the commission of the offense.~~

(B) ~~A felony offense committed for the purposes of intimidating or interfering with any other person's free exercise or enjoyment of a right secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States and because of the other person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, or because the minor perceived that the other person had one or more of those characteristics, as described in Title 11.6 (commencing with Section 422.55) of Part 1 of the Penal Code.~~

(C) ~~The offense was committed for the benefit of, at the direction of, or in association with any criminal street gang as prohibited by Section 186.22 of the Penal Code.~~

(4) ~~In any case in which the district attorney or other appropriate prosecuting officer has filed an accusatory pleading against a minor in a court of criminal jurisdiction pursuant to this subdivision, the case shall then proceed according to the laws applicable to a criminal case. In conjunction with the preliminary hearing as provided in Section 738 of the Penal Code, the magistrate shall make a finding that reasonable cause exists to believe that the minor comes within this subdivision. If reasonable cause is not established, the criminal court shall transfer the case to the juvenile court having jurisdiction over the matter.~~

~~(5) For an offense for which the prosecutor may file the accusatory pleading in a court of criminal jurisdiction pursuant to this subdivision, but elects instead to file a petition in the juvenile court, if the minor is subsequently found to be a person described in subdivision (a) of Section 602, the minor shall be committed to placement in a juvenile hall, ranch camp, forestry camp, boot camp, or secure juvenile home pursuant to Section 730, or in any institution operated by the Department of Corrections and Rehabilitation, Division of Juvenile Facilities.~~

~~(6) If, pursuant to this subdivision, the minor is found to be not a fit and proper subject for juvenile court treatment and is tried in a court of criminal jurisdiction and found guilty by the trier of fact, the judge may commit the minor to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, in lieu of sentencing the minor to the state prison, unless the limitations specified in Section 1732.6 apply.~~

~~(e) A report submitted by a probation officer pursuant to this section regarding the behavioral patterns and social history of the minor being considered for a determination of unfitness shall include any written or oral statement offered by the victim, the victim's parent or guardian if the victim is a minor, or if the victim has died, the victim's next of kin, as authorized by subdivision (b) of Section 656.2. Victims' statements shall be considered by the court to the extent they are relevant to the court's determination of unfitness.~~

SEC. 5. Amendment.

This Act shall be broadly construed to accomplish its purposes. The provisions of Section 4 of this measure may be amended so long as such amendments are consistent with and further the intent of this Act by a statute that is passed by a majority vote of the members of each house of the Legislature and signed by the Governor.

SEC. 6. Severability.

If any provision of this measure, or part of this measure, or the application of any provision or part to any person or circumstances, is for any reason held to be invalid, the remaining provisions, or applications of provisions, shall not be affected, but shall remain in full force and effect, and to this end the provisions of this measure are severable.

SEC. 7. Conflicting Initiatives.

(a) In the event that this measure and another measure addressing credits and parole eligibility for state prisoners or adult court prosecution for juvenile defendants shall appear on the same statewide ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes than a measure deemed to be in conflict with it, the provisions of this measure shall prevail in their entirety, and the other measure or measures shall be null and void.

(b) If this measure is approved by voters but superseded by law by any other conflicting measure approved by voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force and effect.

SEC. 8. Proponent Standing.

Notwithstanding any other provision of law, if the State, government agency, or any of its officials fail to defend the constitutionality of this act, following its approval by the voters, any other government employer, the proponent, or in their absence, any citizen of this State shall have the authority to intervene in any court action challenging the constitutionality of this act for the purpose of defending its constitutionality, whether such action is in any trial court, on appeal, or on discretionary review by the Supreme Court of California and/or the Supreme Court of the United States. The reasonable fees and costs of defending the action shall be a charge on funds appropriated to the Department of Justice, which shall be satisfied promptly.

SEC. 9. Liberal Construction.

This Act shall be liberally construed to effectuate its purposes.



CITY COUNCIL AGENDA – OCTOBER 18, 2016

SUBJECT: Status and Review of Declaration of Local Emergency

SOURCE: City Manager's Office

COMMENT: Governor Brown issued Executive Order B-29-15 on Wednesday, April 1, 2015, which established drought-related mandates and restrictions in addition to those already stipulated in previous Executive Orders B-26-14 and B-28-14. Of significance, the Governor directed the State Water Resources Control Board to impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016, in comparison to the amount used in 2013, and with consideration given to per capita usage as a basis. The Governor further directed the Board to impose additional restrictions on commercial, industrial, and institutional properties with significant landscaping (cemeteries, golf courses, parks, schools, etc.), to also achieve a 25% reduction in potable water usage. Also of significance, the Board was directed to prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or micro-spray systems.

On November 13, 2015, Governor Brown issued Executive Order B-36-15, which extends emergency conservation regulations through October 2016, if drought conditions persist through January. On February 2, 2016, the State Water Resources Control Board adopted extended emergency water conservation regulations, to be in effect March 1 through October 31, 2016. The City of Porterville benefited somewhat from the extended regulations as the City's water conservation rate has been reduced from 32% to 26%, due to new water connections that have been made and population served (4%), as well as a new climate adjustment factor that is being 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.

At its last meeting on October 4th, the City Council took action in the continued affirmation of the adoption of a Resolution of Declaration of Local Emergency due to local residences within the city having been identified as having wells

that are now dry as a result of the drought. Approximately 30 residences within the city have been determined to currently have dry wells, most of which are concentrated in the vicinity of E. Vandalia Avenue between Main and Plano Streets, and it is anticipated that more could likely occur through the coming summer months. 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.

Representatives for the City, County, and State (CalOES, DDW, DWR, and SWB) have continued to meet in support of a long-term permanent water connection project for the entire East Porterville area and the estimated 1,800 expected future connections. DWR has identified 423 residential units in the East Porterville area (381 of which are in the City's Urban Development Boundary), that are currently 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 is preparing to begin a significant City waterline extension project in late 2016 to permanently connect those 423 residential units to the City's water system. To provide source water for the DWR extension project, CalOES desires to expeditiously connect the new well on Olive Avenue to the City's water system instead of being first equipped as a filling station. Given the new well has an estimated water production value of 800 gallons per minute, as well as a SWB assumed 1.5 gallons per minute, per residence, the new well could effectively serve up to 500 single-family residential units. The City indicated its significant interest that the E. Vandalia Avenue area and the 80 residential units be included in the water connection project, to which the State has agreed.

Given CalOES has paid for the development of the new well, and its connection to the City's water system, the City will be required under "Drought Redundancy and Resiliency Provisions" to make available to the State up to three million gallons of water per month without charge for emergency purposes.

To proceed with the connection of the new well to the City's water system and the 500 East Porterville and E. Vandalia Avenue residential units, the City Council approved modifications to the Draft Agreement between the City and County at its April 5th meeting, which the County Board of Supervisors subsequently approved at their May 10th meeting.

In regards to the status of the new well's development and connection to the City's water distribution system, County staff indicate that the well will be in service and connected to the City's system no later than December 2016. The Board of Supervisors awarded the contract for equipping and connecting the new well at their meeting of August 16th, and construction activities commenced the week of October 10th.

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 21st, and approved by the

Board of Supervisors on Tuesday, June 28th. With the approval of the MOU, it was anticipated that the State would begin the permanent connection of approximately 40 homes that are located along existing City water mains. Subsequently, the State officially requested that the City approve the connection of an additional 30 residences as part of the first immediate connections, for up to a total of 70, which the Council approved at its meeting on August 2nd.

County OES and the State Division of Drinking Water (DDW) have recently reported to the City that the Central Mutual Water Company, located south of the city and south of Gibbons Avenue, has had its well run dry and desires an immediate emergency connection to the City's water system to serve the 41 connections currently without water. DDW is wishing to support a financial application to upgrade the small water system to City standards (new water lines, meters ,etc.), and to sponsor an Urban Development Boundary (UDB) Amendment application to Tulare County Local Agency Formation Commission (LAFCO), given this area is currently outside the City's UDB but within the City's Urban Area Boundary (UAB). Given several private wells have run dry in this area, DDW is also attempting to sponsor their connection to the City's water system. For source water capacity for the connections, DWR will include these new connections within the East Porterville water connection capacity development projects. At its Special meeting on August 30th, the City Council directed staff to proceed with the immediate emergency connection of the Central water system, with the permanent connection of the system contingent upon an Agreement with DDW to the sponsorship conditions they have offered.

State Division of Drinking Water (DDW) has also recently 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 14 residences and approximately 45 people. DDW is wishing to provide financial support to upgrade the small water system to City standards (new water lines, meters ,etc.), and for source water capacity for the connections, DWR would include these new connections within the East Porterville water connection capacity development projects. 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.

RECOMMENDATION: That the City Council receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration.

ATTACHMENTS: 1. Resolution 49-2015 - Declaration of Local Emergency
2. Governor Executive Order
3. City-County Well Agreement
4. Memorandum of Understanding

Appropriated/Funded:

Review By:

Department Director:

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

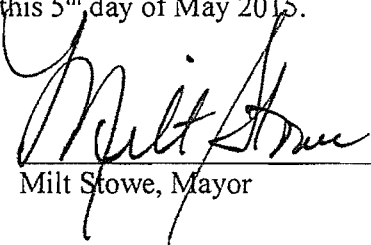
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

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

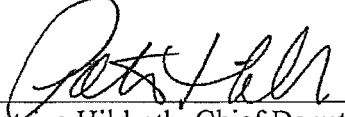
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance,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

Executive Department

State of California

EXECUTIVE ORDER B-37-16 MAKING WATER CONSERVATION A CALIFORNIA WAY OF LIFE

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

WHEREAS Californians responded to the drought by conserving water at unprecedented levels, reducing water use in communities by 23.9% between June 2015 and March 2016 and saving enough water during this period to provide 6.5 million Californians with water for one year; and

WHEREAS severe drought conditions persist in many areas of the state despite recent winter precipitation, with limited drinking water supplies in some communities, diminished water for agricultural production and environmental habitat, and severely-depleted groundwater basins; and

WHEREAS drought conditions may persist in some parts of the state into 2017 and beyond, as warmer winter temperatures driven by climate change reduce water supply held in mountain snowpack and result in drier soil conditions; and

WHEREAS these ongoing drought conditions and our changing climate require California to move beyond temporary emergency drought measures and adopt permanent changes to use water more wisely and to prepare for more frequent and persistent periods of limited water supply; and

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

WHEREAS these activities are prioritized in the California Water Action Plan, which calls for concrete, measurable actions that "Make Conservation a California Way of Life" and "Manage and Prepare for Dry Periods" in order to improve use of water in our state.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular California Government Code sections 8567 and 8571, do hereby issue this Executive Order, effective immediately.

IT IS HEREBY ORDERED THAT:

The orders and provisions contained in my January 17, 2014 Emergency Proclamation, my April 25, 2014 Emergency Proclamation, Executive Orders B-26-14, B-28-14, B-29-15, and B-36-15 remain in full force and in effect except as modified herein.

State agencies shall update temporary emergency water restrictions and transition to permanent, long-term improvements in water use by taking the following actions.

USE WATER MORE WISELY

1. The State Water Resources Control Board (Water Board) shall, as soon as practicable, adjust emergency water conservation regulations through the end of January 2017 in recognition of the differing water supply conditions across the state. To prepare for the possibility of another dry winter, the Water Board shall also develop, by January 2017, a proposal to achieve a mandatory reduction in potable urban water usage that builds off of the mandatory 25% reduction called for in Executive Order B-29-15 and lessons learned through 2016.
2. The Department of Water Resources (Department) shall work with the Water Board to develop new water use targets as part of a permanent framework for urban water agencies. These new water use targets shall build upon the existing state law requirements that the state achieve a 20% reduction in urban water usage by 2020. (Senate Bill No. 7 (7th Extraordinary Session, 2009-2010).) These water use targets shall be customized to the unique conditions of each water agency, shall generate more statewide water conservation than existing requirements, and shall be based on strengthened standards for:
 - a. Indoor residential per capita water use;
 - b. Outdoor irrigation, in a manner that incorporates landscape area, local climate, and new satellite imagery data;
 - c. Commercial, industrial, and institutional water use; and
 - d. Water lost through leaks.

The Department and Water Board shall consult with urban water suppliers, local governments, environmental groups, and other partners to develop these water use targets and shall publicly issue a proposed draft framework by January 10, 2017.

3. The Department and the Water Board shall permanently require urban water suppliers to issue a monthly report on their water usage, amount of conservation achieved, and any enforcement efforts.

ELIMINATE WATER WASTE

4. The Water Board shall permanently prohibit practices that waste potable water, such as:
 - Hosing off sidewalks, driveways and other hardscapes;
 - Washing automobiles with hoses not equipped with a shut-off nozzle;
 - Using non-recirculated water in a fountain or other decorative water feature;
 - Watering lawns in a manner that causes runoff, or within 48 hours after measurable precipitation; and
 - Irrigating ornamental turf on public street medians.
5. The Water Board and the Department shall direct actions to minimize water system leaks that waste large amounts of water. The Water Board, after funding projects to address health and safety, shall use loans from the Drinking Water State Revolving Fund to prioritize local projects that reduce leaks and other water system losses.
6. The Water Board and the Department shall direct urban and agricultural water suppliers to accelerate their data collection, improve water system management, and prioritize capital projects to reduce water waste. The California Public Utilities Commission shall order investor-owned water utilities to accelerate work to minimize leaks.
7. The California Energy Commission shall certify innovative water conservation and water loss detection and control technologies that also increase energy efficiency.

STRENGTHEN LOCAL DROUGHT RESILIENCE

8. The Department shall strengthen requirements for urban Water Shortage Contingency Plans, which urban water agencies are required to maintain. These updated requirements shall include adequate actions to respond to droughts lasting at least five years, as well as more frequent and severe periods of drought. While remaining customized according to local conditions, the updated requirements shall also create common statewide standards so that these plans can be quickly utilized during this and any future droughts.
9. The Department shall consult with urban water suppliers, local governments, environmental groups, and other partners to update requirements for Water Shortage Contingency Plans. The updated draft requirements shall be publicly released by January 10, 2017.

10. For areas not covered by a Water Shortage Contingency Plan, the Department shall work with counties to facilitate improved drought planning for small water suppliers and rural communities.

IMPROVE AGRICULTURAL WATER USE EFFICIENCY AND DROUGHT PLANNING

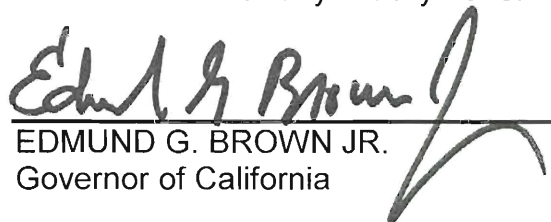
11. The Department shall work with the California Department of Food and Agriculture to update existing requirements for Agricultural Water Management Plans to ensure that these plans identify and quantify measures to increase water efficiency in their service area and to adequately plan for periods of limited water supply.
12. The Department shall permanently require the completion of Agricultural Water Management Plans by water suppliers with over 10,000 irrigated acres of land.
13. The Department, together with the California Department of Food and Agriculture, shall consult with agricultural water suppliers, local governments, agricultural producers, environmental groups, and other partners to update requirements for Agricultural Water Management Plans. The updated draft requirements shall be publicly released by January 10, 2017.

The Department, Water Board and California Public Utilities Commission shall develop methods to ensure compliance with the provisions of this Executive Order, including technical and financial assistance, agency oversight, and, if necessary, enforcement action by the Water Board to address non-compliant water suppliers.

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

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

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 9th day of May 2016.


EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

TULARE COUNTY – CITY OF PORTERVILLE WELL AGREEMENT

THIS AGREEMENT is entered into this day of, May 10, 2016, between the COUNTY OF TULARE, referred to as COUNTY, and the CITY OF PORTERVILLE, referred to as CITY, with reference to the following:

- A. WHEREAS, East Porterville/Doyle Colony area properties within the COUNTY's jurisdiction and within the CITY's Urban Development Boundary are experiencing serious water shortages due to the historical drought conditions. Attached hereto as Exhibit 'A' is a map defining the East Porterville/Doyle Colony and Vandalia areas; and
- B. WHEREAS, CITY and COUNTY have been and are collaborating to jointly develop a new municipal water well; and
- C. WHEREAS, COUNTY shall secure complete funding for a new well to be solely owned, operated and maintained by the CITY for the purpose of providing long-term capacity to enable permanent water connections to properties that comply with CITY'S Annexation and Extension of Municipal Services policy, with certain exceptions for specific properties in excess of the maximum lot size. These procedures are defined by two Resolutions, 74-2014 and 19-2016, which are attached hereto as Exhibit 'B'; and
- D. WHEREAS, the COUNTY owns a parcel at the southeast corner of the Tule River and Olive Avenue (APN 240-120-017), represented in Exhibit 'C', and has drilled a municipal supply well, and will equip said well utilizing CITY standards, after which the COUNTY shall convey the land to CITY at a cost of \$1; and
- E. WHEREAS, CITY operates an existing municipal water system, with limited infrastructure already established in the East Porterville/Doyle Colony and Vandalia areas, and has experience and qualifications necessary to provide such services; and
- F. WHEREAS, CITY and COUNTY mutually agree that a regional, collaborative solution to leverage and expand CITY'S municipal water system into the East Porterville/Doyle Colony and Vandalia areas is the most feasible means to address the area's water needs; and
- G. WHEREAS, CITY is willing to enter into this Agreement with COUNTY upon terms and conditions set forth herein; and
- H. WHEREAS, CITY and COUNTY mutually understand that due to the limited resources of the CITY's municipal water system, all future connections must comply with the CITY's Annexation and Extension of Municipal Services policies, with certain exceptions for specific properties in excess of the maximum lot size, attached hereto and made a part thereof as Exhibit 'B'.

ACCORDINGLY, IT IS AGREED:

- 1. **TERM:** This agreement shall become effective as of the date the agreement is fully executed by both agencies.
- 2. **SERVICES TO BE PERFORMED & PAYMENT FOR SERVICES – EQUIPPING MUNICIPAL WELL FACILITY:** Refer to attached Exhibit 'D'.

TULARE COUNTY AGREEMENT NO. 27596

3. **SERVICE TO BE PERFORMED IN PERPETUITY:** The services described below shall be performed in perpetuity upon completion of all tasks enumerated in Exhibit 'D' and upon COUNTY securing the funds for equipping the well to CITY standards and requirements:
- A. CITY shall provide to STATE and/or COUNTY, upon STATE and COUNTY's request, a maximum of three million (3,000,000) gallons of water per month upon integration of the well provided under this Agreement, for the purposes of meeting emergency water needs in COUNTY's jurisdiction. CITY shall not charge COUNTY or STATE for said water.
 - B. CITY shall utilize water produced by the well provided under this Agreement as source capacity for new service connections and agreements in East Porterville/Doyle Colony and Vandalia areas. CITY agrees to provide source water for up to four hundred twenty-three (423) new connections in the East Porterville/Doyle Colony area subject to the CITY'S Annexation and Extension of Municipal Services policies, with certain exceptions for specific properties in excess of the maximum lot size, and up to 80 new connections in the Vandalia area. The 423 new connections noted above are inclusive of those properties immediately adjacent to an existing water main, estimated at 40 parcels, which can be connected to the City's water system immediately upon execution of this agreement and the Memorandum(a) of Understanding between CITY, COUNTY, and STATE. Upon connection to CITY services, the listed properties will be exempt from payment of CITY water impact fees, but will be subject to standard fees, such as, but not limited to, water service and meter installation, unless otherwise financed by STATE or other funding sources, and associated monthly fees. This section shall not be construed to limit additional connections beyond the above referenced 503 properties provided for herein, where CITY provides consumption documentation that determines additional source capacity is available as a result of the connection of this well to CITY's system.
 - C. CITY expressly agrees to own, operate, maintain, repair and otherwise care for the well provided under this Agreement, in order to maintain it in proper working order and to the highest standard, for the duration of the well's useful life.
 - D. COUNTY shall grant the parcel on which the well is located to the CITY by Grant Deed at a cost of \$1 upon formal acceptance of the project. A 50-foot control zone around the well site is a requirement of the State Water Resources Control Board, Drinking Water Program, therefore establishing the minimum parcel size to be conveyed to the CITY. Existing COUNTY infrastructure may encroach through or conflict with the subject parcel and if so, ownership, maintenance, repair and replacement of these facilities shall transition to the City's responsibility by separate maintenance agreement upon acceptance of the project.
 - E. CITY shall not be entitled to compensation by COUNTY, or any State or Federal agency providing funding for the activities enumerated in Exhibit 'D', for any ongoing costs related to owning, operating, maintaining, repairing, or replacing this well. CITY and COUNTY expressly agree that CITY's ongoing compensation for such ongoing costs shall be the use of the well for CITY's use within its water system, unrestricted except as noted in "A"

above. No part of this paragraph shall be construed to limit or restrict in any way CITY's ability to seek any grant funding or collect rates and fees from users of CITY's water system.

- F. All recipients of water are subject to CITY water policies, such as, but not limited to, water conservation and watering schedules. Connections made as noted in "B" above may be subject to further water conservation thresholds as required by the STATE.

4. This Agreement represents the entire agreement between CITY and COUNTY as to its subject matter and no prior oral or written understanding shall be of any force or effect. No part of this Agreement may be modified without the written consent of both parties.

5. Except as may be otherwise required by law, any notice to be given shall be written and shall be either personally delivered, sent by facsimile transmission or sent by first class mail, postage prepaid and addressed as follows:

COUNTY: County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare
Administrative Building
2800 W. Burrel Avenue
Visalia, CA 93291

(Fax No.: (559) 733-6318 / Phone No. (559) 636-5005)

CITY: City Manager
291 N. Main St.
Porterville, CA 93257

(Fax No.: (559) 715-4013/ Phone No. (559) 782-7466)

Notice delivered personally or sent by facsimile transmission is deemed to be received upon receipt. Notice sent by first class mail shall be deemed received on the fourth day after the date of mailing. Either party may change the above address by giving written notice pursuant to this paragraph.

6. This Agreement reflects the contributions of both parties and accordingly the provisions of Civil Code section 1654 shall not apply to address and interpret any uncertainty.
7. Unless specifically set forth, the parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.
8. This Agreement shall be interpreted and governed under the laws of the State of California without reference to California conflicts of law principles. This Agreement is entered into and shall be performed in Tulare County, California. CITY waives the removal provisions of California Code of Civil Procedure Section 394.
9. The failure of either party to insist on strict compliance with any provision of this Agreement shall not be considered a waiver of any right to do so, whether for that breach or any subsequent breach. The acceptance by either party or either performance or payment shall not be considered to be a waiver of any preceding breach of the Agreement by the other party.
10. The Recitals and the Exhibits to this Agreement are fully incorporated into and are integral parts of this Agreement.

11. This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any court of other legal authority, or is agreed by the parties, to be in conflict with any code or regulation governing its subject, the conflicting provision shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the Agreement to either party is lost, the Agreement may be terminated at the option of the affected party. In all other cases the remainder of the Agreement shall continue in full force and effect.
12. Each party agrees to execute any additional documents and to perform any further acts which may be reasonably required to affect the purposes of this Agreement.
13. CITY expressly agrees that it will not discriminate in employment or in the provision of services on the basis of any characteristic or condition upon which discrimination is prohibited by state or federal law or regulation.
14. Insurance
15. Permit
16. Dispute Resolution: If a dispute arises out of or relating to this Agreement, or the breach thereof, and if said dispute cannot be settled through negotiation, the parties agree first to try in good faith to settle the dispute by non-binding mediation before resorting to litigation or some other dispute resolution procedure, unless the parties mutually agree otherwise. The mediator shall be mutually selected by the parties, but in case of disagreement, the mediator shall be selected by lot from among two nominations provided by each party. All costs and fees required by the mediator shall be split equally by the parties, otherwise each party shall bear its own costs of mediation. If mediation fails to resolve the dispute within 30 days, either party may pursue litigation to resolve the dispute.
17. Indemnification: CITY shall hold harmless, defend and indemnify COUNTY, its agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kind, including death or injury to any person and/or damage to property, including COUNTY property, arising from, or in connection with, the performance by CITY or its agents, officers and employees under this Agreement. This indemnification specifically includes any claims that may be made against COUNTY by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, and any claims made against COUNTY alleging civil rights violations by CITY under Government Code sections 12920 et seq. (California Fair Employment and Housing Act), and any fines or penalties imposed on COUNTY for CITY's failure to provide form DE-542, when applicable. This indemnification obligation shall continue beyond the term of this Agreement as to any acts or omissions occurring under this Agreement or any extension of this Agreement.

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THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

COUNTY OF TULARE

BY Mike Ennis
Mike Ennis Chairman,
Board of Supervisors



ATTEST: Michael C. Spata,
County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare

By Danisa A. Ybana
Deputy Clerk

Approved as to Form
County Counsel

By M. G. Glick for LMT
Deputy 20151902

CITY OF PORTERVILLE

BY Milt Stowe
Milt Stowe, Mayor

ATTEST:
City Clerk of the City of Porterville

BY J. L. Lolis
John Lolis, City Manager

Approved as to Form

BY [Signature]
City Attorney

EXHIBIT 'A'

EXHIBIT 'B'

RESOLUTION NO. 74 -2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE DEFINING OBJECTIVES AND POLICIES FOR ANNEXATIONS AND MUNICIPAL SERVICES

WHEREAS: The City of Porterville established a policy concerning annexation and provision of municipal services in 1986, noting that “the City, in order to grow for reasons of economies of scale and quality of services must expand its boundaries within reason, generally encourages the owners of properties contiguous to the city of Porterville to annex to said City of Porterville”; and

WHEREAS: Since 1990, the population of the city of Porterville has increased 53% according to the California Department of Finance, and the land area of the city proper has increased by 38% according to City annexation records; and

WHEREAS: The City of Porterville accepts its responsibility to provide municipal services to those residents, businesses, and other land uses within the limits of the city. The City of Porterville has taken the position that the costs of all physical improvements within the city have been paid by property owners, and other taxes derived in the city, and, therefore, these same people should not be required to bear the expense of additional physical improvements needed to serve newly annexed areas.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby define the following objectives related to annexations and municipal services:

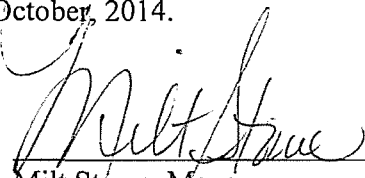
1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city, and where appropriate, to provide those services beyond the limits of the city within the Urban Development Boundary, and only in extreme cases to those properties beyond the Urban Development Boundary within the Urban Area Boundary.
3. To provide for land development and growth in a manner consistent with the General Plan, particularly as it relates to land use and circulation.
4. To consider an application upon its own merits, and identify what benefits would accrue to the City as an agency and service provider, to the residents of the city of Porterville, and to the applicant.
5. To identify the problems involved in any proposal considered for annexation or request for extra-territorial services and resolve them in the manner most beneficial to the properties within the city of Porterville.
6. To develop factual information to permit informed discussion between City representatives and property owners/residents of unincorporated territories.

BE IT FURTHER RESOLVED, that the City Council of the City of Porterville does hereby establish the following policies for consideration of annexations and municipal services:

1. It shall be the policy of the City of Porterville to consider annexation proposals only within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County Local Area Formation Commission (LAFCo).

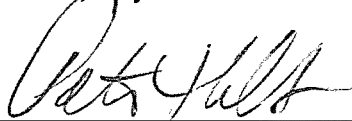
2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville, only where necessary in order to respond to an existing or impending threat to public health or safety of affected residents, to consider extra-territorial service requests within the Urban Area Boundary, as adopted by City Council and identified on the City of Porterville Zoning Map.
4. It shall be the policy of the City of Porterville to consider annexation proposals and extra-territorial service requests in a manner consistent with the policies and regulations adopted by the Tulare County LAFCo and the State of California, as applicable.
5. It shall be the policy of the City of Porterville to discourage single-family one (1) lot annexation proposals that may have an adverse fiscal impact on the City of Porterville.
6. It shall be the policy of the City Council that territory shall not be annexed to the city of Porterville, which as a result of such annexation, unincorporated territory is completely surrounded, or substantially surrounded by the city of Porterville.
7. It shall be the policy of the City of Porterville that annexation proposals shall be in conformance with the Cortese-Knox-Hertzberg Act of 2000, as amended.
8. It shall be the policy of the City Council to consider each petition/consent for annexation upon its relationship to what economic benefits will accrue to the City of Porterville, and to the area residents/property owners.
9. It shall be the policy of the City Council that the costs of all physical improvements will be borne by the property owners/resident or developer.
10. It shall be the policy of the City of Porterville to maintain the viability of agricultural productivity; i.e. protecting and conserving as much agricultural land as possible in the area surrounding the Porterville community.
11. It shall be the policy of the City of Porterville that the applicant for annexation present proposals to the Project Review Committee and explain the particulars of the area under consideration for possible annexation, including a plan for services.
12. It shall be the policy of the City of Porterville to consider any requests for annexation or extra-territorial services in a manner consistent with the procedures adopted by resolution of the City Council.

PASSED, APPROVED AND ADOPTED this 21st day of October, 2014.


Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: 
Patrice Hildreth, Chief Deputy City Clerk

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

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at regular meeting of the Porterville City Council duly called and held on the 21st day of October, 2014.

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

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

JOHN D. LOLLIS, City Clerk


By: Luisa M. Zavala, Deputy City Clerk

RESOLUTION 19-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ESTABLISHING PROCEDURES FOR ANNEXATIONS AND EXTENSION OF
MUNICIPAL SERVICES

WHEREAS: On October 21, 2014, the City Council of the City of Porterville adopted two resolutions that defined objectives and policies, and established procedures for annexations and municipal services, respectively; and

WHEREAS: The on-going, severe drought of the past few years has created a situation where hundreds of parcels in the East Porterville area are experiencing dry wells, or wells of substandard water quality. State and regional agencies have come together with the City to identify and develop a long-term solution to this crisis, which will involve a significant infrastructure project to allow extension of municipal water services to the area. Not all parcels within the subject area meet the mandatory findings for extra-territorial service agreements as identified in the City's current procedures.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby amend existing procedures to submit application for municipal services, and to have said application(s) processed as outlined in Exhibit "A", attached. The exemption identified for the East Porterville Feasibility Study Project Area will apply to the area represented in Exhibit "B".

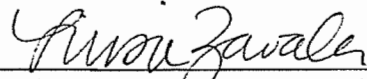
PASSED, APPROVED AND ADOPTED this 19th day of April, 2016.



Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

BY 

Luisa Zavala, Deputy City Clerk

All properties requesting annexation or extraterritorial services are subject to the procedures established below unless otherwise stated. Compliance with City of Porterville procedures does not guarantee approval by LAFCo of annexations or extra-territorial service agreements. Upon request for an annexation or extraterritorial services request, staff will evaluate whether the applicant's property is within the City's Urban Development Boundary or Urban Area Boundary and explain the process.

ANNEXATION APPLICATION PROCEDURE

1. A complete annexation application packet includes: fees, an Irrevocable Agreement to Annex, information as needed to define a deed restriction specific to land use and zoning, Application for Annexation, and other materials as required with those applications respectively.
2. On receipt of an application as outlined above, all materials will be considered by the Project Review Committee, who will coordinate in a pre-consultation process with LAFCO staff and the County Public Works Department for review and recommendation.
3. During review by the Project Review Committee of the necessary application and data, staff will prepare a report and findings on all aspects of the proposed action(s).
4. An environmental document will be prepared pursuant to the California Environmental Quality Act (CEQA), reviewing the potential environmental effect of the proposed activities. The Zoning Administrator will make an initial determination of the level of environmental review required.
5. After proper noticing, a public hearing will be held for the City Council to hear comments related to the project at a regularly scheduled meeting. The Council will authorize staff to initiate the application with LAFCo. Documents will be filed in accordance with the Cortese-Knox-Hertzberg Act of 2000, as amended, and submitted to the Local Agency Formation Commission for its review, recommendation and action.
6. On consummation by the City Council, the City Clerk shall submit the necessary materials to the State Board of Equalization with the appropriate acreage fees, which are paid by the Applicant.
7. In the event the annexation fails, either by dissenting votes of the City Council or at hearing at LAFCo, the City Council may approve an extraterritorial service agreement within the Urban Development Boundary, subject to conditions identified in the deed restriction.

ANNEXATION EXEMPTION PROCEDURE

Where a certain property meets all of the following criteria, they may proceed with an Extraterritorial Service Agreement for water or storm-water drainage without first attempting annexation, subject to the conditions of Extraterritorial Service Agreements as defined below.

1. Previously developed single family residences on parcels 24,999 square feet or smaller, OR a school developed by a State funded school district.
2. The parcel requesting services must be immediately adjacent to a municipal main providing the requested service, or the property owner shall provide for the extension of the main line to City standards at their expense.

EXTRATERRITORIAL SERVICES APPLICATION PROCEDURE

Extraterritorial Service connections may be made subject to the following conditions. Note specific parameters and the required findings for connections in the Urban Development Boundary and the Urban Area Boundary.

1. Application: A complete extraterritorial services application packet includes: fees, an Irrevocable Agreement to Annex, information as needed to define a deed restriction specific to land use and zoning, and other materials as required with those applications respectively.
2. General Plan Consistency:
 - a. Proposed Uses and Improvements: Service connections are to be withheld from proposed uses and improvements that would not be consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan.
 - b. Existing Uses and Improvements: Service connections to existing uses and improvements which are not consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan shall be considered at the discretion of the City Council, and may be subject to other restrictions.
3. Agreements and covenants:
 - a. A deed restriction specific to land use and zoning must be approved by the property owner and the City Council, and recorded with the County of Tulare upon the property, at the applicant's cost.
 - b. An irrevocable agreement to annex must be signed by the property owner and recorded with the County of Tulare upon the property, at the applicant's cost.
4. Time limitations: The City Manager or his designee, or the City Council may condition the approval of applications for service connections by establishing a time frame within which connections must be made to avoid re-application.
5. Improvement Plans: Applications for service connections, which necessitate the extension of one or more municipal facilities to property in order to make such connections, shall be conditioned by the City Manager or his designee, or the City Council to require that Construction Drawings of the intended public improvements be submitted to the City Engineer for plan check and approval. Costs incurred for the preparation of improvement plans, and certain off-site construction and/or installation costs related to extending facilities, shall be the responsibility of the applicant.
6. Fees: Prior to the issuance of a Connection Permit, payment must be made to the City of Porterville of all fees pertinent to the respective service connection, or connections, approved by the City Manager or his designee, or the City Council.

Within the Urban Development Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and as such, an extraterritorial service request cannot be denied; however, the requesting party must fund a fair share of the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council approve an extraterritorial service connection:

- That the subject property is a previously developed single family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.
- That the subject property is not within an island as defined by Tulare LAFCo.
- That an attempt to annex the subject site is not realistic given current city limit boundaries. Specifically, the parcel is too far removed from the city limit, and/or the number and valuation of adjacent parcels would result in a failed annexation effort.

Within the Urban Area Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and as such, an extraterritorial service request cannot be denied; however, the requesting party must fund a fair share of the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council approve an extraterritorial service connection:

- That the subject property is a previously developed single family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.

EXEMPTIONS AND EXCEPTIONS

1. PVPUD: Connections to Porterville Regional Sewage Treatment Facilities serving uses and improvements to property within the boundaries and jurisdiction of the Porter Vista Public Utility District (PVPUD) are exempted from application to the City of Porterville. Interested parties should contact the PVPUD for information on connection requirements and fees pertaining

to sewer services. This exemption does not apply to requests for connection to Municipal Water and/or Master Storm Drain Facilities.

2. PRIOR APPROVALS: Porterville City Council approval of requests for connection to Regional Sewage Treatment, Municipal Water and/or Master Storm Drain Facilities as authorized prior to the adoption and effective date of the respective policies set forth herein shall remain valid and in force according to the terms and conditions initially specified at the time of approval, and re-application will not be required.

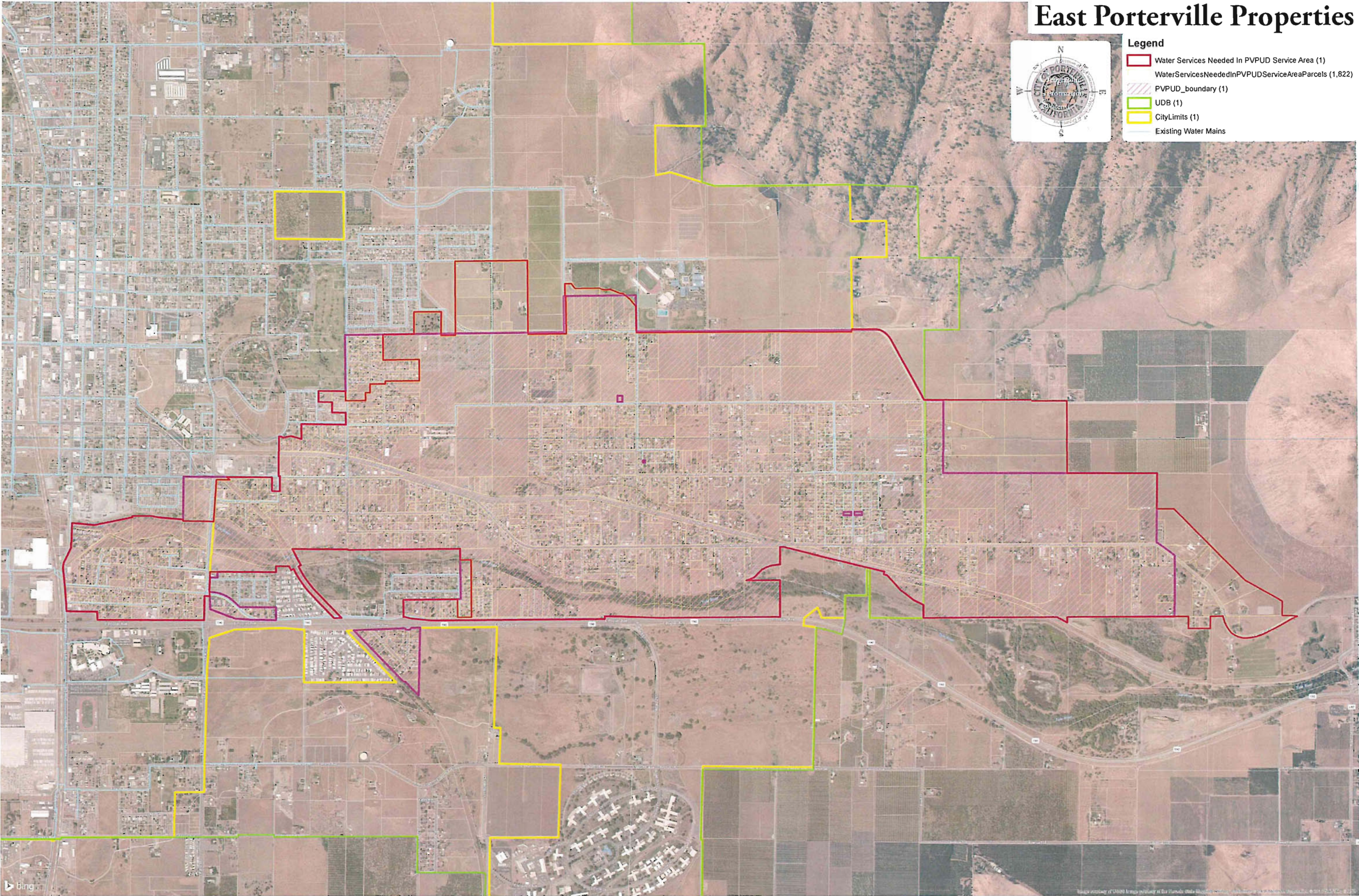
3. PROPERTIES WITHIN THE EAST PORTERVILLE FEASIBILITY STUDY PROJECT AREA: The California State Water Resources Control Board, in coordination with the Department of Water Resources Drought Task Force, is charged with preparing a feasibility study to define a long-term solution to the water related issues in East Porterville. Properties within that boundary would be permitted to apply for connection, whether in association with DWR, SWRCB, or at a later date, on their own. Such connections would be subject to the mandatory findings as outlined in this procedure, with the following exceptions:

- Rather than require that the subject property be a developed single-family residence on a parcel 24,999 square feet or smaller, neither the land use nor the parcel size would be restricted neither the land use nor the parcel size would be restricted for legal and legal non-conforming structures and land uses existing as of April 29, 2016.
- Further, properties within certain islands in the EPFS Project Area would not be required to annex prior to connection. This exception does not limit the City of Porterville's authority to pursue annexation in the future, but rather waives the requirement that annexation must be approved prior to connection.

East Porterville Properties



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



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

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

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

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

JOHN D. LOLLIS, City Clerk

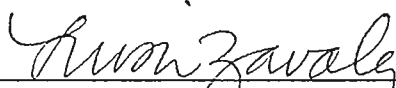

By: Luisa Zavala, Deputy City Clerk

EXHIBIT 'C'



EXHIBIT 'D'

Scope of Work

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

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

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

Discussion Draft

Subject to Additional Review and Modification by the Parties

Porterville MOU
Draft 2
June 15, 2016
PortervilleEmergencyMOU061516



Memorandum of Understanding (MOU)

Regarding the Provisions of Emergency Water Supplies to East Porterville

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

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

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

which are collectively known as the “Parties”

Recitals

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

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

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

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

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

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

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

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

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

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

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

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

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

Understanding

A. Description of Emergency Project and Long-Term Plan

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

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

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

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

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

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

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

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

B. Project Contributions of the Parties

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

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

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

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

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

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

C. General Provisions

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

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

[Signatures on following page]

This MOU has been executed by:

California Department of Water Resources

State Water Resources Control Board

California Office of Emergency Services

County of Tulare

City of Porterville

List of Exhibits

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

