



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JANUARY 17, 2017, 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: 1893 South Newcomb Street. Agency Negotiator: John Lollis and Maria Bemis. Negotiating Parties: City of Porterville and Richard Chilcutt. Under Negotiation: Terms and Price.
- 2** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 253-124-015. Agency Negotiator: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and JCH Family Limited Partnership. Under Negotiation: Terms and Price.
- 3** - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Che Johnson. Employee Organizations: Porterville City Firefighters Association and Fire Officers Series.
- 4** - Government Code Section 54956.95 – Liability Claim: Claimant: Ashley Thomas. Agency claimed against: City of Porterville.
- 5** - Government Code Section 54956.95 -- Liability Claim: Claimant: State Farm Insurance, as Subrogee for Emilio Gutierrez. Agency claimed against: City of Porterville.
- 6** - Government Code Section 54956.9(d)(1) - Conference with Legal Counsel -- Existing Litigation: Dalilah Micaela Gonzalez Pacheco, a minor, by and through her guardian ad litem, Maria De Jesus Pacheco v. Hishmeh Enterprises, Inc., et al., Tulare County Superior Court Case No. 259965.
- 7** - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Two Cases in which facts are not yet known to potential plaintiff.
- 8** - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two Cases.

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

Pledge of Allegiance Led by Council Member Martha A. Flores
Invocation

PRESENTATIONS

Employee of the Month - Gabriela Cruz

AB 1234 REPORTS

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

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 - January 5, 2017
 - 2. Library & Literacy Commission - January 10, 2017
 - 3. Arts Commission
 - 4. Animal Control Commission - January 9, 2017
 - 5. Youth Commission - January 9, 2017
 - 6. Transactions and Use Tax Oversight Committee (TUTOC)
- II. Staff Informational Reports
 - 1. Water Conservation Phase IV 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 March 15, 2016, July 5, 2016, July 19, 2016, August 16, 2016, and October 18, 2016**
Re: Considering approval of the draft Minutes of March 15, 2016, July 5, 2016, July 19, 2016, August 16, 2016, and October 18, 2016.
2. **Authorization to Enter into a Professional Services Agreement With Interwest Consulting Group Inc., to Allow General Third Party Plan Review When Needed by the City**
Re: Considering approval of a Professional Services Agreement with Interwest Consulting Group, Inc. for external building plan review services; and authorizing the Public Works Director to execute said Agreement.
3. **Authorization to Enter into Agreement for the Lease of Mailing and Shipping System, Folder-Inserters and Letter Opener**
Re: Considering approval of an agreement with Pitney Bowes for the lease and maintenance of a mailing and shipping system and a folder-inserters for \$673.64 per month plus any applicable taxes for a five-year term.
4. **Authorization to Negotiate a Contract - Consultant Services for the Review of the Wastewater Biosolids Management Plan**
Re: Considering approval of a service agreement with Carollo Engineers, Inc. to analyze the impact of removing this parcel from the effluent farming operation.
5. **Airport Dry Farm Lease Amendment**
Re: Considering approval of Amendment No. 1 to the Lease Agreement between the City of Porterville and Rick Perigo Roadsiding for dry farming at the Porterville Municipal Airport effective January 1, 2017, to extend the term of the lease agreement to October 31, 2019, and reduce the dry farm rental rate of \$40 per farmable acre to \$35 per farmable acre.
6. **Status Report - Developer Impact Fees**
Re: Considering acceptance of the Status Report on Developer Impact Fees for the Fiscal Year Ended June 30, 2016.
7. **CDBG Citizens' Advisory and Housing Opportunity Committee and Citizen Participation Plan**
Re: Considering adoption of the 2017 Citizen Participation Plan; and the appointment of existing committee members to the Citizens' Advisory and Housing Opportunity Committee for a one-year term.

8. **Transfer of Successor Agency Properties to the City of Porterville**
Re: Considering approval of a draft resolution accepting properties APN 253-177-008, APN 261-123-001, APN 253-207-008, APN 253-131-001, APN 252-183-006 and APN 252-183-007 from the Successor Agency to the Porterville Redevelopment Agency.
9. **Approval of City Concession Licenses**
Re: Considering approval of concession licenses with Porterville Girls Fastpitch, American Youth Soccer Organization and Porterville Youth Soccer League.
10. **Approval for Community Civic Event - Boys and Girls Club - Love our Kids 5K Fun Run - February 18, 2017**
Re: Considering approval of an event to take place at the Porterville Sports Complex on Saturday, February 18, 2017, from 7:30 a.m. to 1:30 p.m.
11. **City Council Member Requested Agenda Item - Consider Adjustment of Animal Shelter Adoption Fees**
Re: Considering approval to consider the adjustment of Animal Shelter adoption fees.
12. **City Council Member Requested Agenda Item - Consider Establishing a Permit to Allow Residents to Modify the Even/Odd Watering Schedule**
Re: Considering approval to consider the establishment of a permit to allow residents to modify the even/odd watering schedule.
13. **City Council Member Requested Agenda Item - Consider Establishing a Fine for Violating the City's Sign Ordinance**
Re: Considering approval to consider the establishment of a fine for violating the City's Sign Ordinance.

SCHEDULED MATTERS

14. **Bid Results - Island Annexation Sewer Project 456A, B, C, & 457**
Re: Consideration of bid results for the project consisting of the installation of new sewer infrastructure for annexation areas generally bound by Highway 190 on the north, Jaye Street on the east, Highway 65 on the west, and the Poplar Ditch on the south, and Olive Avenue on the north, Jaye Street on the east, Highway 65 on the west, and the Tule River on the south.
15. **Zalud House Paranormal Tours**
Re: Consideration of paranormal tours at the Zalud House.

16. **Letter of Support for H.R. 23 - Gaining Responsibility on Water Act of 2017**
Re: Considering support of HR 23 which would provide drought relief in the state of California.
17. **Status and Review of Declaration of Local Emergency**
Re: Consideration of the continuance of the Declaration of Local Emergency.

Adjourn to a meeting of the Successor Agency to the Porterville Redevelopment Agency.

SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY AGENDA
291 NORTH MAIN STREET, PORTERVILLE, CA 93257
JANUARY 17, 2017

Roll Call: Agency Members/Chairperson

WRITTEN COMMUNICATION

ORAL COMMUNICATIONS

SUCCESSOR AGENCY SCHEDULED MATTERS

- SA-18. Successor Agency Minutes of October 18, 2016**
Re: Considering approval of draft minutes of October 18, 2016.
- SA-19. Appointment of a New Member to the Oversight Board**
Re: An informational report regarding the appointment of Ms. Julie Phillips to the Successor Agency Oversight Board.
- SA-20. Review and Approval of Proposed Administrative Budget**
Re: Consideration of a resolution approving the Administrative Budget for the period of July 1, 2017, through June 30, 2018, and its submittal to the Oversight Board.
- SA-21. Review and Approval of Draft Recognized Obligation Payment Schedule for Fiscal Year 2017-18**
Re: Consideration of a resolution approving the Recognized Obligation Payment Schedule 17-18 for the period of July 1, 2017, through June 30, 2018, authorizing any augmentation, modification, additions or revisions as may be necessary to conform the ROPS 17-18 to requirements imposed by the DOF, and its submittal to the Oversight Board.

Adjourn to a meeting of the Porterville City Council.

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 January 31, 2017.

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 – JANUARY 17, 2017

SUBJECT: 1. Water Conservation Phase IV 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 has transitioned from Phase III to Phase IV of the City's Water Conservation Plan, which became effective December 1, 2016. The Water Conservation Plan applies to all municipal water users within or not within city limits. As part of the Phase IV implementation, the City has reduced watering days, to a one day per week watering schedule, based on address. If an address ends with an "odd" number, the watering day is Saturday; if an address ends with an "even" number, the watering day is Sunday. Watering is prohibited between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m., with no watering allowed Monday, Tuesday, Wednesday, Thursday or Friday. 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 December 2016 show that a total of 4 Notice of Violations were issued for water wasting; 3 resulted in an Administrative Citation.

Water production for December 2016 shows a 1% reduction from the 5-year average. The production for the month of December 2016 was 175 million gallons, which when compared to the production for the month of December 2013 of 194 million gallons, equates to a 10% reduction. Residential consumption for December 2016 was 68.41 gallons per capita per day (GPCD).

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 continues to require monthly reporting to track what agencies are doing 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's conservation efforts will reflect June 2015 through December 2016. Porterville's cumulative total conservation through December 2016 is 27.59%.

RECOMMENDATION: Information Only

ATTACHMENTS: 1. Monthly Production Status December 2016
 2. Drought Response Phase IV Flyer

Appropriated/Funded:

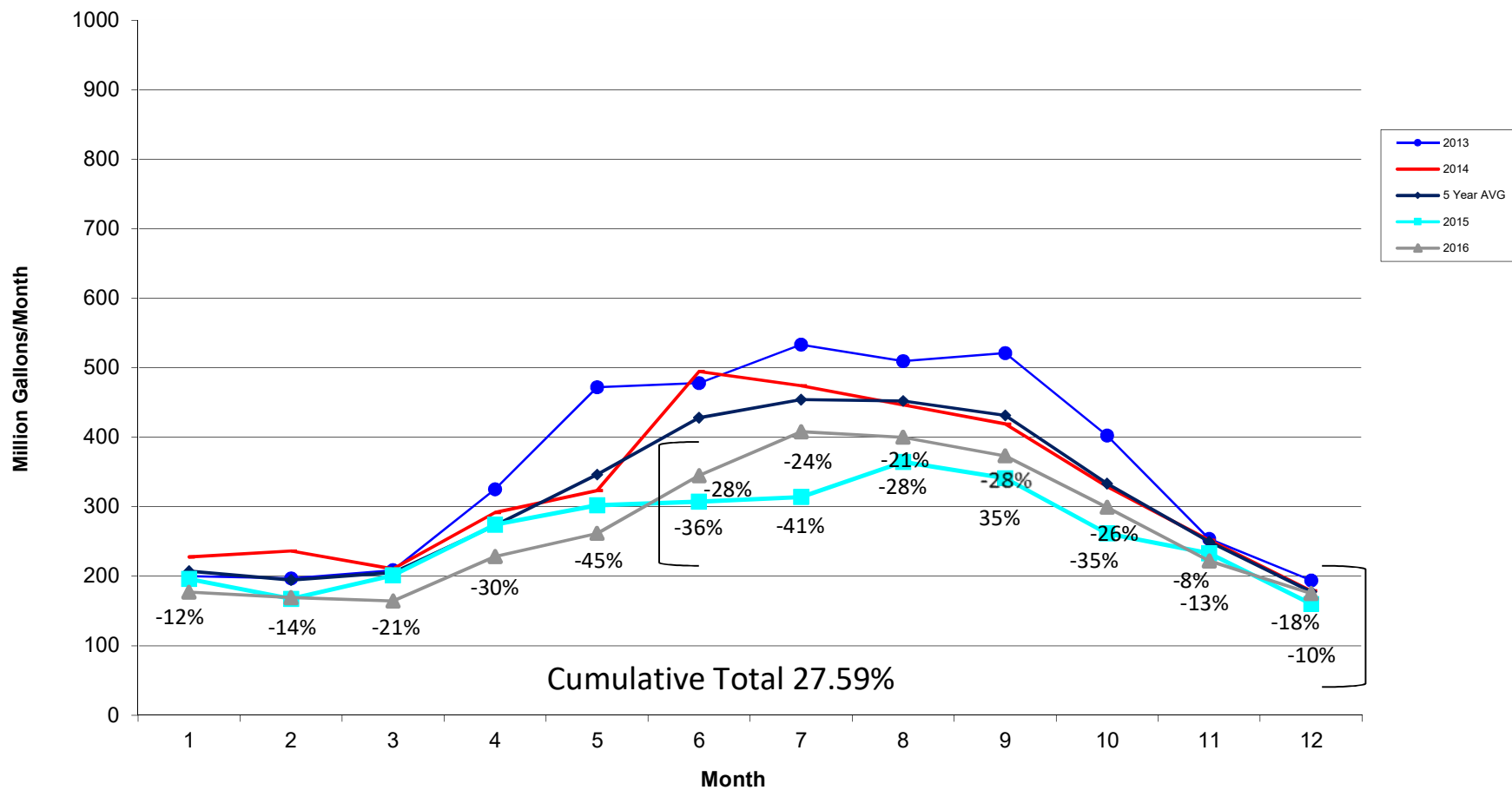
Review By:

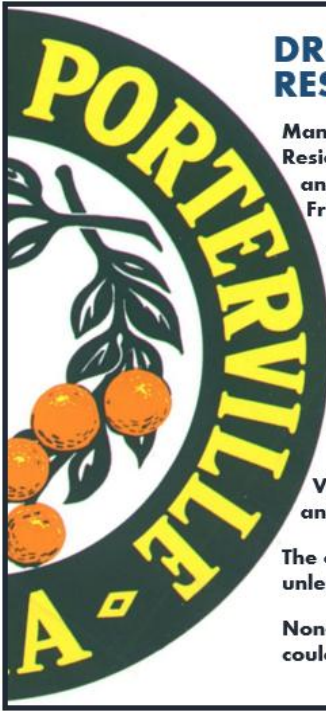
Department Director:

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 IV

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

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

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

Excessive water runoff is prohibited.

The washing of sidewalks and driveways is prohibited.

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

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

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

DROUGHT RESPONSE PHASE IV

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

Mandatory Odd/Even Watering Schedule

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

- Odd Address

Even Address
- Outdoor Watering is Prohibited

ODD NUMBER ADDRESSES

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

OR

EVEN NUMBER ADDRESSES

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

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

Mandatory
Odd/Even Watering
Schedule

Excessive water
runoff prohibited

The washing of
sidewalks and driveways
is prohibited

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

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

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

NO WATERING
MONDAY THROUGH
FRIDAY.



CITY COUNCIL AGENDA – JANUARY 17, 2017

SUBJECT: City Council Minutes of March 15, 2016, July 5, 2016, July 19, 2016, August 16, 2016, and October 18, 2016

SOURCE: Administrative Services

COMMENT: Staff has prepared the draft Minutes of March 15, 2016, July 5, 2016, July 19, 2016, August 16, 2016, and October 18, 2016, for the Council's review and consideration.

RECOMMENDATION: That the Council approve the draft Minutes of March 15, 2016, July 5, 2016, July 19, 2016, August 16, 2016, and October 18, 2016.

ATTACHMENTS:

1. Draft Minutes of 3/15/16
2. Draft Minutes of 7/5/16
3. Draft Minutes of 7/19/16
4. Draft Minutes of 8/16/16
5. Draft Minutes of 10/18/16

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
MARCH 15, 2016, 5:30 PM**

Called to Order at 5:30 p.m.

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

Absent: Council Member Gurrola

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 AND STEVE KABOT. EMPLOYEE ORGANIZATION: PORTERVILLE CITY FIREFIGHTERS ASSOCIATION.

2 - GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIM: CLAIMANT: DANNY CEBALLOS. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

3 - GOVERNMENT CODE SECTION 54956.9(D)(4) – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – INITIATION OF LITIGATION: 5 CASES.

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

City Attorney Julia Lew reported on the following reportable action:

A2: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward the Council rejected the Claim filed by Danny Ceballos. The motion carried unanimously of those Council Members present. Council Member Gurrola was absent.

Documentation: M.O. 01-031516

Disposition: Approved.

Pledge of Allegiance Led by Council Member Reyes

Invocation – a moment of silence was observed.

PRESENTATIONS

Outstanding Business – Town & Country Market

AB 1234 REPORTS

1. LOCAL AGENCY FORMATION COMMISSION (LAFCO) - MARCH 2, 2016
Vice Mayor Hamilton reported that he was unable to attend the meeting.

REPORTS

I. City Commission and Committee Meetings

1. PARKS & LEISURE SERVICES COMMISSION

Commissioner Lucero presented the Commission's Monthly Report which included information pertaining to: the installation of fitness equipment at Fallen Heroes Park; Youth Commission's Dodgeball Tournament; the Annual Wall of Fame Ceremony; the Annual Egg Hunt; Spring Kids Fest; and the Commission's recommendation to Council (Item 19).

2. LIBRARY & LITERACY COMMISSION - MARCH 8, 2016

Chair Bailey reported on the Commission's continued consideration of the advocacy toolkit; participation in an upcoming workshop at Fresno's Betty Rodriguez Regional Library; receipt of a tour of the Adult Learning Center; monthly highlights; and announced that the Easter Bunny would be at the Library for photo opportunities.

3. ARTS COMMISSION – FEBRUARY 24, 2016

Commissioner Worthington reported on the last meeting which included: individuals interested in serving on the commission, utilization of the Chamber to increase opportunities for art, discussion pertaining to placement of a banner displaying art at the corner of Main Street and Olive Avenue, an open mic night and summer follies; and extended an invitation to the March 16th meetings.

4. ANIMAL CONTROL COMMISSION - MARCH 7, 2016

Commission Chair Arthur reported on: a tentative installation date for the washer and dryer to be located at the shelter, discussion pertaining to the hiring of a live release coordinator, receipt of animal control statistics for January and February, information for new commissioners, and the hiring of additional staff.

5. YOUTH COMMISSION - MARCH 14, 2016

No report.

6. TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE (TUTOC)

No report.

II. Staff Informational Reports

1. WATER CONSERVATION PHASE IV STATUS UPDATE

ORAL COMMUNICATIONS

- Eva Beltran, Porterville Area Coordinating Council, provided the Council with an update regarding outside interest in drought related issues.
- Fred Beltran introduced the Council to Tomas Garcia who was heading the East Porterville for Water Justice Committee for residents effected by the drought; spoke of positive movement, current activities, and an upcoming meeting on Sunday, 5:30 p.m. at Doyle Elementary.

- Sabrina Barrios, Porterville Firefighter, spoke of request for proclamation regarding the Muscular Dystrophy Association and Fill-the-Boot fundraising efforts.
- Ernesto Teran, Porterville, spoke in support of drought relief efforts and of the need for communication and community engagement.
- Brock Neeley, lauded the Council and the City Manager for the recent employment agreement; and spoke of a recent experience with a solicitor who did not have a City of Porterville business license.
- Jeff Szeles thanked Police and Fire Departments for their participation at the Bark for Life event; and reported on the event and fundraising efforts.

CONSENT CALENDAR

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve Items Nos. 1-16. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF MARCH 1, 2016

Recommendation: That the Council approve the draft Minutes of March 1, 2016.

Documentation: M.O. 02-031516

Disposition: Approved.

2. PURCHASE OF RADIO HEADSETS

Recommendation: That City Council authorize Police Department staff to negotiate the purchase and delivery of 14 radio headsets in the amount of \$12,123.75.

Documentation: M.O. 03-031516

Disposition: Approved.

3. AUTHORIZATION TO ADVERTISE FOR BIDS - SCRANTON AVENUE WATER MAIN RELOCATION

Recommendation: That City Council:

1. Approve staff's recommended Plans and Project Manual;
2. Authorize staff to advertise for bids on the project;
3. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #02100714; and
4. Authorize the Finance Director to appropriate \$90,135.50 from the Water Developer Fees Fund to fully fund this project.

Documentation: M.O. 04-031516

Disposition: Approved.

4. INTENT TO VACATE UTILITY EASEMENTS ON PARCEL MAP NO. 5097

Recommendation: That City Council:

1. Pass a resolution of intent to vacate sewer, water and storm drain easement located within Parcel 1, Parcel 2, and Parcel 3 of Parcel Map No. 5097;
2. Direct the City Clerk to publish the Public Notice in the Porterville Recorder; and
3. Set the Council meeting of April 19, 2016, as the time and place for a public hearing.

Documentation: Resolution No. 10-2016

Disposition: Approved.

5. APPOINTMENT OF CITIZENS' ADVISORY AND HOUSING OPPORTUNITY COMMITTEE

Recommendation: That the City Council:

1. Adopt the 2016 Citizen Participation Plan; and
2. Appoint existing committee members Pat Contreras, Maria Gonzalez, Doug Heusdens, Kelle Jo Lowe, Linda Mendez, Grace Muños-Rios, and Rebecca Vigil, to the Citizens' Advisory and Housing Opportunity Committee for one-year terms.

Documentation: M.O. 05-031516

Disposition: Approved.

6. CONSIDERATION OF APPOINTMENT OF CALTIP BOARD MEMBER

Recommendation: That the City Council:

1. Approve the draft resolution designating Mike Reed as the City's CalTIP Board Member, and Patrice Hildreth as the Alternate Member; and
2. Authorize the Mayor to execute said Resolution for submission to CalTIP.

Documentation: Resolution No. 11-2016

Disposition: Approved.

7. APPROVAL FOR COMMUNITY CIVIC EVENT - AMERICAN CANCER SOCIETY, INC. AND RAZORS NATION - RAZORS NATION SPRING RING BULLY FEST - APRIL 2, 2016

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from American Cancer Society, Inc., and Razors Nation,

subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit A.

Documentation: M.O. 06-031516

Disposition: Approved.

8. APPROVAL FOR COMMUNITY CIVIC EVENT - AMERICAN CANCER SOCIETY, INC. - RELAY FOR LIFE KICKOFF - APRIL 2, 2016

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

Documentation: M.O. 07-031516

Disposition: Approved.

9. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE UNIFIED SCHOOL DISTRICT, PORTERVILLE OPTIMIST CLUB, AND BURTON SCHOOL DISTRICT - PORTERVILLE CELEBRATES READING - APRIL 9, 2016

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Porterville Unified School District, Porterville Optimist Club, and Burton School District, subject to the stated requirements contained in the Application, Agreement and Exhibit A.

Documentation: M.O. 08-031516

Disposition: Approved.

10. APPROVAL FOR COMMUNITY CIVIC EVENT - ST. ANNE'S HOME AND SCHOOL - A NIGHT AT THE RACES - APRIL 30, 2016

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from St. Anne's Home and School, subject to the Restrictions and Requirements contained in the Application and Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 09-031516

Disposition: Approved.

11. APPROVAL FOR COMMUNITY CIVIC EVENT - GREATER PORTERVILLE COUNCIL OF SENIOR CITIZENS - ROLLIN' RELICS CAR SHOW - MAY 14, 2016

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Greater Porterville Senior Council and

the Rollin' Relics Car Club, subject to the stated requirements contained in the Application and Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 10-031516

Disposition: Approved.

12. REQUEST FOR PROCLAMATION - KIDNEY AWARENESS MONTH - MARCH 2016

Recommendation: That the City Council consider approval of the request to proclaim the month of March 2016, as "Kidney Awareness Month" in the city of Porterville.

Documentation: M.O. 11-031516

Disposition: Approved.

13. REQUEST FOR PROCLAMATION - LIBRARY WEEK - APRIL 1016, 2016

Recommendation: That the City Council consider approval of the request to proclaim April 1016, 2016, as "Library Week" in the city of Porterville.

Documentation: M.O. 12-031516

Disposition: Approved.

14. REQUEST FOR PROCLAMATION - VOLUNTEER WEEK - APRIL 1016, 2016

Recommendation: That the City Council consider approval of the request to proclaim April 1016, 2016, as "Volunteer Week" in the city of Porterville.

Documentation: M.O. 13-031516

Disposition: Approved.

15. REQUEST FOR PROCLAMATION - MDA & FIREFIGHTER MONTH - MAY 2016

Recommendation: That the City Council consider approval of the request to proclaim May 2016, as "MDA & Firefighter Month" in Porterville.

Documentation: M.O. 14-031516

Disposition: Approved.

16. ADDENDUM NO. 4 TO EMPLOYMENT AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND JOHN D. LOLLIS

Recommendation: That the City Council approve Addendum No. 4 to Employment Agreement between the City of Porterville and John D. Lollis.

Documentation: M.O. 15-031516
Disposition: Approved.

PUBLIC HEARINGS

17. MODIFICATION NO. 1 TO CONDITIONAL USE PERMIT 288 FOR LA FUENTE MEXICAN RESTAURANT

Recommendation: That the City Council adopt the draft Resolution approving Modification No. 1 to Conditional Use Permit 288.

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

Council Member Ward expressed concerns regarding potential issues associated with the serving of hard alcohol, and was informed by staff that there had not been reoccurring issues at nearby establishments; and Council Member Reyes inquired about signage.

The Public Hearing was opened at 7:21 p.m.

- Brock Neeley, Porterville, inquired about employee training and stated that establishments should be requiring patrons to order food with their alcohol.

The Public Hearing was closed at 7:23 p.m.

- Eric Madrigal, applicant, addressed questions from the Council regarding the types of alcohol intended to be served.

At the request of Council, staff addressed comments made by Mr. Neeley and spoke of Alcohol Beverage Control requirements pertaining to bona fide eating establishments.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Reyes that the City Council adopt the draft Resolution approving Modification No. 1 to Conditional Use Permit 288.

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

Documentation: Resolution No. 12-2016
Disposition: Approved.

SCHEDULED MATTERS

18. CONSIDERATION OF APPOINTMENTS TO CITY COMMISSIONS

Recommendation: That the City Council consider the appointment of one individual to the Animal Control Commission for a term to expire in September 2016, and the appointment of one individual to the Arts Commission for a term to expire in February 2017.

City Manager Lollis introduced the item, and Administrative Services Director Patrice Hildreth presented the staff report.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve the appointment of Daniel Penaloza to the Animal Control Commission for a term to expire in September 2016, and the appointment of Donna Serna to the Arts Commission for a term to expire in February 2017.

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

Documentation: M.O. 16-031516

Disposition: Approved.

19. SPORTS COMPLEX FOOTBALL FIELD UTILIZATION

Recommendation: That the City Council provide direction to staff regarding utilization of the Sports Complex football field.

City Manager Lollis introduced the item, and Parks and Leisure Services Director Donnie Moore presented the staff report.

Following the report, Mr. Moore addressed questions regarding Porterville Youth Football's commitment to fund and construct a restroom/snack bar facility in exchange for the exclusive use of the lights and designated area during their season, availability of lit sports fields, and of outreach to other sports programs.

- John Fokey, Porterville Youth Tackle Football, spoke of the number of participants, and the importance of football to the youth in the community.
- Ben Rodriguez, President of Porterville Cougars, spoke of a scheduling conflict addressed questions from the Council regarding the number and age range of the organization's participants.
- John Rivera, Porterville Youth Tackle President, spoke of difficulties finding fields with adequate lighting to accommodate the organizations large number of participants.

Parks and Leisure Services Director Moore advised of the Parks and Leisure Services Commission's recommendation and stated that he was confident a schedule could be developed to accommodate both organizations. Discussion ensued regarding the need for more lighting at the Sports Complex, interest of other sports organizations, and the use of portable lighting for use of unlit fields.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Reyes that the City Council authorize the Parks and Leisure Services Director to work out a schedule for the upcoming season.

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

Documentation: M.O. 17-031516

Disposition: Approved.

20. CONSIDERATION OF TRANSITION PLAN FOR THE GENERAL TREATMENT AREA OF THE PORTERVILLE DEVELOPMENTAL CENTER

Recommendation: That the City Council provide input to the California Department of Developmental Services on the Transition Plan for the Porterville Developmental Center in regards to the proposed closure of the General Treatment Area.

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

Following the staff report, the Council discussed options for the repurposing of existing structures and open space, which included: education, sport fields, public safety, and industrial development. The Council agreed to communicate any additional ideas to the City Manager for inclusion in the City's communication to the California Department of Developmental Services.

Documentation: None.

Disposition: No action.

21. STATUS AND REVIEW OF DECLARATION OF LOCAL DROUGHT 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. A discussion followed regarding terms for connection to the City's water system, delays, residents wanting to keep their existing wells, and ongoing well drilling in the County.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Reyes that the City Council approve the continued Declaration of Local Emergency.

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

Documentation: M.O. 18-031516

Disposition: Approved.

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, stated that Tulare County charged a ballot statement fee of \$2,500 for a congressional candidate while Los Angeles County charged \$875.

OTHER MATTERS

- Vice Mayor Hamilton spoke of a recently issued proclamation.
- Council Member Ward spoke of St. Patrick's Day and the history behind it; and wished everyone a happy Easter holiday.
- Council Member Reyes congratulated the Porterville Varsity Cheer for...; and announced that racing season at Rocky Hill Speedway would commence on Saturday.
- Mayor Stowe spoke of his participation in Dr. Seuss festivities at the library; and congratulated the Strathmore Varsity Girls Soccer Team.
- City Manager Lollis spoke of upcoming events: meeting regarding CDBG Action Plan, Department of Water Resources Outreach meeting, Wall of Fame, Kid's Fest, Egg Hunt, and meeting with State representatives.

CLOSED SESSION

City Attorney Lew announced that the Council would be reconvening in Closed Session to discuss item A-3.

A-3 - GOVERNMENT CODE SECTION 54956.9(D)(4) – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – INITIATION OF LITIGATION: 5 CASES.

The Council reconvened in Open Session at p.m. No reportable action took place.

ADJOURNMENT

The Council adjourned at ____ p.m. to the meeting of April 5, 2016.

Luisa M. Zavala, Deputy City Clerk

SEAL

Milt Stowe, Mayor

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

Called to Order at 5:35 p.m.

Roll Call: Council Member A. Monte Reyes, Council Member Virginia Gurrola, Vice Mayor
Cameron Hamilton, Mayor Milt Stowe

Absent: Council Member Brian Ward

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: City of Porterville Water Rights. Agency Negotiators: John Lollis and Mike Reed. Negotiating Parties: City of Porterville and Pioneer Water Company. Under Negotiation: Terms and Price.

2 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Steve Kabot. 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: Three Case(s) 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 had been no reportable action taken in Closed Session.

Pledge of Allegiance Led by Council Member Gurrola

Invocation -- one individual participated.

AB 1234 REPORTS

None

REPORTS

- Parks & Leisure Services Commissioner Lucero presented the Commission's Monthly Report; and recognized James M. Gibson Iris Society members (in attendance) for their planting of irises in the downtown planters.

ORAL COMMUNICATIONS

- Eric Gomez introduced himself as a Monache High School Graduate and intern at The

Documentary Studios; and presented a teaser trailer for a documentary film about Dr. Ramon Resa.

- Diane Wagner, Executive Producer of Ramon Rising film, spoke about the impact of Dr. Resa's story and of the benefit of sponsoring the documentary film.
- Cristela Tinego, spoke about Dr. Resa's story as motivational and inspirational to young people; and spoke in favor of the City's support of the movie.
- Christina Lopez Fernandez, recent high school graduate, stated that she was inspired by Dr. Resa and would be attending UC Riverside to study biology.
- Matthew Goodgion, recent Porterville High School graduate, spoke in support of sponsoring the documentary about Dr. Ramon Resa.
- Pam Avila, student instructor, spoke of Dr. Resa's work with the students, and spoke of their achievements.
- Shirley Rowe, spoke of Dr. Resa's work as a pediatrician and a motivational speaker, and of his contributions to the community.
- Jesse Gift, film director, spoke of the importance of the documentary and its benefit to the community of Porterville; and extended an invitation to the City to sponsor the film.
- Dr. Ramon Resa thanked the Council for their consideration; and spoke of his desire to share his story with young people.
- Joseph Lopez, Porterville, requested that his annexed area be connected to the sewer system (Montgomery Street area near Jaye Street roundabout).
- Ken Sherrill, Porterville, spoke of difficulties obtaining a complaint form at the Police Department; and requested that the Council do something about the Porterville Rescue Mission.
- Tanya Wolf requested that the City Council reconsider annexation of area 479A because she is interested in purchasing the property and doesn't want to pay the costs to initiate the annexation.
- Debra Unser, Upper Tule Association, spoke of tourism as a revenue and job generator; and requested the City's support in keeping the road open to traffic.
- Austin Slater, Porterville, spoke of the shortcomings of the Tulare County Board of Supervisors, and in support of annexing County islands to increase the City's population and improve economic opportunities.
- Jared Olson, Clean Energy Organization, spoke of the City's participation in the VIEW partnership, and in support of the purchase of SCE street lights.

CONSENT CALENDAR

Item No. 5 was pulled from the Consent Calendar for discussion.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council approve Items Nos. 1-4, 6.

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

1. CITY COUNCIL MINUTES OF MAY 3, 2016

Recommendation: That the Council approve the draft Minutes of May 3, 2016.

Documentation: M.O. 01-070516

Disposition: Approved.

2. AUTHORIZATION TO PURCHASE WATER SHARES OR SURFACE WATER FOR GROUNDWATER RECHARGE

Recommendation: That City Council authorize the Public Works Director to purchase water shares or surface water during the 2016/2017 fiscal year up to \$500,000.

Documentation: M.O. 02-070516

Disposition: Approved.

3. ACCEPTANCE OF PROJECT - SLUDGE DEWATERING AND ELECTRIC BLOWER PROJECT

Recommendation: That City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 03-070516

Disposition: Approved.

4. APPROVAL OF RESOLUTION AUTHORIZING THE FILING OF RSTP EXCHANGE PROGRAM FUND CLAIM FOR THE FISCAL YEAR 20152016

Recommendation: That the City Council authorize and direct the Finance Director to sign and submit the FY 20152016 RSTP Exchange Program fund claim to the Tulare County Association of Governments on behalf of the City of Porterville in the amount of \$600,057.

Documentation: Resolution No. 41-2016

Disposition: Approved.

6. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE BREAKFAST ROTARY - CANCER CENTER RUN - SEPTEMBER 10, 2016

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from Porterville Breakfast Rotary, subject to the restrictions and requirements contained in the Application, Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 04-070516

Disposition: Approved.

PUBLIC HEARINGS

7. MODIFICATION NO. 2 TO CONDITIONAL USE PERMIT 197 (PRC 2016-014M) TO ALLOW THE SALE OF BEER AND WINE UNDER A TYPE 41 ON-SALE ALCOHOL LICENSE AT THE GALAXY 9 MOVIE THEATRE

Recommendation: That the City Council:

1. Adopt the draft resolution approving Modification No. 2 to Conditional Use Permit 197 (PRC 2016-014-M); and
2. Authorize the Mayor to sign the Letter of Public Convenience or Necessity.

Administrative Services Director Patrice Hildreth introduced the item, and Community Development Planner Elena Barragan presented the staff report.

The Public Hearing opened at 7:25 p.m.

- Rich Hilmer, representing Galaxy 9 Theatres, spoke of the importance of allowing the sale of alcohol in the theatre and made himself available to questions.
- General Manager, Veronica Garcia, explained how the alcohol would be served and stored inside the theatre. She expressed her excitement on behalf of Galaxy 9. She also spoke of her plans to hire more employees over the age of 21 in order to comply with the legal alcohol serving age. She also addressed questions from the Council regarding staff walk-throughs, identification card readers, times that alcohol would be served, why the theater wanted to sell alcohol, and measures to be taken to prevent customers from leaving with alcohol.
- Mr. Hilmer explained how the lighting in the theatre room works and how visible customers actually are to the theatre employees.
- Tom Bradovich, Pastor of Grand Avenue Methodist Church, expressed his concerns about the lack of accountability when people are drinking in the dark and about the sensitivity to the recovering addicts in our community. Mr. Bradovich also brought up the accessibility of the emergency side door exits.
- Austin Slater spoke in favor of the item and reminded everyone that people need to drink responsibly.
- Javier Ibarra questioned the timing and need of selling alcohol at Galaxy 9, and spoke of this movie theatre not being as kept up as others.

The Public Hearing was closed at 7:48 p.m.

Council Members expressed concerns regarding advertising the sale of alcohol, and use of emergency exits to leave the theater with alcohol. In response, the Council asked to modify condition 13 to clarify that employees would be at the emergency side exit doors five minutes prior to the film being over.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Reyes that the City Council approve Conditional Use Permit 197 with specified modifications.

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

Documentation: Resolution No. 42-2016
Disposition: Approved.

Vice Mayor Hamilton spoke of the importance of employing adults under the age of 21 and stated that he did not want them to be let go following the Council's approval of the conditional use permit.

8. WESTWOOD PLAZA DRAFT ENVIRONMENTAL IMPACT REPORT

Recommendation: That the City Council accept comments on the Draft Environmental Impact Report for the Westwood Plaza Project.

Administrative Services Director Hildreth introduced the item, and Community Development Manager Julie Phillips presented the staff report.

The Public Hearing was opened at 8:00 p.m.

- Sunny Basra, Developer of Westwood Plaza, clarified that there were multiple spaces designated in the Plaza.

The Public Hearing closed at 8:01 p.m.

Vice Mayor Hamilton asked for clarification on the traffic study. Ms. Phillips explained that the study was based on the square footage of the retail space.

Documentation: None
Disposition: No action required.

9. LANDSCAPE AND LIGHTING DISTRICT ANNUAL ASSESSMENTS

Recommendation: That the City Council:

1. Conduct a public hearing on the 2016-2017 assessments for the Landscape and Lighting Maintenance Districts 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 2016-2017 Fiscal Year.

Administrative Services Director Hildreth introduced the item, and Parks and Leisure Director Donnie Moore presented the staff report.

The Public Hearing opened at 8:04 p.m. When no one came forward, the Public Hearing was closed at 8:05 p.m.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Reyes 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 2016-2017 Fiscal Year.

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

Documentation: Resolution No. 43-2016
Disposition: Approved.

The Council took a 10 minute break.

SCHEDULED MATTERS

10. CONSIDERATION OF APPOINTMENT TO ANIMAL CONTROL COMMISSION

Recommendation: That the City Council consider the appointment of Mary Florence Pizanis-Ellis to the Animal Control Commission to a term expiring in September 2016.

Administrative Services Director Patrice Hildreth introduced the item and presented the staff report.

- Ms. Pizanis introduced herself and spoke about her decision to apply for the Animal Control Commission and her experience with animals.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council appoint Mary Florence Pizanis-Ellis to the Animal Control Commission to a term expiring in September 2016.

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

Documentation: M.O. 05-070516

Disposition: Approved.

11. SPONSORSHIP OF DOCUMENTARY RAMON RISING

Recommendation: That the City Council consider the recommendation of the Arts Commission to sponsor the Ramon Rising film.

Administrative Services Director Hildreth introduced the item, and Community Development Manager Julie Phillips presented the staff report.

In response to questions from the Council, City Attorney Lew clarified that if the Council made a finding of a public purpose the sponsorship would not be considered a gift of public funds, and that the funds could be given to the Arts Commission or directly to the project.

Members of the Council voiced their support of Dr. Resa and the importance of retelling his story; discussed the potential benefits of publicity for Porterville; and expressed reservations concerning approval of requests for funds and justifying said approval to tax payers.

Vice Mayor Hamilton reminded the Council that they each had an account from which they could pull monies to support the project, and both he and Mayor Stowe indicated they would be willing to do so.

In response to questions and comments from the Council, Producer Jesse Gift explained that the film would follow Dr. Resa's Memoir and highlight the ways business leaders and businesses in Porterville helped him on his journey.

Dr. Resa addressed the Council and assured them that he had asked that the city of Porterville be highlighted in the film. He also confirmed that he would be involved in the process because his name would be associated with the final product.

Documentation: None.

Disposition: Item continued to the meeting of August 2, 2016.

12. ADOPTION OF ANNUAL APPROPRIATION LIMIT

Recommendation: That the City Council approve the resolution adopting the appropriation limit of \$64,690,998 for the 2016-2017 fiscal year.

Administrative Services Director Patrice Hildreth introduced the item, and the staff report was waived at Council's request.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council approve the resolution adopting the appropriation limit of \$64,690,998 for the 2016-2017 fiscal year.

AYES: Reyes, Gurrola, Hamilton, Stowe

NOES: None
ABSTAIN: None
ABSENT: Ward

Documentation: Resolution No. 44-2016
Disposition: Approved.

13. AWARD OF CONTRACT FOR BANKING SERVICES

Recommendation: That the City Council:

1. Select a banking services provider from the RFP responders;
2. Authorize staff to execute an agreement with the selected bank for a term of five years with an option to negotiate extensions to the contract for additional two-year periods.

Administrative Services Director Patrice Hildreth introduced the item, and Finance Director Maria Bemis presented the staff report.

Mayor Stowe requested that the item be postponed in order to do further research. The Council did not object to the request.

Documentation: None.
Disposition: Item continued to the meeting of July 19, 2016.

14. CONSIDERATION OF SOUTHERN CALIFORNIA EDISON (SCE) STREET LIGHT PURCHASE

Recommendation: That the City Council review and provide direction to staff whether to pursue Southern California Edison (SCE) streetlight purchase.

Administrative Services Director Patrice Hildreth introduced the item, and Acting Public Works Director Mike Reed presented the staff report.

- Chris Wiehl made himself available to answer questions from Council. He also expanded on each streetlight option provided in the staff report.

Council Member Reyes mentioned an article he had recently read that provided examples of other communities who had switched over to LED street lights and had decided to go back after trying it. Mr. Wiehl explained the options that the City would have in order to get what they needed from the LED lights.

Council Member Gurrola noted that by purchasing street lights there would be an added liability to the City that would come with little benefits.

COUNCIL ACTION: MOVED by Mayor Stowe, SECONDED by Vice Mayor Hamilton that the City Council deny the purchase of Southern California Edison Streetlights.

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

Documentation: M.O. 06-070516

Disposition: Approved.

15. DESIGNATION OF VOTING DELEGATES AND ALTERNATE FOR LEAGUE OF CALIFORNIA CITIES 2016 ANNUAL CONFERENCE

Recommendation: If there is interest in Council Member attendance at the League of California Cities Annual Conference, that the City Council designate one City Council Member to serve as a voting delegate, and up to two City Council Members to serve as alternate voting delegates, at the Conference.

Administrative Services Director Patrice Hildreth introduced the item and presented the staff report.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Mayor Stowe that the City Council designate Council member Monte Reyes as the voting delegate at the League of California Cities Annual Conference.

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

Documentation: M.O. 07-070516

Disposition: Approved.

16. 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.

Administrative Services Director Patrice Hildreth introduced the item and Ms. Hildreth presented the staff report.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council approve the continued Declaration of Local Emergency.

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

Documentation: M.O. 08-070516
Disposition: Approved.

Consent Calendar Continued

3. DOWNTOWN PORTERVILLE FIRE HYDRANTS ART PROJECT

Recommendation: That the City Council:

1. Direct the Arts Commission to proceed with the Fire Hydrant Art Project; and
2. Appropriate the amount of \$500 to the Arts Commission for the Fire Hydrant Art Project.

The item was introduced, and the staff report waived at the Council's request. Council Member Gurrola, who pulled the item, asked about the type of designs that would be accepted for the Fire Hydrant Project. She stated that she would like the designs to be presented to Council beforehand.

Council Member Reyes mentioned that he did not believe the \$500 would cover the project. Community Development Manager Julie Philips agreed that they could get itemized estimates from companies in order to come in closer to the amount needed from Council.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council approve the appropriation in the amount of \$500 to the Arts Commission for the Fire Hydrant Art Project.

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

Documentation: M.O. 09-070516
Disposition: Approved.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Gurrola requested that the Council consider a letter of support regarding

tourism at the next meeting, as requested by the Upper Tule Association and suggested that candidates for appointment be interviewed for qualifications and informed of duties/responsibilities.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council approve a letter of support regarding tourism at the next meeting. The motion carried unanimously.

Documentation: M.O. 10-070516

Disposition: Approved.

- Vice Mayor Hamilton raved about Saturday's Freedom Fest event; suggested parachutes be incorporated next year; and suggested an amendment to the fireworks ordinance to penalize property owners.
- Council Member Reyes stated that he was unable to attend Freedom Fest due to his volunteering in a fireworks booth; and expressed disappointment in the number of residents looking to buy illegal fireworks at the booth selling 'safe and sane' fireworks.
- Mayor Stowe lauded staff for a successful Freedom Fest event, the Fire Department for its recent fire-fighting efforts, and Mike Reed and Julie Phillips for their representation in Sacramento.
- Administrative Services Director Patrice Hildreth announced the nomination period for City Council candidates begins on July 18.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 9:45 p.m.to the meeting of July 19, 2016

Luisa M. Zavala, Deputy City Clerk

SEAL

Milt Stowe, Mayor

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JULY 19, 2016, 5:30 PM**

Called to Order at 5:30 p.m.

Roll Call: Council Member A. Monte Reyes, Council Member Virginia Gurrola, Vice Mayor Cameron Hamilton, Mayor Milt Stowe

Absent: Council Member Brian Ward

ORAL COMMUNICATIONS

- John Coffee, spoke about the City Ordinance pertaining to drought tolerant grasses and the lack of businesses selling them.

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1 - Government Code Section 54956.8 – Conference with Real Property

Negotiators/Property: APNs 255-220-046, 247-040-034, 247-040-035, 247-090-028, 247-110-019, 247-120-022, 248-050-036, and 248-010-019. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Greg Shelton. Under Negotiation: Terms and Price.

2 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Steve Kabot. Employee Organizations: Fire Officer Series and Porterville City Firefighters Association.

3 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel - Existing Litigation: California Healthy Communities Network v. City of Porterville, California Court of Appeal, Fifth District, Case No. F067685.

4 - 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.

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

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

City Attorney Julia Lew reported that no reportable action had taken place.

The Pledge of Allegiance was led by Council Member Reyes.

Invocation – a moment of silence was observed.

PRESENTATIONS

Employee of the Month -- Sarah Cardoza

Outstanding Organization Honoree – Eagle Mountain Casino

AB 1234 REPORTS

There were no reports.

REPORTS

- I. City Commission and Committee Meetings
 1. PARKS & LEISURE SERVICES COMMISSION - SUMMER HIATUS
 2. LIBRARY & LITERACY COMMISSION - SUMMER HIATUS
 3. ARTS COMMISSION - JUNE 22, 2016
 4. ANIMAL CONTROL COMMISSION - JULY 11, 2016
 5. YOUTH COMMISSION - SUMMER HIATUS
 6. TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE (TUTOC) - JUNE 30, 2016
- II. Staff Informational Reports
 1. WATER CONSERVATION PHASE III STATUS UPDATE

ORAL COMMUNICATIONS

- John Coffee, Porterville, requested that Item No. 1 be pulled from Consent for discussion and additional information be provided by staff with regard to the equipment; expressed concern regarding the purchase of equipment for the golf course and airport; and spoke of the poor condition of the sidewalk around Veterans Park.
- Austin Slater, Porterville, stated that some of the equipment listed in Item No. 1 was too expensive.
- Jesus Teran, Porterville, thanked the City for taking the lead pertaining to City water connections.

CONSENT CALENDAR

Item No. 1 was pulled from the Consent Calendar for discussion.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Reyes that the City Council approve Items Nos. 2 through 8.

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

2. AWARD OF CONSULTANT SERVICE AGREEMENT – CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE JAYE STREET BRIDGE REHABILITATION PROJECT

Recommendation: That City Council:

1. Award the consultant service agreement for Construction Management and Inspection Services for the Jaye Street Bridge Rehabilitation Project to VSCE, Inc. at an amount not to exceed \$606,952.92;
2. Award the consultant service agreement amendment for Construction Phase Services for the Jaye Street Bridge Rehabilitation Project to TRC Companies, Inc. at an amount not to exceed \$131,601;
3. Authorize the Mayor to execute all contract documents; and

4. Authorize progress payments that concur with construction progress until proper closeout of the work.

Documentation: M.O. 01-071916

Disposition: Approved.

3. AUTHORIZATION TO ROLL WEED ABATEMENT BALANCES, UNPAID UTILITY ACCOUNTS AND DELINQUENT MISCELLANEOUS LOAN AGREEMENTS TO THE PROPERTY TAX ROLLS

Recommendation: That the City Council adopt the attached resolution authorizing the County Auditor to place the weed abatement balances, unpaid utility accounts and delinquent miscellaneous loan agreements on the 20162017 tax rolls for collection.

Documentation: Resolution No. 45-2016

Disposition: Approved.

4. RENEWAL OF AIRPORT LEASE AGREEMENT - LOT 43

Recommendation: That City Council approve the Lease Agreement between the City of Porterville and Mr. Leonard Alogna for Lot 43 at the Porterville Municipal Airport.

Documentation: M.O. 02-071916

Disposition: Approved.

5. RENEWAL OF AIRPORT LEASE AGREEMENT - LOT 47

Recommendation: That City Council approve the Lease Agreement between the City of Porterville and Mr. James Costa for Lot 47 at the Porterville Municipal Airport.

Documentation: M.O. 03-071916

Disposition: Approved.

6. APPROVAL OF AMENDMENT TO THE WASTE DISPOSAL AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND THE COUNTY OF TULARE

Recommendation: That the City Council approve and authorize the Mayor to sign the Amendment to the Waste Disposal Agreement with the County of Tulare.

Documentation: M.O. 04-071916

Disposition: Approved.

7. INTENT TO VACATE CORSAIR PLACE

Recommendation: That City Council:

1. Pass a resolution of intent to vacate Corsair Place, relinquishment of frontage access and a 20 foot wide storm drain easement encumbering Parcel 3 and the remainder parcel of Parcel Map No. 4823;
2. Direct the City Clerk to publish the Public Notice in the Porterville Recorder; and
3. Set the Council meeting of August 16, 2016, as the time and place for a public hearing.

Documentation: Resolution No. 46-2016

Disposition: Approved.

8. INTENT TO SET A PUBLIC HEARING FOR REIMBURSEMENT OF CONCRETE IMPROVEMENTS CONSTRUCTED BY THE CITY - W. NORTH GRAND AVENUE RECONSTRUCTION PROJECT, NEWCOMB STREET TO PROSPECT STREET

Recommendation: That City Council:

1. Set a Public Hearing for August 16, 2016, according to the Mitigation Fee Act, for the establishment of the concrete reimbursement fee; and
2. Authorize staff to notify all affected property owners of the Public Hearing, via certified mail, including the concrete reimbursement amount.

Documentation: M.O. 05-071916

Disposition: Approved.

PUBLIC HEARINGS

9. CONDUCT PUBLIC HEARING TO APPROVE WATER RATE INCREASE

Recommendation: That City Council:

1. Conduct a Public Hearing to consider adoption of increases to the rates for water service fees;
2. Receive any additional written protests;
3. Direct the City Clerk to tally the protests and report the total; and
4. Consider approval of the draft resolution, if the tally does not exceed a majority protest as determined by the City Clerk.

City Manager Lollis introduced the item, and Acting Public Works Director Mike Reed presented the staff report. Following his report, Mr. Reed addressed questions from the Council regarding meters, other rate increase options, pipe replacement, and financial consequences should the proposed rate increases not occur.

The Public Hearing was opened at 7:25 p.m.

- Austin Slater, Porterville, spoke in favor of the annexation of East Porterville, subsidizing the cost of water for some, increasing water rates for those who can afford it, and formation of a committee to include the City, County, and Porterville Area Coordinating Council.
- Ellen Hazelwood, Porterville, spoke in opposition to the proposed water rate increase.
- Ron Hulsey, Porterville, spoke in opposition to the proposed water rate increase on behalf of low income senior citizens; and stated that he was going to contact the State about its eligibility requirements for grant funds.
- Linda Hazelwood, Porterville, spoke in opposition to the proposed increase on account of the disadvantaged population, and stated that citizens should not be punished for conserving.
- Maria Lomeli inquired about the proposed flat rate increase.
- Deidre Best, Porterville, spoke against the proposed water increase despite the need for infrastructure, and inquired about a decrease in the future.
- Jack Flores, Village Garden resident, inquired if those not connected to the City's water system would benefit from the rate increase.
- Dolores Turnbow, Porterville, objected to the proposed rate increase on behalf of those on a fixed income.
- Michael Phillips requested information regarding the area of Beverly/Grand who was without water.
- Mr. Medina spoke in opposition to the water rate increase; and requested that the increase be spread out over a longer period of time.
- Martha Flores, Porterville, spoke of a level pay plan for water as was available for electricity and gas utilities; and commended staff and members of the community for their efforts to make water accessible.
- Mr. Gifford stated that the increase was too steep; and questioned the justification for the proposed increases.
- John Coffee, Porterville, commended the Council and staff for the presentation; and requested continued consideration of preventative infrastructure maintenance.
- Giovanni Ruiz spoke in favor of an increase in water rates, but suggested that it be gradual.

The Mayor announced a last call for written protests. Public Hearing was closed at 7:59 p.m.; and the Council took a ten minute recess to allow for the protest count.

It was reported by Administrative Services Director Patrice Hildreth that 451 written protests had been received, which was shy of the 7,637 required to successfully protest the increase. Ms. Hildreth added that the 451 included those that had been disqualified due to missing information or duplication.

The Council requested clarification regarding the increase for metered and flat rate users, and the value of water; spoke of the need for the proposed increase; addressed comments made in opposition to the increase; and commended those residents who took part in the process.

City Attorney Lew advised that Proposition 218 required the City monitor the water fund to ensure that the City was not charging more than the cost to provide service.

Vice Mayor Hamilton spoke in opposition to the additional increases proposed in the resolution. In response to comments and questions from the Council, City Attorney Lew spoke of Proposition 218 requirements which allowed for the proposed built-in increases over five years and would not allow for a level payment plan.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Mayor Stowe that the City Council approve the draft resolution setting water user fees as presented.

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

At the Council's request, Acting Public Works Director Reed went over the numbers for the proposed rate increase scenarios and variables which could affect those projections. It was clarified that the graphs presented included the additional increases over the five-year plan.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council approve reconsideration.

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

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Reyes that the City Council approve the draft resolution setting water user fees as presented.

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

Documentation: Resolution No. 47-2016

Disposition: Approved.

SCHEDULED MATTERS

10. AWARD OF CONTRACT FOR BANKING SERVICES

Recommendation: That the City Council:

1. Select a banking services provider from the RFP responders; and
2. Authorize staff to execute an agreement with the selected bank for a term of five years with an option to negotiate extensions to the contract for additional two-year periods.

City Manager Lollis introduced the item. Mr. Lollis and Mayor Stowe recused themselves on account of perception, and left the Council chambers. Finance Director Maria Bemis presented the staff report. Following the report, Ms. Bemis addressed questions from the Council regarding differences between the responders.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Gurrola that the City Council direct staff to meet with both Union Bank and Bank of the Sierra, and bring back a recommendation to the Council.

Documentation: M.O. 06-071916
Disposition: Approved.

11. CONSIDERATION OF DRAFT LETTER TO THE TULARE COUNTY BOARD OF SUPERVISORS REGARDING ALTERNATIVE SOLUTIONS TO THE WINTER CLOSURE OF M90

Recommendation: That the City Council consider the Draft Letter and its transmittal to the Tulare County Board of Supervisors.

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

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council approve the draft letter and its transmittal to the Tulare County Board of Supervisors.

- The Council thanked Debbie Unser for being present and for all her hard work.

Documentation: M.O. 07-071916
Disposition: Approved.

12. 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 Woman Virginia Gurrola asked if there was an anticipated date for the first water connection. City Manager Lollis confirmed it would be towards the end of July. Acting Public Works Director Mike Reed indicated that there were still loose ends between the multiple organizations helping East Porterville. He estimated about 70 connections being done by August. He also gave an update on the City/County well estimate the State had received. Community

Development Director Jenni Byers gave an update on staff's efforts to get residents to sign their extraterritorial service agreements.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Reyes that the City Council approve the continued Declaration of Local Emergency.

Documentation: M.O. 08-071916

Disposition: Approved.

CONSENT CALENDAR (Items Pulled)

1. AUTHORIZATION TO PURCHASE EQUIPMENT BY NEGOTIATION

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

City Manager Lollis introduced the item, and the staff report was waived at the Council's request.

Council Member Gurrola asked about the equipment being requested for the Porterville Golf Course. She wondered about the use of the equipment if the Council decided to close the golf course in the near future. Park and Leisure Donnie Moore confirmed that some of the equipment could be put to use at the City Parks. She also asked if Council could wait to approve the purchase until after seeing the most updated report on the golf course usage. Mr. Moore explained the need of the equipment to Council.

Council Member Gurrola also asked for clarification on what the airport jet fuel truck was used for. It was clarified that the truck was used to haul out fuel to the jets which creates revenue for the City. Finance Director Maria Bemis explained that the current trucks were about 25 years old and very small. The Finance Department was proposing to purchase a larger truck in order to accommodate the size of the jet tanks.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council authorize the purchase by negotiation of the equipment listed and authorize payment for said equipment upon satisfactory delivery. The motion carried unanimously.

City Manager Lollis showed his appreciation for the maintenance fund which makes it possible to replace the equipment needed to do a good job.

Documentation: M.O. 09-071916

Disposition: Approved.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Gurrola thanked police officers for their hard work and dedication.
- Council Member Reyes encouraged those individuals playing Pokemon Go to do so responsibly.
- Vice Mayor Hamilton announced that there was a race on Saturday at Rocky Hill Speedway.
- Mayor Stowe lauded Captain Jake Castellow for a recent speaking engagement. He also thanked Water Utility Superintendent Mike Knight for his attendance, despite the recent loss of a family member.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council approve the reconsideration of Annexation 479 on August 2nd.

Documentation: M.O. 10-071916

Disposition: Approved.

- City Manager Lollis thanked Parks & Leisure Services Director Donnie Moore for his organization of the City Employee Family Night at the Ballpark event on July 8th; announced that the Farmer's Market would be located at Centennial Park during the month of August, from 9:00am – 12:30pm; and reported that retired Fire Chief Mainord had passed away.
- Administrative Services Director Hildreth provided an update on the Municipal Election, specifically those individuals who had pulled papers to run for City Council.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 9:25 p.m. to the meeting of August 2, 2016.

Luisa M. Zavala, Deputy City Clerk

SEAL

Milt Stowe, Mayor

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
AUGUST 16, 2016, 5:30 PM**

Called to Order at 5:35 p.m.

Roll Call: Council Member A. Monte Reyes, Council Member Brian Ward, Council Member Virginia Gurrola (arrived during Closed Session), Vice Mayor Cameron Hamilton, Mayor Milt 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: APNs 255-220-046, 247-040-034, 247-040-035, 247-090-028, 247-110-019, 247-120-022, 248-050-036, and 248-010-019. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Greg Shelton. Under Negotiation: Terms and Price.
- 2** - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Steve Kabot. Employee Organizations: Porterville City Firefighters Association and Fire Officer Series.
- 3** - Government Code Section 54956.95 – Liability Claim: Claimant: Arturo Mosqueda. Agency claimed against: City of Porterville.
- 4** - Government Code Section 54956.95 - Liability Claim: Claimant: Maria Gutierrez. Agency claimed against: City of Porterville.
- 5** - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Dalilah Micaela Gonzalez Pacheco, a minor by and through her Guardian Ad Litem, Maria De Jesus Pacheco v. City of Porterville, et al., Tulare County Superior Court Case Nos. VCU 259965 and VCU 262368.
- 6** - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Judith Howard v. City of Porterville, et al., United States District Court Case No. 1:16-CV-01071-AWI-SAB.
- 7** - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Four cases in which facts are not yet known to potential plaintiffs.
- 8** - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two cases, and additional cases concerning potential receiverships.

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

City Attorney Lew reported action pertaining to A4, as follows:

A4. On a MOTION made by Vice Mayor Hamilton, and SECONDED by Council Member Ward the City Council reject the claim made by Maria Gutierrez.

AYES: Reyes, Ward, Hamilton, Stowe

NOES: None

ABTAIN: None

ABSENT: Gurrola

Documentation: M.O. 01-081616

Disposition: Claim Rejected.

Pledge of Allegiance Led by Mayor Stowe

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. Tulare County Association of Governments (TCAG) - August 15, 2016
Council Member Gurrola reported on a presentation from San Joaquin Valley Air Pollution Control District, and discussion pertaining to Regional Transportation Plan funding.
2. Local Agency Formation Commission (LAFCO) - August 3, 2016
Vice Mayor Hamilton reported that he was unable to attend.

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 - August 11, 2016
Commissioner Moore provided the Commission's Monthly Report, which included information pertaining to the Dive-In Theater, Adult Volleyball, Youth Soccer, Music on Main, and Youth Basketball programs.
2. Library & Literacy Commission - August 9, 2016
Commission Chair Bailey reported on continued work on the Advocacy Toolkit; presented summer program highlights; and thanked volunteers and Friends of the Library for volunteer support.
3. Arts Commission
Commission Chair Worthington spoke of the Patriotic Pride Hydrant Contest.
4. Animal Control Commission - August 8, 2016
Commission Chair Pizanis announced the Commission's reorganization; reported that the commission was familiarizing itself with data, procedures, and issues pertaining to animal control.
5. Youth Commission - Summer Hiatus
6. Transactions and Use Tax Oversight Committee (TUTOC)

II. Staff Informational Reports

1. Water Conservation Phase III Status Update
2. Code Enforcement Report - 4th Quarter FY 2015/16

ORAL COMMUNICATIONS

- Lupe Diaz, representing Helping Hands, extended an invitation to an Open House at Helping Hands on September 8th, from 3pm – 5pm to promote awareness of the services being provided.
- Cynthia Zepeda, La Raza Market, was representing her husband Miguel Cortez and reminded Council that she had left something in their inboxes. Council acknowledged that they had received it.

CONSENT CALENDAR

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Reyes that the City Council approve Items Nos. 14. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF DECEMBER 1, 2015

Recommendation: That the Council approve the draft Minutes of December 1, 2015.

Documentation: M.O. 02-081616

Disposition: Approved.

2. APPROVAL OF REIMBURSEMENT FOR REMOVAL OF NORTH BRICK WALL
 AT 14 N. MAIN STREET

Recommendation: That City Council instruct the City Finance Director to make payment to Denmar LLC in the amount of \$6,750 for the demolition, removal and disposal of the common wall between 22 N. Main Street and 14 N. Main Street.

Documentation: M.O. 03-081616

Disposition: Approved.

3. ADOPTING CITY OF PORTERVILLE CONFLICT OF INTEREST CODE -
 AMENDMENT NO. 10

Recommendation: That the City Council adopt the draft resolution approving the amended City of Porterville Conflict of Interest Code.

Documentation: Resolution No. 57-2016

Disposition: Approved.

4. REQUEST FOR PROCLAMATION - LIBRARY CARD SIGN-UP MONTH
SEPTEMBER 2016

Recommendation: That the City Council consider approval of the request to proclaim
September 2016 as "Library Card Sign-Up Month."

Documentation: M.O. 04-081616

Disposition: Approved.

PUBLIC HEARINGS

5. PUBLIC HEARING FOR ESTABLISHMENT OF REIMBURSEMENT FEES FOR
CONCRETE IMPROVEMENTS CONSTRUCTED BY THE CITY - W. NORTH
GRAND AVENUE RECONSTRUCTION PROJECT, NEWCOMB STREET TO
PROSPECT STREET

Recommendation: That the City Council:

1. Open the Public Hearing, take public comments, concerns and questions; and
2. Approve the resolution Implementing Development Charges for Construction of Curb, Gutter, Sidewalk, and Drive approaches; and
3. Authorize staff to record a general notice of "Reimbursement Fee" with the office of the Tulare County Recorder.

City Manager Lollis introduced the item, and Acting Public Works Director Mike Reed presented the staff report.

The Public Hearing was opened at 7:14 p.m.

- Ben Ruiz, County Interim Director of Resource Management Agency, reported that the County will remit payment to the City.

The Public Hearing was closed at 7:16 p.m.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve the resolution implementing development charges for construction of curb, gutter, and sidewalk and drive approaches; and authorize staff to record a general notice of "Reimbursement Fee" with the office of the Tulare County Recorder. The motion carried unanimously.

Documentation: Resolution No. 58-2016

Disposition: Approved.

6. CONSIDERATION OF ANNEXATION 479, A COUNTY ISLAND LOCATED GENERALLY WEST OF STATE ROUTE 65, EAST OF NEWCOMB AVENUE, SOUTH OF OLIVE AVENUE

Recommendation: That the City Council:

1. Conduct the Public Hearing;
2. Consider approval of Annexation 479;
3. If approved, adopt the resolution to approve Annexation 479 and initiate application to Tulare LAFCo; and
4. Authorize staff to work with property owners to initiate connection to City services, when requested by a property owner, in advance of the official conclusion of the annexation process for those areas which are approved.

Mayor Stowe noted a conflict of interest with this item and stepped out of the room.

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

Council Member Ward asked for a timeframe on sewer lines being placed in the area if the area were to get annexed. Acting Public Works Director Mike Reed estimated it to take about 2 years to complete the process.

The Public Hearing was opened at 7:24 p.m.

- Susan Firestone expressed her concerns regarding the traffic, condition of the narrow streets, trash, and animals.
- Jenni Edwards spoke of her issues with the Nader development.
- Andrew Eggman, Lucy St. resident, spoke of concerns regarding expenses; understands the positive aspects but showed concern due to fixed income.

Acting Public Works director Reed addressed Mr. Eggman's concerns regarding the preliminary budget estimates; spoke of the different options available to the community in order to complete the improvements; and explained that the sidewalk improvements would be the decision of the property owner and that the City tries to pursue grants to cover the sidewalk improvement expenses when they were available.

Community Development Director Byers spoke of Assembly Bill 885 requirement from the Department of Water Resources. She explained that the goal is to get rid of septic systems in rural settings, and that the County has proposed that all properties located within 1,350 feet of a regional waste water treatment facility would be required to hook up to that facility.

The Public Hearing closed at 7:41 p.m.

Council Members agreed that the residents would gain many benefits if the annexation was approved. Council Member Ward also spoke of the benefits, but clarified he does not agree with forced annexations.

Vice Mayor Hamilton asked how many residents were being represented. Community Development Director Byers said 232 parcels were being represented by this item.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Reyes that the City Council approve annexation 479, adopt the resolution to approve Annexation 479 and initiate application to Tulare LAFCo.

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

Documentation: Resolution No. 59-2016

Disposition: Approved.

The Mayor returned to the dais.

7. VACATION OF CORSAIR PLACE ON PARCEL MAP 3813

Recommendation: That City Council:

1. Adopt the draft Resolution of Vacation of Corsair Place located on Parcel Map No. 3813 while reserving unto the City an easement for existing sanitary sewer and water lines, and reserving unto Southern California Gas Company an easement for existing gas utilities; and
2. Authorize the City Clerk to record the Resolution of Vacation.

City Manager Lollis introduced the item, and Acting Public Works Director Reed presented the staff report.

The Public Hearing opened at 7:53 p.m. Seeing no one, the Mayor closed the Public Hearing at 7:53 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council adopt the draft resolution of vacation of Corsair Place and authorize the City Clerk to record the Resolution of Vacation. The motion carried unanimously.

Documentation: Resolution No. 60-2016

Disposition: Approved.

SCHEDULED MATTERS

8. POLICE OFFICER BODY-WORN CAMERAS

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

City Manager Lollis introduced the item, and Police Chief Eric Kroutil presented the staff report. Following the discussed the cost of the body-worn cameras and the potential savings. Police Chief Kroutil stated that having body-worn cameras could also reduce the number of times that officers are summoned to court and spoke of the importance of video evidence in order to properly train other employees. He went on to discuss the life, policy, and maintenance of the body-worn cameras.

Council directed staff to move forward to the acquisition of the body-worn cameras and bring back the item.

Documentation: None.

Disposition: Direction given.

9. GATEWAY DIGITAL SIGN PROGRAM

Recommendation: That the City Council provide direction to staff.

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

Mr. Bill Lockridge, of Community Electronic Information Signage, presented information regarding the Gateway Digital Sign Program to the Council. He indicated the Council could decide to have all advertisements come before it for approval; and also spoke of possible locations for the digital sign in the City of Porterville.

Mr. Lockridge addressed questions from the Council regarding city advertisements, landscaping around the sign and upgrades and repair of the technology. He stated that the City would receive about 12-14% of the advertisement space; and added that his company would be covering all costs for landscaping around the sign and future upgrades and repairs of the technology.

The Council directed staff to move forward with an ordinance amendment to accommodate a gateway digital sign program.

Documentation: None

Disposition: Direction given.

10. AWARD OF CONTRACT FOR BANKING SERVICES

Recommendation: That the City Council authorize staff to execute an agreement with Bank of the Sierra for banking services for a term of five years at a monthly

flat fee of \$1,925, with an option to negotiate extensions to the contract for additional two-year periods.

Mayor Stowe and City Manager Lollis recused themselves from the item due to a perceived conflict of interest and stepped out of the room.

Administrative Services Director Patrice Hildreth introduced the item, and the staff report was waived at Council's request.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Reyes that the City Council authorize staff to execute an agreement with Bank of the Sierra for banking services.

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

Documentation: M.O. 05-081616
Disposition: Approved.

Mayor Stowe and City Manager Lollis returned to the meeting.

11. 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 the staff report was waived at Council's request.

Community Development Director Jenni Byers gave an update on the meetings the City has been holding to sign up residents for water connections.

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. 06-081616
Disposition: Approved.

ORAL COMMUNICATIONS

- Brock Neeley informed the Council that Lewis Nursery would order buffalo grass, a drought tolerant grass.

OTHER MATTERS

- Council Member Gurrola commented on the success of the Farmer's Market.
- Council Member Ward thanked the Police Department for patrolling efforts during back to school week.
- City Manager Lollis stated that another fire engine and crew had been dispatched to a fire; and indicated that an event was being planned for 9/11.

CLOSED SESSION

The Council returned to Closed Session at 8:55 p.m. Following Closed Session it was reported that no reportable action had been taken.

ADJOURNMENT

The Council adjourned at 9:49 p.m.to the meeting of September 16, 2016

SEAL

Luisa M. Zavala, Deputy City Clerk

Milt Stowe, Mayor

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

Called to Order at 5:33 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 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

City Attorney Lew reported that there was no reportable action.

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

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
Council Member Gurrola reported on the affirmation of a consultant agreement with IBI Group for the 2017 City of Porterville Short Range Transit Plan; and informational items pertaining to the status of bids for Highway 65, and an expenditure plan amendment for Measure R.

2. League of California Cities Annual Conference - October 5-7, 2016
Mayor Stowe, Vice Mayor Hamilton and Council Member Reyes stated they had attended the conference. Council Member Reyes reported on sessions he attended pertaining to changing marijuana regulations, drone regulations, leadership, and the use of augmented reality.
3. Local Agency Formation Commission (LAFCO) - October 5, 2016 – no report.

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
Commissioner Monte Moore presented the Commission's Monthly Report which included information pertaining to: the Paws in the Pool event, foot golf tournaments, Ghoulish Garden at the Zalud House; and Veterans Day Run.
 2. Library & Literacy Commission - October 11, 2016
Commission Chair Allan Bailey thanked the Friends of the Library for their efforts; reported on library staff presentations pertaining to Leamos! And Career Online High School programs, introduction to volunteer ESL tutor Polly Meachum, and Tumblebooks; and presented September statistics.
 3. Animal Control Commission - October 10, 2016
Commission Chair Florenza Pizanis reported on Commission discussion regarding an animal shelter wish list, Facebook page, staffing, and the Koret Report; and requested clarification on animal control's eligibility for Measure H funding.
 4. Youth Commission - October 10, 2016
Leisure Services Specialist Amy Graybehl introduced youth commissioners in attendance and reported on recent and upcoming activities in the community.
 5. Arts Commission – no report.
 6. Transactions and Use Tax Oversight Committee (TUTOC) – no report.
- II. Staff Informational Reports
 1. Water Conservation Phase III Status Update

EMERGENCY ITEM

Recommendation: That the City Council consider approval of the addition to the agenda as item number 11.

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 consider approval of adding the item to the agenda. The motion carried unanimously.

Documentation: M.O. 01-101816
Disposition: Approved.

ORAL COMMUNICATIONS

- Diana Oseguerra Martinez thanked the Council on behalf of Kiwanis for the addition of the Emergency Item.
- Brock Neeley, Porterville, spoke in favor of Proposition 57 and against the approval of a resolution in opposition.
- Grace Munoz Rios, Porterville, requested approval of Item No. 3; spoke of efforts to date and of upcoming toy donation opportunities; and extended an invitation to 1st Friday Coffee.
- Barry Caplan, Porterville, inquired about the vacancy on the Transaction and Use Tax Oversight Committee; recognized Council Member Gurrola for her service on the Council; and expressed disappointment that a proclamation submitted regarding equality was not sponsored by the Council.
- Juan Vasquez, EDD, spoke of upcoming events in Porterville: the Veterans Health and Resource event at the Elks Lodge, a Veterans Workshop on the 1st of the month, and a Tulare County Veterans Collaborative meeting at Porterville College; and extended an invitation to attend the events.

CONSENT CALENDAR

There were no items pulled from the Consent Calendar for discussion.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola, that the City Council approve Items Nos. 1-4. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF JULY 21, 2015, AND OCTOBER 4, 2016

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

Documentation: M.O. 02-101816
Disposition: Approved.

2. APPROVAL OF THE 2016 CITY OF PORTERVILLE TRANSIT DIVISION TITLE VI PROGRAM

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).

Documentation: Resolution NO. 74-2016
Disposition: Approved.

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

Recommendation: That the City Council approve the 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.

Documentation: M.O. 03-101816

Disposition: Approved.

4. APPROVAL FOR COMMUNITY CIVIC EVENT - BARN THEATER - BEAUTY AND THE BEAST PRESENTS "A HAUNTING WE WILL GO" - OCTOBER 29, 2016

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.

Documentation: M.O. 04-101816

Disposition: Approved.

PUBLIC HEARINGS

5. PUBLIC HEALTH GOAL REPORT

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

City Manager Lollis introduced the item and Acting Public Works Director Mike Reed presented the staff report.

The Public Hearing was opened at 7:24 p.m.

- Barry Caplan asked for clarification regarding the exact area the contamination measurements are usually taken, to which staff indicated that all measurements were taken at the well heads.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton, that the City Council solicit comments on the Public Health Goal Report. The motion carried unanimously.

Documentation: M.O. 05-101816

Disposition: Approved.

6. ADOPTION OF THE CALIFORNIA BUILDING AND FIRE CODES

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.

City Manager Lollis introduced the item and Public Works Director Mike Reed presented the staff report.

The Public Hearing was opened at 7:37 p.m., and closed at 7:38 p.m., when nobody came forward.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola, that the City Council approve the first reading of Ordinance 1834, being 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; Ordinance 1835, being 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; Ordinance 1836, being 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; Ordinance 1837, being 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; Ordinance 1838, being 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; Ordinance 1839, being 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 motion carried unanimously.

The Ordinances were read by title only.

Documentation: Ordinance 1834; Ordinance 1835; Ordinance 1836; Ordinance 1837; Ordinance 1838; Ordinance 1839
Disposition: Approved.

SCHEDULED MATTERS

7. PORTERVILLE ANIMAL CONTROL SHELTER FACILITY STAFFING

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

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

Mayor Stowe asked if the Police budget had enough funds to hire additional staff for the Animal Shelter. City Manager Lollis explained that staff's recommendation was that the Police Department budget be amended to accommodate the extra employees.

The Council and staff discussed the reason why staff was proposing to hire as opposed to using CSET employees, which staff attributed to the higher cost of CSET employees.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Reyes, that the City Council approve the hiring of 2 part time technicians for the Porterville Animal Shelter. The motion carried unanimously.

Documentation: M.O. 06-101816
Disposition: Approved.

8. CONSIDERATION OF REAPPOINTMENTS TO THE LIBRARY & LITERACY COMMISSION

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.

City Manager Lollis introduced the item, the staff report was waived at Council's request.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton, that the City Council consider the reappointments to the Library and Literacy Commission. The motion carried unanimously.

Documentation: M.O. 07-101816

Disposition: Approved.

9. CONSIDERATION OF A RESOLUTION IN OPPOSITION TO PROPOSITION 57 - THE PUBLIC SAFETY AND REHABILITATION ACT

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

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

In response to questions posed by the Council, Police Chief Kroutil spoke of the Police Chief Association's opposition to the Prop 57 and elaborated on its negative aspects from law enforcement's perspective.

Council Member Gurrola voiced concern with the proposition.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton, that the City Council consider approval of the draft Resolution in opposition to Proposition 57. The motion carried unanimously.

Documentation: Resolution No. 75-2016

Disposition: Approved.

10. 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.

Acting Public Works Director Mike Reed updated the Council on the connections the City has been making in East Porterville and on the upcoming meetings.

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. 08-101816

Disposition: Approved.

11. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE KIWANIS - DIA DE LOS MUERTOS/GIVE A DROP OF HOPE 5K RUN - OCTOBER 30, 2016

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

City Manager Lollis introduced the item and the staff report was waived at Council's request.

- An event organizer came forward, spoke in favor of the event, and stated that the event would be held in honor of Heidi Gutierrez, a teacher at Santa Fe School. She also addressed the challenges in doing a blood drive due to the closure of the blood bank in Porterville.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton, that the City Council approve the Community Civic Event Application and Agreement from Porterville Kiwanis, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit A of the Community Civic Event Application. The motion carried unanimously.

Documentation: M.O. 09-101816

Disposition: Approved.

ORAL COMMUNICATIONS

- Brock Neeley provided some additional information pertaining to Proposition 57.
- Richard Stadther, Florenza Pizanis, and Daniel Penaloza thanked the Council for its action pertaining to the addition of Animal Shelter Technician positions.
- Diana Oseguerra thanked the Council for approval of Item No. 11.
- Barry Caplan attributed the reduced number of stray dogs in his neighborhood as evidence of good work on the part of the City's animal control personnel.

OTHER MATTERS

- Council Member Gurrola announced that her and her husband Sal had become great-grandparents with the birth of their granddaughter's twins; and spoke of an AAUW event on October 22nd for young adults seeking information about college.
- Vice Mayor Hamilton reported that the Dodgers were leading the Cubs 6-0.

- Council Member Reyes reported that he had the privilege of reprising his role of Royal Porter Putnam during the Pioneer Days celebration; and apologized for confusing the young students who stated he looked too young to be the founder of Porterville.
- Council Member Ward reported his attendance at the recent candidate forums and lauded the events and the conduct of the candidates.
- City Manager Lollis reported on: a productive meeting regarding the winter closure of Highway 190; local filming activities by Jason Stone and the Travel Channel; the Green Summit; Congressman McCarthy's visit; voting on the Patriotic Hydrant Contest; and a Downtown Block Party.
- Acting Public Works Director Mike Reed announced that Water Utilities Superintendent Mike Knight placed first in the Rib Cook-Off

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 8:23 p.m. to the meeting of November 1, 2016

SEAL

Luisa M. Zavala, Deputy City Clerk

Milt Stowe, Mayor



CITY COUNCIL AGENDA – JANUARY 17, 2017

SUBJECT: Authorization to Enter into a Professional Services Agreement With Interwest Consulting Group Inc., to Allow General Third Party Plan Review When Needed by the City

SOURCE: Public Works

COMMENT: Interwest Consulting Group, Inc. (ICG) is a third party company that provides professional services, including building permit plan checking, to public agencies. The Building Division previously utilized Naffa International out of Fresno for external building plan review under an informal agreement whenever workload, project size, or project complexity deemed the external help necessary. Naffa International has been acquired by ICG and ICG requires that the City enter into a formal agreement for services.

The Professional Services Agreement will be valid from the date signed and shall remain in effect until terminated by either the City or ICG. The Building Division currently has at least one (1) building permit plan pending review that they wish to utilize the services of ICG for plan check review. The fees for services charged to the City by ICG will be reimbursed to the City by the developer or applicant through the permit process.

RECOMMENDATION: That City Council:

1. Approve the Professional Services Agreement with Interwest Consulting Group, Inc.; and
2. Authorize the Public Works Director to sign the Agreement.

ATTACHMENTS:

1. Professional Services Agreement
2. Exhibit A - Scope of Services and Fee Schedule

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 2017, by and between The City of Porterville, hereinafter referred to as "CITY", and Interwest Consulting Group Inc., hereafter referred to as "INTERWEST".

IN CONSIDERATION of the covenants to hereinafter set forth, the parties hereto mutually agree as follows:

ARTICLE 1 SCOPE OF SERVICES

1.1 Description of Services

INTERWEST shall perform general building department services including plan review and other related services as directed by and on behalf of the CITY as identified in the attached EXHIBIT "A" Scope of Services.

1.2 Schedule of Work

Upon receipt of written Notice to Proceed from CITY, INTERWEST shall perform with due diligence the services requested by the CITY and agreed to by INTERWEST.

ARTICLE 2 COMPENSATION

2.1 Payment Address

All payments due INTERWEST shall be paid to:

Interwest Consulting Group Inc.
1613 Santa Clara Drive, Suite 100
Roseville, CA 95661

2.2 Terms of Compensation

Terms of compensation are as stipulated in the attached EXHIBIT "B" Project Fees.

INTERWEST will submit invoices monthly for the work completed in the previous month. INTERWEST shall perform such services and be paid for such services in accordance with the fees for services identified in the Proposal for Professional Plan Check Services on an As-Needed Basis.

All invoices for services are considered to be due and payable upon receipt unless otherwise set forth in this Agreement. It is mutually agreed that payment to INTERWEST shall not be delayed for any reason during the execution of the scope of services. This would also include final payment upon completion of the scope of services by INTERWEST. Withholding of payment shall only be for cause and shall be as set forth in writing by the client within 10 calendar days of receipt of the invoice. Invoices not

contested within 10 calendar days are assumed to be accurate and acceptable to all parties, and all rights to withhold payment shall be forfeited after that time.

Each invoice will represent services completed during the prior month unless otherwise noted on the invoice. Payment not received within 30 days of the invoice date will be considered past due. All past due invoices will be subject to a 1.5 % per month late charge. If the invoice, including late charges due, is not paid in full within 60 days of the invoice date, INTERWEST may cease all services on the project and may commence the exercising of its legal remedies. These include, but are not limited to, mechanics' lien rights under applicable law.

ARTICLE 3 INDEMNIFICATION AND INSURANCE

3.1 Indemnification

INTERWEST will indemnify and hold harmless CITY, Its Boards and its officers and employees (collectively "CITY"), against any claim, loss or liability that CITY incurs to the extent caused by the negligent acts, errors or omissions of INTERWEST, its agents, officers, directors and employees, in performing any of the services under this Agreement.

In recognition of the relative risks and benefits of the services provided to both the CITY and INTERWEST, these risks have been allocated such that the CITY agrees, to the fullest extent permitted by law, to specific limits of liability. The aggregate limits of liability of INTERWEST, its agents, officers, directors and employees in performing any of the services under this Agreement arising from any and all cause or causes shall not exceed \$50,000. It is intended that this limitation apply to any and all liability or cause of action however alleged or arising, unless prohibited by law.

3.2 General Liability

INTERWEST shall at all times during term of the Agreement carry, maintain, and keep in full force and effect, a policy or policies of Comprehensive General Liability Insurance, with minimum limits of One Million (\$1,000,000.00) Dollars for each occurrence and in the aggregate, combined single limit, against any personal injury, death, loss or damage resulting from the wrongful or negligent acts by INTERWEST. Said policy or policies shall be issued by an insurer admitted to do business in the State of California and rated in Best's Insurance Guide with a rating of B++ or better.

3.3 Professional Liability

INTERWEST shall at all times during the term of this Agreement, carry, maintain, and keep in full force and effect a policy or policies of professional liability insurance with a minimum limit of one million (\$1,000,000.00) dollars. Said policy or policies shall be issued by an insurer admitted to do business in the State of California and rated in Best's Insurance Guide with a rating of B++ or better.

3.4 Worker's Compensation

INTERWEST agrees to maintain in force at all times during the performance of work under this Agreement worker's compensation insurance as required by the law. INTERWEST shall require any subcontractor similarly to provide such compensation insurance for their respective employees.

3.5 Certificate of Insurance

Upon execution of this Agreement, INTERWEST shall send the CITY a certificate of insurance showing that the aforesaid policies are in effect in the required amount. At all times during the term of this agreement, Interwest shall maintain on file with the CITY Clerk a certificate of insurance showing that the aforesaid policies are in effect in the required amounts. The comprehensive general liability policy shall include the CITY, its officers, and employees as additional insured.

ARTICLE 4 TERMINATION

4.1 Termination of Agreement

(a) This Agreement may be terminated at any time, with or without cause, by either party upon sixty (60) days prior written notice.

(b) In the event of termination or cancellation of this Agreement by INTERWEST or CITY, due to no fault or failure of performance by INTERWEST, INTERWEST shall be paid compensation for all services performed by INTERWEST, in an amount to be determined as follows; for work done in accordance with all of the terms and provisions of this Agreement, INTERWEST shall be paid an amount equal to the percentage of services performed prior to the effective date of termination or cancellation in accordance with the work items; provided in no event shall the amount which would have been paid to INTERWEST for the full performance of the services.

ARTICLE 5 OWNERSHIP OF DOCUMENTS

5.1 Ownership of Documents and Work Product

All plans, specifications, reports and other design documents prepared by INTERWEST pursuant to this Agreement are instruments of service, which shall be deemed the property of the CITY. CITY acknowledges and agrees that all plans, specifications, reports and other design documents prepared by INTERWEST pursuant to this Agreement shall be used exclusively on this Project and shall not be used for any other work without the written consent of INTERWEST. In the event CITY and INTERWEST permit the reuse or other use of the plans, specifications, reports or other design documents, CITY shall require the party using them to indemnify and hold harmless INTERWEST regarding any and all references to INTERWEST from the plans, specifications, reports and other design documents.

ARTICLE 6 GENERAL PROVISIONS

6.1 Fair Employment Practices/Equal Opportunity Acts

In the performance of this Agreement, INTERWEST shall comply with all applicable provisions of the California Fair Employment Practices Act (California Government Code Sections 12940-48) and the applicable equal employment provisions of the Civil Rights Act of 1964 (42 U.S.C. 200e-217), and the Americans with Disabilities Act of 1992 (42 U.S.C. § 11200, et seq.).

6.2 Legal Action

(a) Should either party to this Agreement bring legal action against the other, the case shall be brought in a court of competent jurisdiction in Tulare County, California, and the party prevailing in such action shall be entitled to recover its costs of litigation, including reasonable attorneys' fee which shall be fixed by the judge hearing the case and such fee shall be included in the judgment.

(b) Should any legal action about the Project between CITY and a party other than INTERWEST require the testimony of INTERWEST when there is no allegation that INTERWEST was negligent, CITY shall compensate INTERWEST for its testimony and preparation to testify at the hourly rates in effect at the time of such testimony.

6.3 Assignment

This Agreement shall not be assignable by either party without the prior written consent of the other party.

Notwithstanding the above, INTERWEST may use the services of persons and entities not in INTERWEST'S direct employ, when it is appropriate and customary to do so. Such persons and entities include, but are not necessarily limited to specialized consultants.

6.8 Hazardous Materials

Unless otherwise provided in this Agreement, INTERWEST and its subconsultants and/or contractors shall have no responsibility for the discovery, presence, handling, removal or disposal of, or exposure of persons to hazardous materials in any form at the site of the Project.

6.9 Titles

The titles used in this Agreement are for general reference only and are not part of the Agreement.

6.10 Extent of Agreement

This Agreement represents the entire and integrated Agreement between CITY and INTERWEST and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be modified or amended only by a subsequent written agreement signed by both parties.

6.11 Notices

All notice pertaining to this Agreement shall be in writing and addressed as follows:

If to INTERWEST:

Mr. Ron Beehler
Interwest Consulting Group Inc.
1613 Santa Clara Drive, Suite 100
Roseville, CA 95661

If to CITY:

Mr. Michael Reed
Public Works Director
City of Porterville
291 N. Main Street
Porterville, CA 93257

IN WITNESS WHEREOF, the parties hereto have executed this Agreement of the date and year first above written.

Interwest Consulting Group, Inc.

City of Porterville

BY: _____

BY: _____

Ron Beehler

Title: Director

Title: _____

Dated: _____

Dated: _____

EXHIBIT “A”

SCOPE OF SERVICES

Our proposed services for the City of Porterville will consist of providing an as-needed plans examination services as needed to maintain desired performance measures established by the City. If requested, additional staff will be added to provide services as needed to address peak workload demands and as necessary to meet or exceed established customer service goals.

We will provide plan review services in our local Fresno office, for larger and more complicated projects professional staff from our other CA office may be utilized. Our plan review team is comprised of highly experienced, customer-service oriented professionals who have successfully served our client jurisdictions.

We understand the scope of services is to provide complete Building Department Plans Review services for the City including the following key elements:

PLAN REVIEW SERVICES

We will review submitted design documents to ensure compliance with the State codes. We have made the transition to the 2017 CA Building Codes and will review for those codes starting January 1, 2017. All staff is licensed and/or certified in the State of California to provide professional plan review services.

Interwest Consulting Group proposes to furnish complete plan review services, defined as a first and second plan review and a quick third review (for approval purposes), if required. We will review submitted design documents to ensure compliance to applicable provisions of the applicable edition of the following codes:

- ✓ *California Building Code*
- ✓ *California Residential Code*
- ✓ *California Plumbing Code*
- ✓ *California Mechanical Code*
- ✓ *California Electrical Code*
- ✓ *California Building Energy Efficiency and Green Building Standards*
- ✓ *State & Local Hazardous Materials Regulations*
- ✓ *Jurisdiction-Adopted Amendments or Ordinances*

Communicating Plan Review Results

Plan reviews, when not immediately approved, will result in lists of comments in a format acceptable to the City referring to specific details and drawings, and referencing applicable code sections. Interwest Consulting Group will provide a clear, concise, and thorough correction lists from which clients, designers, contractors, and owners can work. Comment lists are delivered to designated recipients (e.g., designers, contractors, owners) via email, FAX, and/or reliable overland carrier. Interwest Consulting Group will transmit plan review comments and coordinate re-checks directly to the applicant as required and completed plan review documents ready for approval will be returned to the City for final approval.

On-Site Consultant Services & Meeting Attendance

Interwest Consulting Group has a full-time staff of experienced plan reviewers and licensed Structural, Civil, Electrical, Fire Protection and Mechanical Engineers available to perform on-site plan review. In addition,

staff is available for pre-construction or pre-design meetings, field visits, contacts with the design team, and support for field inspection personnel as needed. With some reasonable limitations, pre-construction and pre-design meetings associated with projects that we plan review are considered part of the plan review service. Plan review staff is available during normal business hours to answer questions or help resolve issues pertaining to our plan reviews.

MAXIMUM SERVICE DELIVERY TIMEFRAMES

Interwest Consulting Group is committed to providing high quality and the timeliest services in the industry. We will furnish the City of Porterville with the most concise, direct and complete building and safety services possible. Our goal is to approve code-complying projects and to successfully and efficiently work through the plans examination process. We are always available and willing to discuss projects with clients to resolve any and all plan review issues. We commit to the following turnaround times:

SERVICE	TIMEFRAME FOR DELIVERY
Major Plan Check	2 weeks (10 working days) or less
Subsequent Plan Checks	1 week (5 working days) or less
Minor Plan Checks and Single Story Homeowner Additions	1 week (5 working days) or less
Return of Phone Calls	Within 24 hours

TECHNICAL CAPABILITIES

The Interwest staff members selected for this project possess significant technical capabilities in all of the requested areas of plan review and building inspection competence. All proposed Plans Examiners are ICC Certified with extensive experience providing plan review services. All plans examination activities for major projects will be performed under the direction of a California licensed professional engineer and/or licensed architect. Our staff will conduct accelerated plan review on as as-needed basis as requested by the City.

EXHIBIT “B”

PROJECT FEES

PLAN REVIEW

For complete plan review services for residential projects we propose a fee equal to 80% of the plan review fee charged by the city utilizing the duly adopted fee schedule for residential plan review. For non-residential projects we propose a fee equal to 75% of the plan review fee charged by the city utilizing the duly adopted fee schedule for non- residential plan review.

STRUCTURAL ONLY PLAN REVIEW

For Structural only Plan Review we propose a fee equal to 50% of the plan review fees based on the City of Porterville’s adopted fee schedule. Plan review services will include an initial first review and two back check reviews of the plans. Any additional plan review services required beyond the third review will be billed at our hourly rates listed within the Schedule of Hourly Billing Rates shown below.

PLUMBING, MECHANICAL AND ELECTRICAL PLAN REVIEW

For Plumbing, Mechanical and Electrical, Plan Review we propose a fee equal to 30% of the plan review fees based on the City of Porterville’s adopted fee schedule. Plan review services will include an initial first review and two back check reviews of the plans. Any additional plan review services required beyond the third review will be billed at our hourly rates listed within the Schedule of Hourly Billing Rates shown below.

EXPEDITED PLAN REVIEW FEES

For expedited or fast-track projects, we propose a fee of 150% of the above noted fees contingent upon the availability of staff to perform the plan review. The above noted plan review fee covers a first, second and quick third review (for approval purposes only). We propose that additional reviews beyond that point should be billed hourly, in accordance with our hourly rate schedule, with advance approval from the jurisdiction.

SITE CIVIL PLAN REVIEW SERVICES

Site Civil plan review services can be provided on an hourly basis and charged per our Schedule of Hourly Billing Rates shown below.

CASP PLAN REVIEW AND INSPECTION SERVICES

CASp plan review and inspection services can be provided on an hourly basis and charged per our Schedule of Billing Rates shown below.

FIRE PLAN REVIEW SERVICES

Fire plan review services can be provided on an hourly basis and charged per our Schedule of Hourly Billing Rates shown below.

FREE PICK UP & DELIVERY

There is no charge for courier or shipping services.

SCHEDULE OF HOURLY BILLING RATES

CLASSIFICATION

HOURLY BILLING RATE

Senior Plan Review / Senior Structural Engineer.....	\$135
Civil/Grading Plans Review Engineer.....	130
Senior Plans Examiner	95
CASp Plan Review and Inspection Services.....	110
Fire Plans Examiner.....	95
Administrative Support.....	60

Miscellaneous charges will include:

Mileage.....Current IRS Rate



CITY COUNCIL AGENDA – JANUARY 17, 2017

SUBJECT: Authorization to Enter into Agreement for the Lease of Mailing and Shipping System, Folder-Inserter and Letter Opener

SOURCE: Finance

COMMENT: The City's current lease agreement with Pitney Bowes for the mail machine, the folder-inserter and the letter opener expired on December 31, 2016. Staff requested and received three proposals for a 60-month lease on the said machines as follows:

Automated Office Systems	\$1,347.71 per month (up to 140 lpm)
JMP Business Systems, Inc (63 months)	\$ 793.77 per month (up to 140 lpm)
Pitney Bowes	\$ 831.09 per month (up to 140 lpm)
Pitney Bowes	\$ 673.64 per month (up to 120 lpm)

The City is currently paying \$910.06 per month for the lease of all three machines. Pitney Bowes is offering a new mail machine that is slightly slower than the one currently in use. And Pitney Bowes proposals do not include a lease amount for the letter opener as they will let us retain the old machine at no cost. Staff was able to test the mail machine and folder-inserter offered by JMP Business Systems, Inc but was not satisfied with their performance. Staff does not see any problem with the new, slightly slower mail machine (at 120 letters per minute) from Pitney Bowes and a new lease will produce a savings of \$2,837 per year.

RECOMMENDATION: That the City Council authorize the Finance Director to execute an agreement with Pitney Bowes for the lease and maintenance of a mailing and shipping system and a folder-inserter for \$673.64 per month plus any applicable taxes for a five-year term.

ATTACHMENTS: 1. Lease Proposals

Appropriated/Funded: MB

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

August 17, 2016

CITY OF PORTERVILLE

Center Mail Max 140 Package

INCLUDES:

All In One PC
Mail One Software
Extended Feed Deck
Label Printer
Feeder / Sealer

FPI - 2325 Folder -Inserter

FPI - 2112 Automatic Cutter Opener

Lease Options:

36 MONTH LEASE:

48 MONTH LEASE:

60 MONTH LEASE:

Payment:

\$1,011.86

\$1,147.63

\$1,347.71

* Prices do not include sales tax.

* Lease includes all equipment, meter rentals (Resets / Rateguard) and maintenance.

* \$3,500 check issued to City of Porterville to buyout current Pitney Bowes lease.

Your Professional Partner for Document Management Services
Color and B&W MFPs • Document Solutions • Network Services

Section (A) Office Information

Office Number	Office Name	Phone #	Date
943	JMP Business Systems, Inc.	(559) 298-6580	10/18/2016

Section (B) Billing Information

Company Name	City of Porterville		
DBA			
Billing Address	291 North Main Street		
City State Zip+4	Porterville	CA	93257
Contact Name	Anita Gustuson	Phone	(559) 782-7451
Contact Title	Purchasing	Fax	(559) 784-4569
Email Address	fin-pur@ci.porterville.ca.us	PO #	

Section (C) Installation Information (if different from billing information)

Company Name	City of Porterville		
Installation Address	291 North Main Street		
City State Zip+4	Porterville	CA	93257
Contact Name	Anita Gustuson	Phone	(559) 782-7451
Contact Title	Purchasing	Fax	(559) 784-4569
Email Address	fin-pur@ci.porterville.ca.us		
Main Post Office		PO 5-Digit Zip Code	

Section (D) Products

Qty	Model / Part Number	Description (Include Serial Number, if applicable)
1	DS65-BREFDR-DOCFDR	DS65: 2 Document Feeders + 1 BRE Feeder
1	IM-2112	Oration 2112 Envelopener
1	IN710WP30DWP	IN700 Base w/MSF, Sealer/DT, Ink Cartridge, INWP30, INDS7 & All-In-One PC w/RMM Software

w/Monitor

Section (E) Lease Payment Information & Schedule

Tax Status: ☒ Taxable ☐ Tax Exempt <i>Certificate attached</i> Billing Frequency: ☐ Monthly ☒ Quarterly ☐ Annually Billing Method: ☒ Standard	Number of Months First 63	Monthly Payment (Plus applicable taxes) \$793.77
	\$50,007.51	
	Current Lease Number:	
	☐ ACH (Customer to submit authorization form)	

Section (F) Postage Meter & Postage Funding Information

Meter Model	IN710AI	Machine Model	IN710WP30DW
Postage Funding Method: ☐ Bill Me ☒ Prepay by Check ☐ ACH Debit (Submit customer authorization form)		Postage Funding Account: ☐ POC ☐ TMS ☒ New ☐ Existing Existing Account Number:	

Service Products (Check all that apply)

☒ Online Postal Rates iMeter™ App (SP10) ☐ Online Postal Expense Manager iMeter™ App (SP20/NeoStats) ☐ Online E-Services iMeter™ App (SP30) ☐ NeoShip BASIC - Requires NeoFunds/TotalFunds (EP70) ☐ NeoShip Install & User Guide (EP70GUIDES) ☒ RunMyMail ☒ Maintenance ☒ Installation/Training ☐ Software Support

Section (G) Approval

Existing customers who currently fund the Postage account by ACH Debit will not be converted to NeoFunds/TotalFunds unless initiated here _____.

This document consists of a Product Lease ("Lease") with MailFinance Inc.; and a Postage Meter Rental Agreement ("Rental Agreement"), and an Online Services and Software Agreement with Neopost USA Inc.; and a NeoFunds/TotalFunds Account Agreement with Mailroom Finance, Inc. Your signature constitutes an offer to enter into the Lease and, if applicable, the other agreements, and acknowledges that you have received, read, and agree to all applicable terms and conditions (version DealerLease-V04-16), which are also available at <http://neopostusa.com/terms/DealerLease-V04-16.pdf>, and that you are authorized to sign the agreements on behalf of the customer identified above. The applicable agreements will become binding on the companies identified above only after an authorized individual accepts your offer by signing below, or when the equipment is shipped to you.

Authorized Signature	Print Name and Title	Date Accepted
Accepted by Neopost USA and its Affiliates		Date Accepted

NJPA State & Local FMV Lease

--	--	--	--	--	--	--	--	--	--

Agreement Number

Your Business Information

CITY OF PORTERVILLE

Full Legal Name of Lessee / DBA Name of Lessee

Tax ID # (FEIN/TIN)

291 N MAIN ST	PORTERVILLE	CA	93257-3737
Billing Address : Street	City	State	ZIP+4
Anita Gustuson	(559) 782-7451	0012876424	
Billing Contact Name	Billing Contact Phone #	Billing Account #	
291 N MAIN ST	PORTERVILLE	CA	93257-3737
Installation Address (if different from billing address) : Street	City	State	ZIP+4
Anita Gustuson	(559) 782-7451	0011267060	
Installation Contact Name	Installation Contact Phone #	Installation Account #	
NA	2017-04-04		
PO #	Quote Expiration Date		

Your Business Needs

Qty	Item	Business Solution Description
1	RELAY3000	Relay 3000 Inserting System
1	F391550	F391550 - Relay Localization Kit - US
1	STDsla	Standard SLA-Equipment Service Agreement (for Relay 3000 Inserting System)
1	TI30	TI30 - Relay 3000 Inserting System
1	SENDPROPSERIES	SendPro P Series
1	1FWW	10 lb Interfaced Weighing (unit)
1	4W00	Connect+ /SendPro P Series Meter
1	APA2	100 Dept Analytics
1	APKE	SendPro P Receiving Feature
1	AZBE	SendPro P Series Mono Print Module
1	AZCG	SendPro P1500 Series Bundle (120/60 LPM)
1	M9SS	Mailstream Intellilink Services
1	MSD1	10" Color Touch Display
1	MW90007	SendPro P Series Drop Stacker
1	MW96000	Weighing Platform
1	SJM5	SoftGuard for SendPro P1500
1	STDsla	Standard SLA-Equipment Service Agreement (for SendPro P Series)

1	T6CS	Receiving - Standard
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Your Payment Plan

Initial Term: 60 months	Initial Payment Amount:	
Number of Months	Monthly Amount	Billed Quarterly at*
60	\$ 673.64	\$ 2,020.92

*Does not include any applicable sales, use, or property taxes which will be billed separately.

- ☐ Tax Exempt Certificate Attached
☐ Tax Exempt Certificate Not Required
☒ Purchase Power® transaction fees included
☐ Purchase Power® transaction fees extra

Your Signature Below

Non-Appropriations. You warrant that you have funds available to make all payments until the end of your current fiscal period, and shall use your best efforts to obtain funds to make all payments in each subsequent fiscal period through the end of your lease term. If your appropriation request to your legislative body, or funding authority ("Governing Body") for funds to make the payments is denied, you may terminate this lease on the last day of the fiscal period for which funds have been appropriated, upon (i) submission of documentation reasonably satisfactory to us evidencing the Governing Body's denial of an appropriation sufficient to continue this lease for the next succeeding fiscal period, and (ii) satisfaction of all charges and obligations under this lease incurred through the end of the fiscal period for which funds have been appropriated, including the return of the equipment at your expense.

By signing below, you agree to be bound by all the terms and conditions of this Agreement, including the NJPA Contract Number 043012-PIT, effective date July 11, 2012 and the PBGFS NJPA State & Local FMV Lease (including the Pitney Bowes Terms) (Version 8/16) which is available at www.pb.com/states/njpa and is incorporated by reference (the "Agreement"). You acknowledge that, except for non-appropriation, you may not cancel this lease for any reason and that all payment obligations are unconditional. This lease will be binding on us after we have completed our credit and documentation approval process and have signed below. This lease requires you either to provide proof of insurance or participate in the ValueMAX® equipment protection program (see Section L9 of the PBGFS NJPA State & Local FMV Lease) for an additional fee. If software is included in the Order, additional terms apply which are available by clicking on the hyperlink for that software located at www.pitneybowes.com/us/license-terms-of-use/software-and-subscription-terms-and-conditions.html. Those additional terms are incorporated by reference.

Not Applicable

State/Entity's Contract #

Lessee Signature

Print Name

Title

Date

Email Address

Pitney Bowes Signature

Print Name

Title

Date

Sales Information

Steven Wudyka

steve.wudyka@pb.com

Account Rep Name

Email Address



CITY COUNCIL AGENDA – JANUARY 17, 2017

SUBJECT: Authorization to Negotiate a Contract - Consultant Services for the Review of the Wastewater Biosolids Management Plan

SOURCE: Public Works

COMMENT: The Public Works Department continues to study the best approach in implementing the Storm Drain Master Plan facilities in the municipal airport area. There is a need to enhance the drainage infrastructure in and around the municipal airport as development occurs. Recently, projects such as the Tulare County South Detention Facility, Green Power building proposal, and other projects of interest, are forcing staff to begin initial efforts of permanently locating a storm drain reservoir that is designed to meet the ultimate goal of the drainage basin encompassing the municipal airport.

The Storm Drain Master Plan requires the permanent construction of a 200 acre-foot drainage reservoir near West Street and Scranton Avenue. Currently, staff has targeted a City-owned 40 acre parcel on the west side of West Street between Scranton Avenue and Tea Pot Dome Avenue. This parcel is currently part of the City's effluent farming operation and most of the biosolid applications occur on this parcel due to the irrigation practices. Therefore, staff is seeking permission to enter into a Service Agreement with Carollo Engineers, Inc. to analyze the impact of removing this parcel from the effluent farming operation and the impacts of doing so, both from an economic perspective and for the purpose of securing an amendment to the City's wastewater discharge permit. Carollo Engineers, Inc. is the firm most familiar with the Biosolids Management Plan by being the only firm involved since the inception of the plan. The Service Agreement and Scope of Services are attached for the Council's reference.

Funds for this project were made available from the Wastewater Treatment Facility Reserve Fund.

RECOMMENDATION: That City Council:

1. Accept the Scope of Services provided by Carollo Engineers, Inc.; and
2. Authorize the Public Works Director to execute the Service Agreement.

ATTACHMENTS:

1. Locator Map
2. Scope of Services - Carollo Engineers Inc

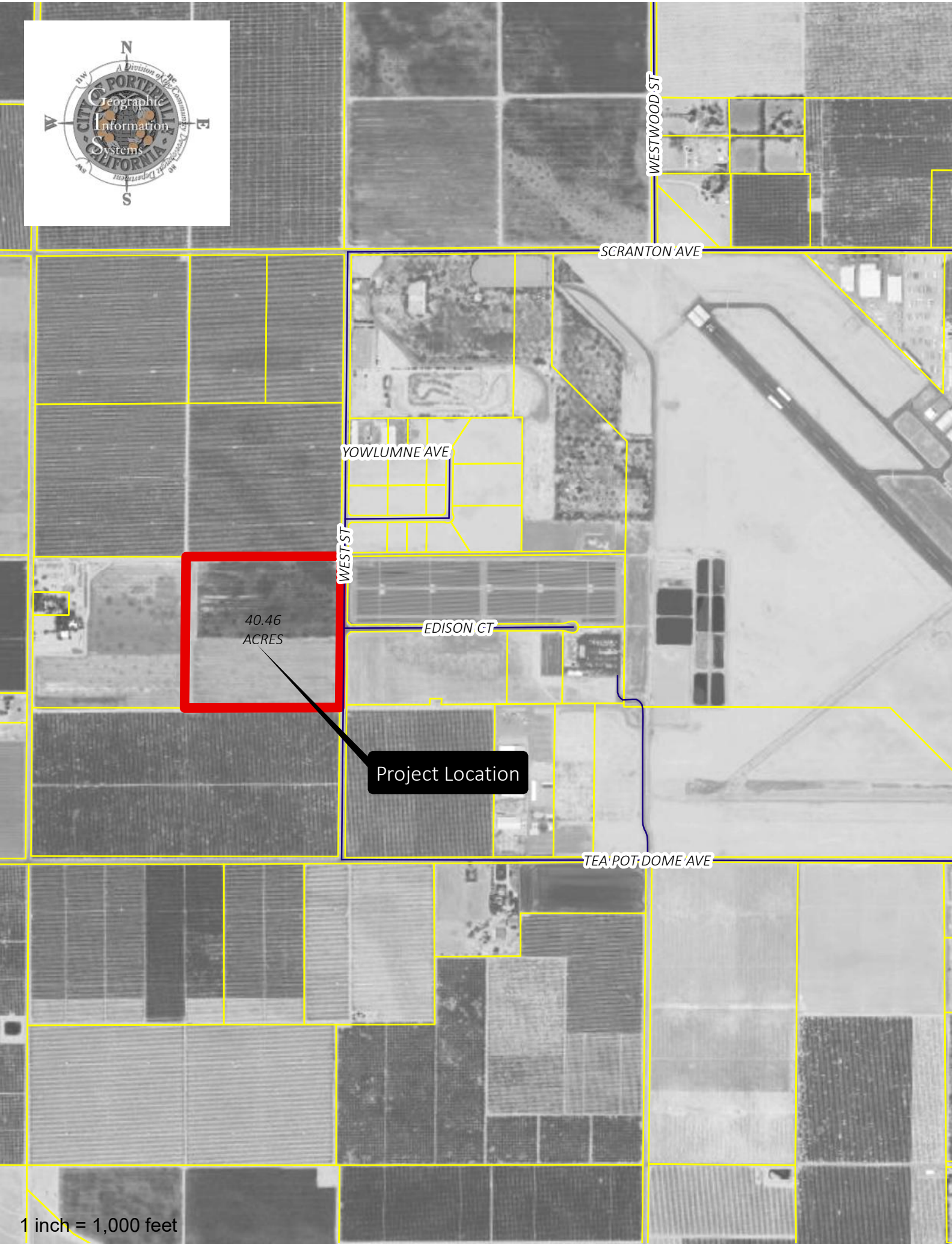
Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager



1 inch = 1,000 feet

EXHIBIT A

CITY OF PORTERVILLE, A CALIFORNIA MUNICIPAL CORPORATION (HEREINAFTER REFERRED TO AS "CITY")

CONVERSION OF BIOSOLIDS APPLICATION AREA FOR ALTERNATE LAND DEVELOPMENT

CAROLLO ENGINEERS INC. (HEREINAFTER REFERRED TO AS "CONSULTANT") SCOPE OF ENGINEERING SERVICES

DECEMBER 19, 2016

DRAFT SCOPE OF SERVICES

BACKGROUND

The CITY owns 880 acres of farmed land that is used for the land application of biosolids and effluent from the Wastewater Treatment Plant (WWTP). Biosolids are applied at agronomic rates to different fields on a yearly rotating schedule to prevent overloading on any one field, a process intended to be protective of groundwater quality. The City plans to remove 40 acres (fields 5N and 5S) from its WWTP biosolids application area, 20 acres of which will be converted into a 200 acre-foot drainage reservoir serving both the airport and new development on the Tule River Tribe-owned land immediately east of Road 220 and south of Avenue 136. The other 20 acres will be sold to the Tule River Tribe for development as a recreational vehicle park.

Because fields 5N and 5S currently contribute significant biosolids reuse capacity, their exclusion from the biosolids application area will impact the City's ability to properly manage WWTP biosolids. An engineering analysis will be needed to determine if the remaining land can accommodate all the biosolids or if alternative measures will be needed to properly manage biosolids. Furthermore, there may be additional environmental conditions for the transition of land that has previously been used for biosolids application into land that will be used for human habitation. Finally, the WWTP may experience increased loading and biosolids production above projected growth rates due to use of the new development, with spikes during large events.

PURPOSE

CONSULTANT shall evaluate the potential conversion of 40 acres of biosolids land application area into land for new development. The purpose of the analysis is to 1) determine the feasibility of removing 40 acres from the biosolids land application area, and 2) identify necessary alternatives for proper management of the surplus biosolids due to reduced land application area.

SCOPE

Determination of Project Viability

CONSULTANT will determine the viability of removing fields 5N and 5S from the reclamation area. Viability will be based on both regulatory and technical standpoints. The scope of work involves the following tasks:

- Task 1: Summarize biosolids applications to date on fields 5N and 5S, and relative to the entire land application area. Determine the contribution of fields 5N and 5S to the area's overall biosolids capacity.
- Task 2: Analyze the farming operations, and determine whether remaining fields in the biosolids application area (after removal of fields 5N and 5S) would be sufficient to accommodate 100% of the projected biosolids without any changes to the current field or cropping configuration.
- Task 3: Determine the viability of converting fields 5N and 5S to the proposed uses, from a regulatory standpoint. Identify regulatory hurdles and/or permitting procedures that would need to be considered (permitting procedures, potential groundwater impacts, public health and safety issues, legacy issues, etc.). The analysis of these issues will be conducted as part of a future task.
- Task 4: If the analysis determines that the remaining fields cannot accommodate 100% of the projected biosolids production, comment on the technical viability of potential mitigations to compensate for the acreage removed from the reclamation area, and whether the volume of surplus biosolids can be feasibly managed through alternate measures (to be evaluated as part of a future task).
- Task 5: Deliverables - draft and final letter reports. The draft report will be provided as an editable word document and in .pdf format. The final letter report will be provided as a .pdf. It will also be included as an appendix in the Task 2 report.
- Task 6: Meetings with the City will be conducted via teleconference.

TIME OF PERFORMANCE

CONSULTANT will begin work immediately upon notice to proceed. Assuming a notice to proceed date of January 3, 2017, CONSULTANT can complete work by January 25, 2017.

PAYMENT

The lump sum cost for this Scope of Services shall be sixteen thousand, five hundred dollars (\$16,500), not to be exceeded without the written consent of the CITY, and invoiced monthly based on the percent of work completed.



CITY COUNCIL AGENDA – JANUARY 17, 2017

SUBJECT: Airport Dry Farm Lease Amendment

SOURCE: Finance

COMMENT: On December 18, 2012, the City Council awarded a 4 1/2 year lease to Rick Perigo Roadsiding for dry farming operations on 339.76 acres of unused land at the Porterville Municipal Airport. The lease includes a requirement to maintain and manage an aggressive weed abatement program on the portion not suitable for dry farming equivalent to about 57.36 acres.

Since the execution of the lease, it has become necessary to reduce the acreage available for dry farming to 331.15 acres and the weed abatement area to 47.78 acres. The California Department of Transportation, Division of Aeronautics recently conducted a Federal Aviation Administration Airport Master Record update and State permit compliance inspection of the Airport and one of the items revealed by the inspection is that brush is growing in the Runway Safety Area (RSA) on all sides around the runway north of the main ramp. The RSA must be graded smooth, compacted flush-to-grade and cleared of any vegetation. This portion of the RSA will be removed from the farmable acreage and added to the weed abatement area. In addition, the City sold one of the parcels under weed abatement to GreenPower Motor Company in August of 2016, which reduced the acreage under the weed abatement program.

The term of the current lease is set to expire on June 30, 2017. Staff met with the Lessee and mutually agreed to extend the term of the dry farm lease agreement to October 31, 2019, to coincide with the term of the Reclamation Area Lease Agreement, also with Rick Perigo Roadsiding. Additionally, it was mutually agreed to reduce the dry farm rental rate of \$40 per farmable acre to \$35 per farmable acre (\$11,590 Annual Rent).

RECOMMENDATION: That the City Council approve Amendment No. 1 to the Lease Agreement between the City of Porterville and Rick Perigo Roadsiding for dry farming at the Porterville Municipal Airport effective January 1, 2017.

ATTACHMENTS: 1. Amendment No. 1 to Lease Agreement

Appropriated/Funded: MB

Review By:

Item No. 5.

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

AMENDMENT NO. 1 TO LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT

The City of Porterville, a charter city and municipal corporation of the State of California, hereinafter referred to as "City," and Rick Perigo Roadsiding, hereinafter referred to as "Lessee," having entered into a Lease Agreement dated December 18, 2012, with respect to dry farming operations at the Porterville Municipal Airport, do hereby agree to amend said Lease Agreement, contingent only upon the mutual execution of same, as follows:

1. Farmable acres, otherwise known as "Dry Land Lease," identified and described in Exhibit "A" attached to the Lease Agreement, is hereby reduced to 331.15 acres.
2. Weed abatement area, identified and described as "Weed Abatement Land" in Exhibit "A" attached to the Lease Agreement, is hereby reduced to 47.78 acres.
3. The term of the Lease Agreement is hereby extended and shall terminate on October 31, 2019.
4. The rental rate per farmable acre is hereby amended to \$35 per farmable acre (\$11,590 Annual Rent).
5. This Amendment shall be effective on the 1st day of January, 2017.

DATED: January 17, 2017

APPROVED AS TO FORM:

CITY OF PORTERVILLE:

Julia Lew, City Attorney

Milt Stowe, Mayor

ATTEST:

LESSEE:

John Lollis, City Clerk

Rick Perigo Roadsiding



CITY COUNCIL AGENDA – JANUARY 17, 2017

SUBJECT: Status Report - Developer Impact Fees

SOURCE: Finance

COMMENT: Pursuant to Government Code Section 66006 (b)(1), a detailed fund analysis of the Capital Improvement Funds containing Developer Impact Fees has been prepared. A copy of this analysis was delivered to the Building Industry Association of Tulare/Kings Counties, Inc. (BIA), per their request.

The format and content of this analysis have been developed around criteria previously approved by BIA. As of June 30, 2016, the City is in compliance with the requirements of the Code.

RECOMMENDATION: That the City Council accept the Status Report on Developer Impact Fees for the Fiscal Year Ended June 30, 2016.

ATTACHMENTS: 1. Status Report

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

DEVELOPER IMPACT FEE SUMMARY
2015/16

	<u>BEGINNING BALANCES AS OF JULY 1, 2015</u>	<u>FEE COLLECTED</u>	<u>INTEREST EARNED</u>	<u>ELIGIBLE D.I.F. EXPENDITURES</u>	<u>ENDING BALANCES AS OF JUNE 30, 2016</u>
WATER ACREAGE FEE	\$ (19,174,089)	\$ 251,106	\$ 54,423	\$ (861,158)	\$ (19,729,718)
SEWER ACREAGE FEE	\$ (2,412,864)	\$ 86,795	\$ 28,592	\$ (1,508)	\$ (2,298,985)
STORM DRAIN FEE	\$ 1,699,360	\$ 95,414	\$ 32,901	\$ (69,458)	\$ 1,758,217
TRANSPORTATION IMPACT FEE	\$ 956,565	\$ 199,006	\$ 19,772	\$ (165,565)	\$ 1,009,778
PARK IMPACT FEE	\$ -	\$ 51,486	\$ 60	\$ (51,546)	\$ -

CITYOF PORTERVILLE
DEVELOPER FEE-FUNDED PROJECTS
2015/16

	Total Expenditure	Allowed D.I.F. Percentage	Eligible D.I.F. Expenditure
<u>Water Projects</u>			
Miscellaneous water projects	\$ 6.32	0%	\$ 0.00
Master plan update	859.75	100%	859.75
Lime St and Laurel Ave	13,618.22	0%	0.00
Water Well #32	843,303.08	100%	843,303.08
East Porterville water project	14,156.63	0%	0.00
Rehabilitate wells	17,024.97	0%	0.00
Well #33 - Akin water system	33,662.39	0%	0.00
Master plan payback	6,035.73	100%	6,035.73
Urban water mangement plan	10,672.28	0%	0.00
Scranton water main relocation	10,959.58	100%	10,959.58
Water infrastructure review	7,628.92	0%	0.00
	<u>\$ 957,927.87</u>		<u>\$ 861,158.14</u>
<u>WATER TOTAL</u>			
<u>Sewer Projects</u>			
Master plan payback	\$ 903.14	100%	\$ 903.14
Expansion - emergency storage	88.42	0%	0.00
Odor control project	27,063.68	0%	0.00
Blower project	3,081,684.56	0%	0.00
Digester transfer line project	1,302.77	0%	0.00
Septic station retrofit	1,080.70	0%	0.00
Upgrade SCADA	147.43	0%	0.00
Mixing pump - digester #3	51,513.91	0%	0.00
Master plan update	604.72	100%	604.72
Annex area 455A	97,752.23	0%	0.00
Annex area 456A & 457	7,633.86	0%	0.00
Annex area 456B & 456C	18,679.70	0%	0.00
Annex area 459A & 459C	692,253.87	0%	0.00
Headworks grinder / washer	173,168.90	0%	0.00
Alternative energy project	8,241.07	0%	0.00
Tertiary treatment plant	10,085.43	0%	0.00
Lime St	331,856.30	0%	0.00
Sludge lines	248.46	0%	0.00
	<u>\$ 4,504,309.15</u>		<u>\$ 1,507.86</u>
<u>SEWER TOTAL</u>			
<u>Storm Drain Projects</u>			
Master plan paybacks	\$ 604.72	100%	\$ 604.72
Zalud Park upgrade	24,162.25	100%	24,162.25
Master plan update	789.15	100%	789.15
Flood mangement ordinance update	1,530.02	100%	1,530.02
Tomah - Porter / Wisconsin	3,248.45	100%	3,248.45
N Grand reconstruction	4,337.76	100%	4,337.76
Drainage reservoir #18	1,335.00	100%	1,335.00
MS4 permit	17,171.00	100%	17,171.00
Main St - Westfield pipe	16,279.38	100%	16,279.38
	<u>\$ 69,457.73</u>		<u>\$ 69,457.73</u>
<u>STORM DRAIN TOTAL</u>			
<u>Transportation Projects</u>			
Debt service - 2005 Infrastructure COP	\$ 105,000.00	100%	\$ 105,000.00
Master plan paybacks	60,565.15	100%	60,565.15
	<u>\$ 165,565.15</u>		<u>\$ 165,565.15</u>
<u>TRANSPORTATION TOTAL</u>			
<u>Park Projects</u>			
Debt service - sports complex	\$ 46,166.00	100%	\$ 46,166.00
Sports complex parking lease	5,380.01	100%	5,380.01
	<u>\$ 51,546.01</u>		<u>\$ 51,546.01</u>
<u>PARK TOTAL</u>			

CITY OF PORTERVILLE
DEVELOPER FEE RATE STRUCTURE
2015/16

	<u>Hillside Development</u>	<u>Single Family (R-1)</u>	<u>Duplex (R-2)</u>	<u>Multi-Family (R-3 & R-4)</u>	<u>Mobile Homes</u>	<u>Institutional</u>	<u>Commercial . Professional</u>
Water Acreage Fee / Acre	\$ 1,651	\$ 3,444	\$ 8,621	\$ 20,127	\$ -	\$ 2,247	\$ 2,588
Sewer Acreage Fee / Acre	\$ 1,122	\$ 2,104	\$ 4,888	\$ 11,403	\$ -	\$ 793	\$ 2,972
Storm Drain Fee / Acre	\$ -	\$ 5,673	\$ 7,567	\$ 11,352	\$ -	\$ 15,130	\$ 15,130
Transportation Fee / Unit	\$ -	\$ 1,213	\$ 821	\$ 821	\$ -	\$ 3,123	\$ 5,941
Park Impact Fee / Unit	\$ -	\$ 754	\$ 585	\$ 585	\$ 423	\$ -	\$ -



CITY COUNCIL AGENDA – JANUARY 17, 2017

SUBJECT: CDBG Citizens' Advisory and Housing Opportunity Committee and Citizen Participation Plan

SOURCE: Community Development

COMMENT: In preparation for the development of the Annual Action Plan to be submitted to the Department of Housing and Urban Development (HUD), the following items are required: 1) the adoption of the 2017 Citizen Participation Plan and 2) the annual designation and appointment of a Citizens' Advisory and Housing Opportunity Committee.

HUD requires each jurisdiction that receives formula grants through its Community Development Block Grant Program to prepare and adopt a Citizen Participation Plan. The Plan provides guidelines for the participation of citizens in determining the use of CDBG funds. This Plan is reviewed annually for necessary revisions prior to Council's adoption of the CDBG Action Plan. In 2015 the Citizens Participation Plan was developed by LeSar Development Consultants and is in compliance with Federal regulations, only minor revisions were necessary to the 2016 plan to reflect updated dates. The 2017 Citizens' Advisory and Housing Opportunity Committee Participation Plan Schedule is presented as Attachment 2.

A Citizens' Advisory committee was established in 1981 to function in an advisory capacity to the Mayor and City Council regarding program design, implementation, and assessment. This Committee consists of seven residents of the City, appointed annually by the Mayor and City Council. The Citizen Participation Plan places particular emphasis on obtaining representation of low and moderate income persons residing in slum and blight areas, members of minority groups, the elderly, the disabled, and residents of areas where use of funds is proposed.

All seven members of the 2016 committee have expressed their willingness to serve as 2017 committee members:

Pat Contreras
Doug Heusdens
Kelle Jo Lowe
Grace Muñoz-Rios
Linda Mendez (Olmedo)
Rebecca Vigil
Maria Gonzalez

The 2017 Action Plan is in the process of being developed and will be presented to the City Council in April or May. It is anticipated that expenditures for activities will be consistent with previous years. More than half of the entitlement will be allocated to the debt service for the Section 108 loan for the Heritage Center, and the balance of the entitlement and program income will be allocated between the programs adopted in the 2015-2020 Five Year Consolidated Plan, which include the Housing Rehabilitation Program, the First Time Low Income Homebuyer Program, the Public Utility Assistance Program, the Homebuyer Education Program, Property Acquisition Clearance and Disposition, Permanent Supportive Housing Program for the Homeless, the Park Improvement Program, the Business Assistance Program, the Business Façade Improvement Program, and the Porterville Youth Center. As is typical of each year, not all programs in the Consolidated Plan will be allocated funding.

Community input from the Community Meeting will be presented to the Citizens' Advisory and Housing Opportunity Committee when they meet in March. The Citizens' Advisory and Housing Opportunity Committee will give input on the 2017 Draft Action Plan. The Plan will then be available for a 30 day public comment period and will be taken to the City Council for final adoption in May.

RECOMMENDATION: That the City Council:

1. Adopt the 2017 Citizen Participation Plan; and
2. Appoint existing committee members Pat Contreras, Maria Gonzalez, Doug Heusdens, Kelle Jo Lowe, Linda Mendez, Grace Muños-Rios, and Rebecca Vigil, to the Citizens' Advisory and Housing Opportunity Committee for a one-year term.

ATTACHMENTS:

1. Draft 2017 Citizen Participation Plan
2. Draft 2017 Action Plan Citizens Participation Schedule

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE
2017 CITIZENS' ADVISORY AND HOUSING OPPORTUNITY COMMITTEE
PARTICIPATION PLAN

Citizen Participation Plan

Introduction

The City of Porterville (City) is a federal entitlement jurisdiction that receives federal grant funding from the U.S. Department of Housing and Urban Development (HUD).

The City receives federal entitlement grant funding for the following programs:

- Community Development Block Grants (CDBG)
- Home Investment Partnership Act (HOME)

As an entitlement jurisdiction, the City is required to prepare:

- A Five Year Consolidated Plan (Consolidated Plan) that includes a Citizen Participation Plan (CPP)
- An annual Action Plan (Action Plan)
- An annual Consolidated Annual Performance Evaluation Report (CAPER)

Under HUD's Code of Final Regulations for the Consolidated Plan (24 CFR Part 91 Sec. 91.105), the City must adopt a Citizen Participation Plan that sets forth the City's policies and procedures for citizen participation in the planning, execution, and evaluation of the Consolidated Plan, Action Plans, and CAPER. This CPP provides guidelines for the City to provide and encourage public participation by residents, community stakeholders, and grant beneficiaries in the process of drafting, implementing, and evaluating the Consolidated Plan and related documents. The citizen participation process includes outreach, public hearings, community forums, and opportunities for comment.

Definitions

- **Action Plan (Action Plan):** The Action Plan summarizes the activities that will be undertaken in the upcoming Fiscal Year (FY) to meet the goals outlined in the Consolidated Plan. The Action Plan also identifies the federal and non-federal resources that will be used to meet the goals of the approved Consolidated Plan.
- **Citizen Participation Plan (CPP):** The CPP provides guidelines by which the City will promote engagement in the planning, implementation, and evaluation of the distribution of federal funds as outlined in the Consolidated Plan, Action Plan, and CAPERs.
- **Community Development Block Grant (CDBG):** HUD's CDBG program provides communities with resources to address a wide range of housing and community development needs that benefit very low and low income persons and areas.
- **Consolidated Annual Performance Evaluation Report (CAPER):** The CAPER assesses the City's annual achievements relative to the goals in the Consolidated Plan and proposed activities in the Action Plan. HUD requires the City to prepare a CAPER at the end of each fiscal year.

- **Department of Housing and Urban Development (HUD):** HUD is the federal government agency that creates and manages programs pertaining to federal home ownership, affordable housing, fair housing, homelessness, and community and housing development.
- **Displacement:** Displacement refers to the involuntary relocation of individuals from their residences due to housing development and rehabilitation activities paid for by federal funds.
- **Eligible Activity:** Activities that are allowable uses of the CDBG funds covered by the CPP as defined in the Code of Federal Regulations Title 24 for HUD.
- **Entitlement Jurisdiction:** A city with a population of at least 50,000, a central city of a metropolitan area, or a qualified urban county with a population of at least 200,000 that receives grant funding from HUD.
- **Five Year Consolidated Plan (Consolidated Plan):** HUD requires entitlement jurisdictions to prepare a Consolidated Plan every five years. The Consolidated Plan is a strategic plan that identifies housing, economic, and community development needs and prioritizes funding to address those needs over a five-year period.
- **Low and Moderate Income (LMI):** As defined annually by HUD, Low and Moderate Income (LMI) is 0-80 percent of area median family income (AMI) for a jurisdiction, with adjustments for smaller or larger families. This includes those individuals presumed by HUD to be principally LMI (abused children, battered spouses, elderly persons, severely disabled adults, homeless persons, illiterate adults, persons living with AIDS and migrant farm workers). HUD utilizes three income levels to define LMI households:
 - Extremely low income: Households earning 30 percent or less than the AMI (subject to specified adjustments for areas with unusually high or low incomes)
 - Very low income: Households earning 50 percent or less than the AMI (subject to specified adjustments for areas with unusually high or low incomes)
 - Low and moderate income: Households earning 80 percent or less than the AMI (subject to adjustments for areas with unusually high or low incomes or housing costs)
- **Public Hearing:** Public hearings are designed to provide the public the opportunity to make public testimony and comment. Public hearings related to the Consolidated Plan are to be advertised in local newspapers and made accessible to non-English speakers and individuals with disabilities.
- **Substantial Amendments:** Amendments are considered “Substantial” whenever one of the following is proposed:
 - A change in the allocation priorities or a change in the method of fund distribution
 - A substantial change which increases or decreases the amount allocated to a category of funding within the City’s entitlement grant programs by 25 percent
 - To implement an activity using CDBG funds for new programs that were not described in the Consolidated Plan

- To change the purpose or intended beneficiaries of an activity approved for CDBG funding, e.g., instead of primarily benefitting lower income households the activity instead proposes to benefit mostly moderate income households

Roles, Responsibilities, and Contact Information

The City is a federal entitlement jurisdiction and is a recipient of grant funding from the federal government.

The City's Charter established a council and manager form of government. Porterville's City Council is the elected legislative body of the City and is responsible for approving its Consolidated Plan, Action Plans, Substantial Amendments, and CAPERs prior to their submission to HUD.

It is the intent of the City to provide for and encourage citizen participation, with particular emphasis on participation by lower income persons who are beneficiaries of, or impacted by, entitlement-funded activities. The City encourages participation in all stages of the Consolidated Planning process by all residents, including minorities and non-English speaking persons, as well as persons with mobility, visual or hearing impairments, and residents of assisted housing developments and recipients of tenant-based assistance.

In general, hearings will be held at City Hall due to its central location, convenient access, and disability accessibility. Translation services will be provided when there is an indication that non-English speaking persons will be attending. Other reasonable accommodations will be provided on a case-by-case basis.

The General Contact Information for the City's HUD Entitlement Programs is:

Jennifer M. Byers
Community Development Director
jbyers@ci.porterville.ca.us
291 N. Main Street
Porterville, CA 93257

Citizen Participation Policies

Public Hearings

The City will hold public hearings for Consolidated Plans, Annual Action Plans, CAPERs, amendments made to the CPP, and Substantial Amendments.

The Consolidated Plans, Annual Action Plans, CPP amendments, and Substantial Amendments require two public hearings. One required hearing is a City-staffed community meeting and one required hearing is before City Council for document adoption. The CAPER requires one hearing before City Council for document adoption.

Community hearings will be held in a community space with consideration for the convenience to beneficiaries of the entitlement program resources.

The City Council public hearings will be held at City Hall Council Chambers located at 291 N. Main Street, Porterville, CA 93257. Listening devices, interpretation services, and other assistance to disabled persons or those with limited English proficiency will be provided upon request, ranging up to five business days prior notification to the City Clerk. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times, ranging up to five business days. For this reason, it is important to provide as much advance notice as possible to ensure availability. Assistive Listening Devices (ALDs) are available upon request.

Notice of Hearings and Review Periods

To allow the public time to provide comments prior to the submission of approved documents to HUD, the City will hold a minimum 30-day public review and comment period for the Consolidated Plan, Action Plan, and Substantial Amendment. The City will establish a public review period of at least 15 days for each CAPER and amendments to the CPP. Copies of the draft plans will be available to the public at the Community Development Department, 291 N. Main Street, Porterville, CA 93257.

The City will place public notices at City Hall (291 N. Main Street), the Porterville Library (41 W. Cleveland Avenue), online through the City's website (www.ci.porterville.ca.us), and through advertisement in a local newspaper of general circulation in advance of a 30-day public review and comment period.

To ensure that the public, including minorities, persons with limited English proficiency, persons with disabilities, residents of public housing, and LMI residents are able to participate in the public review process, the City will provide residents, public agencies, and other stakeholders with notices on applicable public review periods and public hearings that adhere to the following:

- The notices will be published prior to the start of the public comment period and at least fifteen (15) days before the final public hearing and will include information regarding how to request accommodation and services available for persons with disabilities who wish to attend the public hearings.
- The notices will be distributed to persons and agencies on the contact list maintained by the City for those parties expressing interest in receiving information and updates related to the City's Consolidated Plan, Action Plan, CAPER, Substantial Amendments and CPP. Interested parties may request to be added to this contact list by sending an email to housing@ci.porterville.ca.us, by calling (559) 782-7460 or by writing to the Community Development Department, 291 N. Main Street, Porterville, CA 93257.
- The notices will be distributed through a variety of methods, including e-mail, newspaper publications and the City's website at www.ci.porterville.ca.us. The notices will include information on how to obtain a copy of the draft documents and scheduled hearing dates, times, and locations.

The public may file comments on draft plans in writing to the Community Development Department, 291 N. Main Street, Porterville, CA 93257; via email to Jennifer Byers at jbyers@ci.porterville.ca.us or Claudia Calderon at ccalderon@ci.porterville.ca.us; or by phone at (559) 782-7460. Comments may also be submitted in person at the Community Development Department, 291 N. Main Street, Porterville, CA 93257, Monday through Friday during business hours, and during the Council adoption hearing.

When necessary or applicable, the City may combine notices complying with several individual requirements into one comprehensive notice for dissemination and publication.

Comments/Complaints on Adopted Plans

Comments or complaints from residents, public agencies, and other stakeholders regarding the adopted Consolidated Plan or related amendments and performance reports may be submitted in writing or verbally to the General Contact at the Community Development Department, 291 N. Main Street, Porterville, CA 93257. Written comments or complaints will be referred to appropriate City staff for consideration and response. The City will attempt to respond to all comments or complaints within fifteen (15) business days and maintain a correspondence file for this purpose.

Availability of Draft and Approved Documents

The draft and final versions of the Consolidated Plan, Action Plan, CAPER, all related amendments, records, and regulations will be available online at the City's website: www.ci.porterville.ca.us. Hard copies of all documents will be available at the Community Development Department, 291 N. Main Street, Porterville, CA 93257 and upon written request. If the City is unable to provide immediate access to the documents requested, it will make every effort to provide the documents and reports within 15 business days from the receipt of the request.

During the 30-day public review and comment period, copies of the document will be available to the public for review at City Hall (291 N. Main Street), the Porterville Library (41 W. Thurman Avenue), and through the City's website at www.ci.porterville.ca.us.

Displacement Policy

As part of the CPP, the City must maintain a displacement policy. Displacement refers to the involuntary relocation of individuals from their residence due to housing development and rehabilitation paid for with federal funds. The City will continue to use existing federal and state relocation guidelines, as applicable, to minimize displacement and to alleviate the problems caused by displacement. Both the federal government and the State of California have specific requirements dictating the amount of benefits and assistance that must be provided to lower income persons and households relocated from their homes as a result of displacement. Depending on the funding source, displaced persons may be offered one or more of the following:

- A rent subsidy for another unit
- A cash payment to be used for rent or a down payment on the purchase of a dwelling unit
- Moving and related expenses

The City's rehabilitation programs may also incur relocation issues when they provide minor additions to existing dwellings in order to address overcrowding. Any temporary relocation costs are included in the rehabilitation loan package offered to clients.

Technical Assistance

The City will, to the extent feasible, respond to requests for technical assistance from entities representing LMI groups who are seeking federal entitlement funding in accordance with grant procedures. This may include, but is not limited to, providing information regarding how to fill out

applications, other potential funding sources, and referrals to appropriate agencies within and outside the City. "Technical assistance," as used here, does not include the provision of funds to the entities requesting such assistance. Assistance will also be provided by Community Development Department staff to interested individuals and resident groups who need further explanation on the background and intent of the Housing and Community Development Act, interpretation of specific HUD regulations, and project eligibility criteria for federal grants.

This plan describes how the City of Porterville will involve citizens in the planning, implementation, and assessment of the Community Development Block Grant (CDBG) and Home Investment Partnership Act (HOME) Programs. The funds must be used for projects which benefit low- and moderate-income persons and/or aid in the elimination or prevention of slum and blight. These programs are intended to assist cities in undertaking neighborhood improvement, economic development, and homeowner assistance programs. Program regulations give ultimate responsibility for the design and implementation of the program to local elected officials, and also require that citizens be given an opportunity to serve in a key advisory role to these elected officials.

ADVISORY COMMITTEE

To ensure that Porterville residents are given a full opportunity to participate in the Program, a Citizens' Advisory Committee was established in 1981 to function in an advisory capacity to the Mayor and Council regarding program design, implementation, and assessment. This Committee consists of seven (7) residents of the City, appointed annually by the Mayor and City Council. Citizens and civic organizations are urged to make recommendations on allocation of the City's multi-purpose Community Development Block Grant since 1981/82. The Committee has provided direction in establishing the Housing Rehabilitation Loan Program (HRLP), and other worthwhile projects under CDBG Entitlement Cities and Home Programs which have benefitted low- and moderate-income households within the city of Porterville. In addition to the HRLP, the Committee has recommended the establishment of several revolving loan funds since 1982, including the Sewer and Water Connection Fund, the Public Utilities Revolving Loan Fund (merged in 2012 with HRLP), the First Time Low-Income Homebuyer Program and the Business Assistance Program. The Committee has also recommended the allocation of funds toward remodeling the Santa Fe Plaza Senior Citizens Center, and inventory of Industrial Land Resources, the Low-Income Residential Smoke Detector Installation Program, and the Porterville Enterprise Zone Area Infrastructure Improvement Program, the rehabilitation of the Porterville and Glennwood Hotels, the opening of the Porterville Youth Center, and four targeted Curb, Gutter Sidewalk, and Street Light, Neighborhood Improvement Projects, Lime Street Park Improvement Project, and Santa Fe Facility Improvement Project. In addition, the Committee has supported the establishment of economic development programs and public improvement activities such as the completion of the Heritage Center with Section 108 Loan Guarantee funds. Several years ago, the Committee recommended the establishment of the Homebuyer Education Program and the Murry Park Improvement Project. An expansion to the Park Improvement Program was approved in 2010 to include the Lime Street Neighborhood Park and in 2013, the Extension of Murry Park was included and is currently underway.

The City has taken steps to secure the services of concerned individuals to form the Advisory Committee for the purposes of program model design, implementation, assessment, and development of the Community Development Block Grant Program under the Entitlement Cities

criteria. The City places particular emphasis on obtaining representation of low- and moderate-income persons residing in slum and blight areas, members of minority groups, the elderly and persons with disabilities, and residents of areas where use of funds are proposed. In continuing its efforts to serve the needs of the public, the City Council has expanded the role of the Committee to incorporate efforts to expand housing opportunities, thereby changing the name to the Citizens' Advisory and Housing Opportunity Committee.

SCOPE OF CITIZEN PARTICIPATION

Citizens will be involved in all stages of the Community Development Block Grant Program, including the development of the consolidated plan, inclusive of the annual action plan, substantial amendments to the plan, program implementation, assessment of performance, and design of the citizen participation plan. Mechanisms for the citizen involvement include: The Citizens' Advisory and Housing Opportunity Committee, public hearings and ad hoc community meetings, individual citizen efforts in the form of comments, complaints, or inquiries submitted directly to the Mayor and/or Community Development Department, located in City Hall, 291 N. Main Street, or by telephone, (559) 782-7460.

Public Hearings

At least two (2) public hearings, open to the entire community, will be held annually. The hearings will provide an opportunity for citizens to identify community development needs, proposed projects, and assist in the development of an overall strategy for Porterville. The hearings will also be used to solicit comments on the citizen participation plan more sensitive to local needs and realign the plan with changes in Federal regulations, and to review the HUD annual community assessment, if available. The hearings are typically held in February or March and April or May of each program year.

Consolidated Plan

Participation in the development of the consolidated plan, inclusive of the annual action plan, will occur as follows: at least one (1) public hearing will be held before the proposed consolidated plan is published for comment. Before the City adopts a consolidated plan, the City will make available to citizens, public agencies, and other interested parties information that includes the amount of assistance the jurisdiction expects to receive and the range of activities that may be undertaken, including the amount that will benefit persons of very low and low income.

The City will ensure that plans will be available to minimize the displacement of persons and to assist any persons displaced according to Federal regulation standards.

A summary of the proposed use of CDBG funds and, when applicable, HOME funds, will be made available in Spanish, which is predominate non-English language spoken in Porterville, at all public hearings.

Advisory Committee proposals and comments, with regard to development of the consolidated plan, will be obtained at Committee meetings or hearings scheduled either at the request of Committee members or program officials. The public is invited to attend these meetings.

The public will be notified of the period, not less than thirty (30) days, in which to receive comments from citizens on the consolidated plan. Any comments or views of citizens received in writing or orally

at the public meetings will be considered. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons, therefore, will be attached to the final consolidated plan.

Amendments

In the case of proposed substantial amendments to the consolidated plan, the City shall provide reasonable notice and an opportunity to comment on substantial amendments. The public will be notified of the period, not less than thirty (30) days, in which to receive comments on the substantial amendments before the amendment is implemented. The meetings regarding the proposed amendments are not required to be public hearings, but will be open to the public to attend. The City will consider any comments or views of citizens received in writing, or orally, at public hearings, if any, in preparing the substantial amendment of the consolidated plan. A summary of these comments or views, and a summary of any comments or views not accepted, and the reasons therefore, will be attached to the substantial amendment of the consolidated plan.

Amendments to the plan will be necessary whenever one of the following decisions is made:

- 1) To make a substantial change in the allocation priorities or a substantial change in the method of distribution of funds;
- 2) To carry out an activity using funds from any program covered by the consolidated plan (including program income) not previously described in the consolidated plan; or
- 3) To substantially change the purpose, scope, location, or beneficiaries of an activity.

Performance Report

Reasonable notice and an opportunity to comment on performance reports will be given to the public. The public will be notified of the period, not less than fifteen (15) days, in which to receive comments from citizens on the performance report that is to be submitted to HUD before its submission. Any comments or views of citizens received in writing or orally at public meetings will be considered, and a summary of the comments and views will be attached to the performance report.

Citizen Participation Plan

The Annual Action Plan includes noticing and public hearings. All meetings and hearings are publicized in accordance with applicable HUD, state and local regulations. Specifically the Action Plan includes community meetings, public noticing for 30 days, and a public hearing. The City will provide citizens a reasonable opportunity to comment on amendments or revisions to the citizen participation plan and will make the plan public.

Other Method of Participation

Informal, individual contact with citizens, initiated either by citizens or program officials, will also provide input to the consolidated plan. For example, an individual may contact the Community Development Department at (559) 782-7460 to request consideration of a special project; or program officials may seek the opinion of local business persons as to the need for commercial revitalization.

Program officials will also be available to advise citizens of the procedures for filing objections to the consolidated plan with the U.S. Department of Housing and Urban Development Area Office. Citizen participation in program implementation will occur primarily through consultation with the Citizens' Advisory and Housing Opportunity Committee. Citizens will be asked to review and comment on specific strategies for approved projects. They will also meet to review any substantial program amendments. All such changes will be discussed with the committee and their comments considered prior to the City taking final action. These meetings will be held on an as-needed basis.

Program assessment activities by citizens will occur in a variety of ways. Citizens will have the opportunity to comment on the City's performance for the prior program year during the public hearings for the consolidated and action plan adoption. The public will also be notified of the public comment period for the annual performance report before its submission to HUD.

The Citizens' Advisory and Housing Opportunity Committee shall function as a forum for public participation in the City's efforts to affirmatively further fair housing. Prior to the submission of the consolidated plan, the Committee shall discuss and recommend for Council adoption suggested methods of furthering fair housing. As part of the orientation to the program offered at the public hearing, citizens will be invited to submit comments on all aspects of the program performance throughout the program year.

Public comments or complaints regarding the consolidated plan, substantial amendments to the Plan, the Performance Report, or the Citizen Participation Plan should be submitted in writing to the Community Development Director, City of Porterville, 291 N. Main Street, Porterville CA 93257. If a public hearing is held, comments should be submitted within fifteen (15) working days from the date of the public hearing. A timely, substantive written response will be provided by the City within fifteen (15) working days. If the response is unsatisfactory, correspondence may then be addressed directly to the Mayor, City of Porterville, 291 N. Main Street, Porterville, CA 93257. The Mayor shall respond within fifteen (15) working days. If the citizen is still dissatisfied, he/she should write to the U.S. Department of Housing and Urban Development Area Office, 1 Sansome Street, Suite 1200, San Francisco, CA 94104, requesting investigation of the issue. Program staff will also be available during normal business hours to respond to citizen inquiries.

TECHNICAL ASSISTANCE

Citizen organizations, non-profit organizations, and groups of low/moderate income persons or target area residents may propose their own specific program(s). The proposal for a specific program should include the program's design, its budget, and the scope of proposed activities. Also, the proposal should identify the specific individuals anticipated to carry out activities and provide a summary of their experience and training.

Technical assistance which may be provided by City staff is limited to proposals that are considered eligible uses of CDBG funds, and not intended to assist citizen organizations, non-profit organizations, and groups of low/moderate income persons or target area residents applying for funding from other grant sources. The Citizens' Advisory and Housing Opportunity Committee may direct staff to provide technical assistance that may consist of staff or local expert presentations, informational handouts, research of a specific issue, or other short-term efforts.

PUBLIC INFORMATION

The City will also undertake the following public information efforts to promote citizen participation:

- The public noticing pertaining to the community meetings, Council work session and public hearing are published in both English and Spanish. Public notices of all public hearings will be published in the *Porterville Recorder* and *Noticiero Semanal* at least ten (10) days before the scheduled hearing and fifteen (15) days prior to the final public hearing. These notices will indicate the date, time, location, and topics to be considered. Upon notification, arrangements will be made by the City to accommodate persons with disabilities. The public notices also will be made available in the form of press releases and as a public service announcement to local radio stations. Public hearing notices will indicate that summary statements of projected use of CDBG and/or HOME funds will be available in Spanish, the predominant non-English language spoke within the city. Additionally efforts will be made by providing notices to our local non-profit partners to share and publish for public viewing, and publishing on the City website which includes the Agenda and meeting minutes.
- Notices will also be published in the *Porterville Recorder* to notify the public of the period, not less than thirty (30) days for the consolidated plan or substantial amendments to the plan, or fifteen (15) days for the performance report, in which to receive comments from citizens before submission of the plan or report to HUD. All notices will include information that complete copies of the proposed plan or report will be available for public review at City Hall (291 N. Main Street) or at the City Library (41 W. Thurman Avenue). A reasonable number of free copies of the plan or report will be provided to citizens and groups that request it.
- Orientation information will be provided at the first public hearing conducted by the Citizens' Advisory and Housing Opportunity Committee. City staff will make a presentation which covers: the total amount of funds available and the basis for award; the range of eligible activities and those previously funded in the community; the planning process and the schedule of meetings and hearings, the role of citizens in the program, a summary of other important program requirements, such as: environmental policies, fair housing provisions, and contracting procedures. Some of these topics will be covered in written materials.
- A public file containing program documentation for the preceding five (5) years will be available for review at City Hall during normal business hours. Included will be copies of the Consolidated Plan, Environmental Review Record, the Citizen Participation Plan, and the Consolidated Annual Performance Evaluation Report. Other program documents are also available for citizen review on request at City Hall, consistent with applicable State and local laws regarding personal privacy and obligations of confidentiality. Upon request, materials will be made available in a form accessible to persons with disabilities.

**CITIZENS' ADVISORY AND HOUSING
OPPORTUNITY COMMITTEE PARTICIPATION PLAN
SCHEDULE 2017**

Advisory Committee Meetings	Annually or as deemed necessary by Committee
Public Hearings (2)	March and May 2017
Publication of Draft annual Action Plan	April 2016
Adoption of annual Action Plan	May 2016
Submission of annual Action Plan	May 2016 (or when determined by HUD)

City Council hearings, unless otherwise specified, will be held in the City Hall Council Chambers at 6:30 p.m.

Citizens' Advisory Committee meetings and/or hearings, unless specified otherwise, will be held in the Coleman Conference Room in City Hall at 5:30 p.m.



CITY COUNCIL AGENDA – JANUARY 17, 2017

SUBJECT: Transfer of Successor Agency Properties to the City of Porterville

SOURCE: Public Works

COMMENT: On April 5, 2016, the Successor Agency approved the First Amended and Restated Long Range Property Management Plan ("LRPMP") as part of the dissolution of the Porterville Redevelopment Agency, as required by Assembly Bill x1 26. The LRPMP was subsequently approved by the Oversight Board and by the California Department of Finance.

Health and Safety Code Section 34191.5, as modified by AB 1484, requires the LRPMP to address the disposition and use of the real properties of the former redevelopment agency. On September 22, 2015, Senate Bill 107 was enacted which clarified Section 34181(a) of the Health and Safety Code to provide that "parking facilities and lots dedicated solely to public parking" constitute governmental use properties that are properly transferred to the City at no cost, so long as such properties do not generate revenues in excess of reasonable maintenance costs of the properties.

There are seven properties owned and controlled by the Successor Agency. At this time staff is requesting the City Council accept six of the properties identified as governmental use properties in the LRPMP. The seventh property is the former Porterville Hotel site (APN 261-122-007) located at the northeast corner of Main Street and Olive Avenue. That property will be retained by the Successor Agency until disposed of to a private entity.

As identified in Health and Safety Code Section 34181(a) the transfer of approved properties is at no cost to the City; therefore, escrow fees will be paid by the Successor Agency.

RECOMMENDATION: That the City Council:

1. Authorize staff to begin escrow;
2. Adopt the draft resolution accepting properties from the Successor Agency to the Porterville Redevelopment Agency;
3. Authorize the Mayor and City Manager to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

ATTACHMENTS: 1. First Amended and Restated Long Range Property

- Management Plan
2. Locator Map
3. Draft Resolution

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

**FIRST AMENDED AND RESTATED
LONG RANGE PROPERTY MANAGEMENT PLAN**

**SUCCESSOR AGENCY TO THE FORMER
PORTERVILLE REDEVELOPMENT AGENCY**



**291 NORTH MAIN STREET
PORTERVILLE, CA 93257**

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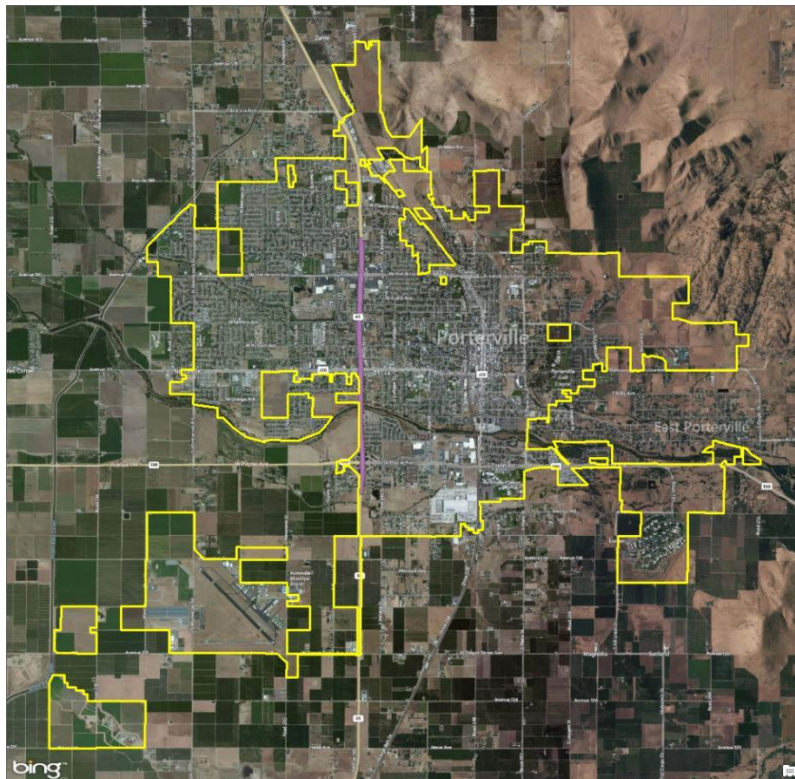
First Amended and Restated Long Range Property Management Plan

Successor Agency to the former Porterville Redevelopment Agency

INTRODUCTION

The City of Porterville (City) is located in the south central portion of the San Joaquin Valley, at the base of the foothills of the Sierra Nevada Mountains, in Tulare County. The California Department of Finance (DOF) reports the City population to be 55,490 as of January 1, 2013.

With the discovery of gold in California in 1848, came vast numbers of settlers from across the United States and abroad. This tremendous migration to California rolled through Porterville between 1840 and 1852. In 1854, Peter Goodhue established the Butterfield Overland Mail Stage Station on the banks of the old Tule River Channel. This was the stopping place along the Emigrant Train which is Main Street today. In 1860, Royal Porter Putnam came to work at the station, and assumed command of lodging and trading facilities. He purchased 40 acres of land from Goodhue, surveyed and divided the land into town lots and officially recorded this tract in 1870. Porterville was founded in 1861 and named after Royal Putnam Porter. In 1888, Porterville's first railroad, the Southern Pacific Railway, came to town. This transformed the small town to an agricultural marketing center. The City of Porterville was incorporated in 1902.



Former Redevelopment Agency

The former Porterville Redevelopment Agency (Agency) was created pursuant to § 33000 of the California Health and Safety Code Community Redevelopment Law. The City Council adopted Project Area No. 1 containing approximately 471 acres on July 3, 1990, by Ordinance No. 1436. On July 6, 2004, the City Council adopted Amendment No. 1 which removed 26 acres from the Project Area by Ordinance No. 1655. In August of 2010, an Amendment to Project Area No. 1 was adopted by Ordinance No. 1765. This Amendment added approximately 1,698 acres to the area for a total of 2,143 acres.

Currently, the Project Area is zoned for a variety of land uses. The area includes mostly developed land including, but not limited to, shopping areas, commercial developments, public parking lots, public buildings, and housing.

Dissolution of Porterville Redevelopment Agency

On June 27, 2012, Governor Brown signed into law Assembly Bill 1484 (AB 1484), a budget trailer bill that made substantial changes to the redevelopment agency dissolution process implemented by Assembly Bill 1X26 (AB 1X 26). One of the key components of AB 1484 is the requirement that all successor agencies develop a long range property management plan that governs the disposition and use of the former redevelopment agency's properties. This document is the Long Range Property Management Plan (Plan) for the Successor Agency to the former Porterville Redevelopment Agency (Agency).

This First Amended and Restated Long Range Property Management Plan was prepared in compliance with Health and Safety Code Sections 34191.3 and 34191.5

SUMMARY OF PROPERTIES OWNED BY THE SUCCESSOR AGENCY

There are seven (7) properties owned and controlled by the Agency. Parcel 7 was approved by the Oversight Board and the Department of Finance as an approved expenditure of bond proceeds to acquire, demolish, remediate and release the property for sale. The Agency acquired the property on August 28, 2014. Parcels 1 through 6 were acquired by the former Porterville Redevelopment Agency in an effort to revitalize a portion of the downtown area. These seven (7) properties are subject to the provisions of the Agency's Redevelopment Strategic Plan and the Five-Year Implementation Plan and amendment adopted in 2010. The properties include the following:

- Parcel 1 APN 253-177-008. The property is located at the southeast corner of Garden Avenue and Second Street. The property is zoned DMX (Downtown Mixed-Use) and is 40,777 square feet. It is developed and currently used as a public parking lot.
- Parcel 2 APN 261-123-001. The property is located at the northeast corner of Olive Avenue and Second Street. The property is zoned DR-N (Downtown Retail – North of Olive) and is 23,210 square feet. It is developed and currently used as a public parking lot.

- Parcel 3 APN 253-207-008. The property is located at the northwest corner of Thurman and Second Street. The property is zoned D-PO (Downtown Professional Office) and is 26,400 square feet. It is developed and currently used as a public parking lot.
- Parcel 4 APN 253-131-001. The property is located at the southeast corner of Morton and Fourth Street. The property is zoned D-PO (Downtown Professional Office) and is 29,192 square feet. It is developed and currently used as a public parking lot.
- Parcel 5 APN 252-183-006. The property address is 293 N. Hockett Street. The property is zoned D-PO (Downtown Professional Office) and is 6,050 square feet. It is currently undeveloped vacant land, but utilized as a parking lot for City vehicles.
- Parcel 6 APN 252-183-007. The property address is 287 N. Hockett Street. The property is zoned D-PO (Downtown Professional Office) and is 7,150 square feet. It is developed with a 2,446 square feet office building. The building is vacant.
- Parcel 7 APN 261-122-007. The property address is 14 N. Main Street and is otherwise known as the “Porterville Hotel Project.” The property is zoned DR-N (Downtown Retail – North of Olive) and is 11,000 square feet. The property was a blighted mixed-use project that was deemed uninhabitable in December 2006. There was a catastrophic fire on December 26, 2013, that damaged the structure beyond repair.

The original Long Range Property Management Plan (“Original Plan”) submitted by the Successor Agency to DOF on August 5, 2015, and approved by DOF in August, 2015, provided for the Successor Agency to transfer ownership of Parcels 1 through 4 to the City in order to continue utilizing them as public parking and entering into a Compensation Agreement between the City and taxing entities. Parcels 1 through 4 are encumbered with an Operation Use and Maintenance Covenant for public parking facilities that run with the land. The Original Plan provided that, if legislation was enacted to clarify that Parcels 1 through 4 are eligible to be conveyed to the City as governmental use properties, the Original Plan would be amended to change the designation of such properties to “governmental use” in accordance with such amended law.

SB107 was enacted in September 22, 2015, to clarify that Section 34181(a) of the Health and Safety Code to provide that “parking facilities and lots dedicated solely to public parking” constitute governmental use properties that are properly transferred to the City at no cost, so long as such properties do not generate revenues in excess of reasonable maintenance costs of the properties. Now, in accordance with SB107, including Health and Safety Code Section 34191.3 and 34181(a), the Successor Agency has prepared this First Amended and Restated Long Range Property Management Plan to clarify that Parcels 1 through 4 are Governmental Use properties that will be transferred to the City at no cost.

The remainder of the Original Plan is unchanged by this First Amended and Restated Long Range Property Management Plan: Parcels 5 and 6 are proposed to be transferred to the City for governmental purposes as a parking lot used by City vehicles and as an administrative building utilized for staff respectively. Parcel 7 was acquired on August 28, 2014, in compliance with the expenditure of bond funds as approved by the Oversight Board and Department of Finance. It is proposed to complete demolition, remediate environmental concerns, and sell with the net proceeds to be used to fulfill enforceable obligations.

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PROPOSED USE AND DISPOSITION OF PROPERTIES

***Parcel 1
Garden Avenue and Second Street Parking Lot
APN 253-177-008***



1. Date of acquisition of the property and the value of it at that time, and an estimate of the current value of the property (HSC 34191.5(c)(1)(A)).

The former Porterville Redevelopment Agency acquired the parcel in January of 1993 for \$53,625. An appraisal had been obtained and the property was purchased in an amount equivalent to the appraisal. With the Operation Use and Maintenance Covenant for a public parking facility, the property appraised for \$143,000 in April 2011. The Successor Agency will transfer this parcel to the City at no cost for continued governmental use as public parking.

2. Purpose for which the property was acquired (HSC 34191.5(c)(1)(B)).

The Porterville Redevelopment Agency enacted the original Redevelopment Plan in 1990 for the Porterville Redevelopment Project No. 1 (Project Area) pursuant to Health and Safety Code, Section 33000 et seq. The Redevelopment Plan included objectives to mitigate or eliminate blighting conditions within the Project Area. In addition to rehabilitating aging downtown commercial buildings, the objectives included providing more conveniently located parking in the downtown retail area. In order to implement the objectives, the Redevelopment Plan included an action plan for acquisition of land to develop public parking facilities. A list of Proposed Public Improvements was included in the adoption of the plan. This parcel and subsequent development of the parking lot effectuated two of the listed projects: Project A(4)

Main Street Commercial Area Improvement - Parking Lot Improvements in the Central Business District and Project N(1) Parking Lot Project – Olive to Thurman in Central Business District.

In addition to the Redevelopment Plan, the Redevelopment Agency adopted the Strategic Plan for the Redevelopment Area in February of 1992. The Strategic Plan included an Action Plan which established priority projects and milestones in order to achieve the Strategic Plan's objectives for the revitalization of the Project Area. The development of parking on this property was an adopted project of Phase A of the Action Plan.

3. Parcel data, including address, lot size, and current zoning (*HSC 34191.5(c)(1)(C)*).

APN: 253-177-008

Address: No site address, southeast corner of Garden Avenue and Second Street

Lot size: 40,777 square feet

Zoning/Permitted Uses: The property is zoned DMX (Downtown Mixed-Use – see Exhibit E)

4. Estimate of the current value, including appraisal information (*HSC 34191.5(c)(1)(D)*).

The property was appraised in April of 2011 for \$143,000 with the Operation Use and Maintenance Covenant for a public parking facility. Property values in the Porterville area have remained relatively stable for the last few years.

5. Estimate of any lease, rental, or other revenues generated by the property and a description of the contractual requirements for the disposition of those revenues (*HSC 34191.5(c)(1)(E)*).

None; therefore, this Parcel does not generate revenues in excess of reasonable maintenance costs.

6. The history of any environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts (*HSC 34191.5(c)(1)(F)*).

A Phase 1 environmental was not performed at the time of acquisition. There is no known environmental contamination. The property is not included or near a site on a list compiled by the Department of Toxic Substances Control.

7. The property's potential for transit-oriented development and the advancement of the planning objections of the successor agency (*HSC 34191.5(c)(1)(G)*).

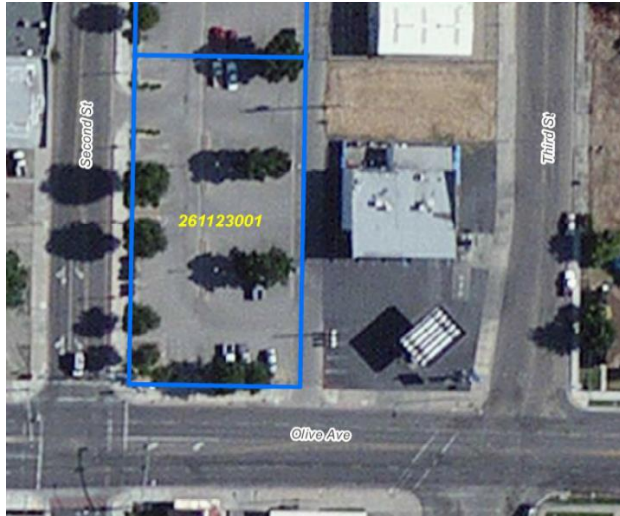
The City of Porterville Transit system has a bus stop located across the street from the property.

8. A brief history of previous development proposals and activity, including the rental or lease of property (*HSC 34191.5(c)(1)(H)*).

The property has been developed as a public parking lot since 1994. There is no history of previous development proposals and activity.

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Parcel 2
Olive and Second Street Parking Lot
APN 261-123-001



1. Date of acquisition of the property and the value of it at that time, and an estimate of the current value of the property (HSC 34191.5(c)(1)(A)).

The former Porterville Redevelopment Agency acquired the parcel in February of 1993 for \$71,500. An appraisal had been obtained and the property was purchased in an amount equivalent to the appraisal. With the Operation Use and Maintenance Covenant for a public parking facility, the property appraised for \$97,000 in April 2011. The Successor Agency will transfer this parcel to the City at no cost for continued governmental use as public parking.

2. Purpose for which the property was acquired (HSC 34191.5(c)(1)(B)).

The Porterville Redevelopment Agency enacted the original Redevelopment Plan in 1990 for the Porterville Redevelopment Project No. 1 (Project Area) pursuant to Health and Safety Code, Section 33000 et seq. The Redevelopment Plan included objectives to mitigate or eliminate blighting conditions within the Project Area. In addition to rehabilitating aging downtown commercial buildings, the objectives included providing more conveniently located parking in the downtown retail area. In order to implement the objectives, the Redevelopment Plan included an action plan for acquisition of land to develop public parking facilities. A list of Proposed Public Improvements was included in the adoption of the plan. This parcel and subsequent development of the parking lot effectuated two of the listed projects: Project A(4) Main Street Commercial Area Improvement - Parking Lot Improvements in the Central Business District and Project N(1) Parking Lot Project – Olive to Thurman in Central Business District.

In addition to the Redevelopment Plan, the Redevelopment Agency adopted the Strategic Plan for the Redevelopment Area in February of 1992. The Strategic Plan included an Action Plan

which established priority projects and milestones in order to achieve the Strategic Plan's objectives for the revitalization of the Project Area. The development of parking on this property was an adopted project of Phase A of the Action Plan.

3. Parcel data, including address, lot size, and current zoning (*HSC 34191.5(c)(1)(C)*).

APN: 261-123-001

Address: No site address, northeast corner of Olive Avenue and Second Street

Lot size: 23,210 square feet

Zoning/Permitted Uses: The property is zoned DR-N (Downtown Retail – North of Olive Avenue – see Exhibit E)

4. Estimate of the current value, including appraisal information (*HSC 34191.5(c)(1)(D)*).

The property was appraised in April of 2011 for \$97,000 with the Operation Use and Maintenance Covenant for a public parking facility. Property values in the Porterville area have remained relatively stable for the last few years.

5. Estimate of any lease, rental, or other revenues generated by the property and a description of the contractual requirements for the disposition of those revenues (*HSC 34191.5(c)(1)(E)*).

None; therefore, this Parcel does not generate revenues in excess of reasonable maintenance costs.

6. The history of any environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts (*HSC 34191.5(c)(1)(F)*).

A Phase 1 environmental was not performed at the time of acquisition. There is no known environmental contamination. The property is not included or near a site on a list compiled by the Department of Toxic Substances Control.

7. The property's potential for transit-oriented development and the advancement of the planning objections of the successor agency (*HSC 34191.5(c)(1)(G)*).

The City of Porterville Transit system has a bus stop located across the street from the property.

8. A brief history of previous development proposals and activity, including the rental or lease of property (*HSC 34191.5(c)(1)(H)*).

The property has been developed as a public parking lot since 1994. There is no history of previous development proposals and activity.

Parcel 3
Thurman Avenue and Second Street Parking Lot
APN 253-207-008



1. Date of acquisition of the property and the value of it at that time, and an estimate of the current value of the property (HSC 34191.5(c)(1)(A)).

The former Porterville Redevelopment Agency acquired the parcel in July of 1994 for \$270,850. The original acquisition was of four parcels. A parcel merger was subsequently completed, forming the existing assessor parcel 253-207-008. An appraisal regarding the value of the property was not obtained at the time of acquisition. With the Operation Use and Maintenance Covenant for a public parking facility, the property appraised for \$93,000 in April 2011. The Successor Agency will transfer this parcel to the City at no cost for continued governmental use as public parking.

2. Purpose for which the property was acquired (HSC 34191.5(c)(1)(B)).

The Porterville Redevelopment Agency enacted the original Redevelopment Plan in 1990 for the Porterville Redevelopment Project No. 1 (Project Area) pursuant to Health and Safety Code, Section 33000 et seq. The Redevelopment Plan included objectives to mitigate or eliminate blighting conditions within the Project Area. In addition to rehabilitating aging downtown commercial buildings, the objections included providing more conveniently located parking in the downtown retail area. In order to implement the objectives, the Redevelopment Plan included an action plan for acquisition of land to develop public parking facilities. A list of Proposed Public Improvements was included in the adoption of the plan. This parcel and subsequent development of the parking lot effectuated two of the listed projects: Project A(4) Main Street Commercial Area Improvement - Parking Lot Improvements in the Central

Business District and Project N(1) Parking Lot Project – Olive to Thurman in Central Business District.

3. Parcel data, including address, lot size, and current zoning (*HSC 34191.5(c)(1)(C)*).

APN: 253-207-008

Address: No site address, northwest corner of Thurman Avenue and Second Street

Lot size: 26,400 square feet

Zoning/Permitted Uses: The property is zoned D-PO (Downtown Professional Office – see Exhibit E)

4. Estimate of the current value, including appraisal information (*HSC 34191.5(c)(1)(D)*).

The property was appraised in April of 2011 for \$93,000 with the Operation Use and Maintenance Covenant for a public parking facility. Property values in the Porterville area have remained relatively stable for the last few years.

5. Estimate of any lease, rental, or other revenues generated by the property and a description of the contractual requirements for the disposition of those revenues (*HSC 34191.5(c)(1)(E)*).

None; therefore, this Parcel does not generate revenues in excess of reasonable maintenance costs.

6. The history of any environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts (*HSC 34191.5(c)(1)(F)*).

A Phase 1 environmental was not performed at the time of acquisition. There is no known environmental contamination. The property is not included or near a site on a list compiled by the Department of Toxic Substances Control.

7. The property's potential for transit-oriented development and the advancement of the planning objections of the successor agency (*HSC 34191.5(c)(1)(G)*).

The City of Porterville Transit system has a bus stop located at the property.

8. A brief history of previous development proposals and activity, including the rental or lease of property (*HSC 34191.5(c)(1)(H)*).

The property has been developed as a public parking lot since 1997. There is no history of previous development proposals and activity.

Parcel 4
Morton and Fourth Street Parking Lot
APN 253-131-001



1. Date of acquisition of the property and the value of it at that time, and an estimate of the current value of the property (HSC 34191.5(c)(1)(A)).

The former Porterville Redevelopment Agency acquired the parcel in November of 1994 for \$28,879. An appraisal had been obtained and the property was purchased in an amount equivalent to the appraisal. With the Operation Use and Maintenance Covenant for a public parking facility the property appraised for \$102,000 in April 2011. The Successor Agency will transfer this parcel to the City at no cost for continued governmental use as public parking.

2. Purpose for which the property was acquired (HSC 34191.5(c)(1)(B)).

The Porterville Redevelopment Agency enacted the original Redevelopment Plan in 1990 for the Porterville Redevelopment Project No. 1 (Project Area) pursuant to Health and Safety Code, Section 33000 et seq. The Redevelopment Plan included objectives to mitigate or eliminate blighting conditions within the Project Area. In addition to rehabilitating aging downtown commercial buildings, the objections included providing more conveniently located parking in the downtown retail area. In order to implement the objectives, the Redevelopment Plan included an action plan for acquisition of land to develop public parking facilities. A list of Proposed Public Improvements was included in the adoption of the plan. This parcel and subsequent development of the parking lot was identified as Project A(4) Main Street Commercial Area Improvement - Parking Lot Improvements in the Central Business District.

3. Parcel data, including address, lot size, and current zoning (*HSC 34191.5(c)(1)(C)*).

APN: 253-131-001

Address: No site address, southeast corner of Morton Avenue & Fourth Street

Lot size: 29,192 square feet

Zoning/Permitted Uses: The property is zoned D-PO (Downtown Professional Office – see Exhibit E)

4. Estimate of the current value, including appraisal information (*HSC 34191.5(c)(1)(D)*).

The property was appraised in April of 2011 for \$102,000 with the Operation Use and Maintenance Covenant for a public parking facility. Property values in the Porterville area have remained relatively stable for the last few years.

5. Estimate of any lease, rental, or other revenues generated by the property and a description of the contractual requirements for the disposition of those revenues (*HSC 34191.5(c)(1)(E)*).

None; therefore, this Parcel does not generate revenues in excess of reasonable maintenance costs.

6. The history of any environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts (*HSC 34191.5(c)(1)(F)*).

A Phase 1 environmental was not performed at the time of acquisition. The parcel was formerly a portion of the Tulare Valley Railroad Company; however, the parcel was adjacent to the rail line and there is no suspected contamination. The property is not included or near a site on a list compiled by the Department of Toxic Substances Control.

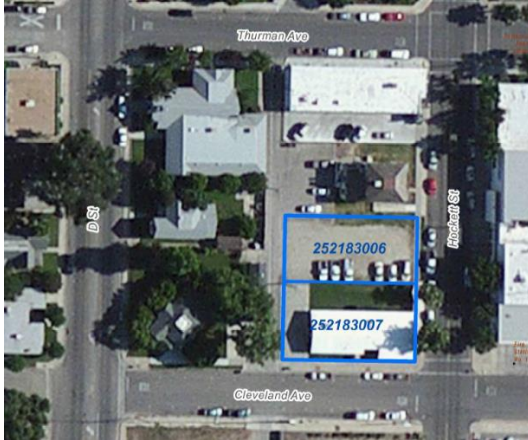
7. The property's potential for transit-oriented development and the advancement of the planning objections of the successor agency (*HSC 34191.5(c)(1)(G)*).

The property is incorporated into the Porterville Transit system as a transit bus stop complete with seating and trellis.

8. A brief history of previous development proposals and activity, including the rental or lease of property (*HSC 34191.5(c)(1)(H)*).

The property has been developed as a public parking lot since 1995. There is no history of previous development proposals and activity.

Parcel 5
293 N. Hockett Street – Vacant Lot
APN 252-183-006



1. Date of acquisition of the property and the value of it at that time, and an estimate of the current value of the property (HSC 34191.5(c)(1)(A)).

The former Porterville Redevelopment Agency acquired the parcel in February of 2001 for \$45,000. An appraisal regarding the value of the property was not obtained at the time of acquisition. In April of 2011, the property appraised for \$25,000. The Successor Agency is interested in transferring ownership of this parcel to the City in order to continue utilizing it as a parking lot used by City vehicles as a Governmental Use.

2. Purpose for which the property was acquired (HSC 34191.5(c)(1)(B)).

The purpose of the acquisition fulfilled two objectives of the Redevelopment Plan and the Five Year Implementation Plan 1999-2004: (1) Acquire land for the development of public facilities, i.e. parking lots and (2) the creation of additional parking districts in order to facilitate development.

3. Parcel data, including address, lot size, and current zoning (HSC 34191.5(c)(1)(C)).

APN: 252-183-006

Address: 293 N. Hockett Street

Lot size: 6,050 square feet

Zoning/Permitted Uses: The property is zoned D-PO (Downtown Professional Office – see Exhibit E)

4. Estimate of the current value, including appraisal information (HSC 34191.5(c)(1)(D)).

The property was appraised in April of 2011 for \$25,000. Property values in the Porterville area have remained relatively stable for the last few years.

5. Estimate of any lease, rental, or other revenues generated by the property and a description of the contractual requirements for the disposition of those revenues (HSC 34191.5(c)(1)(E)).

None.

6. The history of any environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts (HSC 34191.5(c)(1)(F)).

A Phase 1 environmental was not performed at the time of acquisition. There is no known environmental contamination. The property is not included or near a site on a list compiled by the Department of Toxic Substances Control.

7. The property's potential for transit-oriented development and the advancement of the planning objections of the successor agency (HSC 34191.5(c)(1)(G)).

The City of Porterville Transit system has a bus stop located across the street from the property.

8. A brief history of previous development proposals and activity, including the rental or lease of property (HSC 34191.5(c)(1)(H)).

It was anticipated to develop the property as a parking facility for City vehicles. The design and construction plans have been completed and the project was programmed in the ten year Capital Improvement Program for construction during fiscal year 2012/13.

Parcel 6
287 N. Hockett Street – Stout Building
APN 252-183-007



1. Date of acquisition of the property and the value of it at that time, and an estimate of the current value of the property (HSC 34191.5(c)(1)(A)).

The former Porterville Redevelopment Agency acquired the parcel in February of 2001 for \$132,500. An appraisal regarding the value of the property was not obtained at the time of acquisition. The property appraised for \$185,000 in April 2011. The Successor Agency is interested in transferring ownership of this parcel to the City for Governmental Use. The City would utilize the facility for an administrative building, not available to the public, such as the Information Technology Department, the Fire Investigation Unit and/or the Police Dispatch Center. At this time, the proposed sale value and transfer date is unknown.

2. Purpose for which the property was acquired (HSC 34191.5(c)(1)(B)).

The purpose of the acquisition fulfilled two objectives of the Redevelopment Plan and the Five Year Implementation Plan 1999-2004: (1) Acquire land for the development of public facilities and (2) the creation of additional parking districts in order to facilitate development.

3. Parcel data, including address, lot size, and current zoning (HSC 34191.5(c)(1)(C)).

APN: 252-183-007

Address: 287 N. Hockett Street

Lot size: 7,150 square feet

Zoning/Permitted Uses: The property is zoned D-PO (Downtown Professional Office – see Exhibit E)

4. Estimate of the current value, including appraisal information (HSC 34191.5(c)(1)(D)).

The property was appraised in April of 2011 for \$185,000. Property values in the Porterville area have remained relatively stable for the last few years.

5. Estimate of any lease, rental, or other revenues generated by the property and a description of the contractual requirements for the disposition of those revenues (HSC 34191.5(c)(1)(E)).

None.

6. The history of any environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts (HSC 34191.5(c)(1)(F)).

A Phase 1 environmental was not performed at the time of acquisition. There is no known environmental contamination. The property is not included or near a site on a list compiled by the Department of Toxic Substances Control.

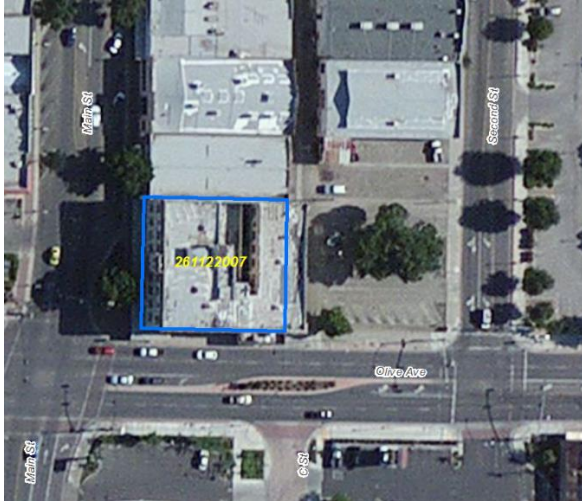
7. The property's potential for transit-oriented development and the advancement of the planning objections of the successor agency (HSC 34191.5(c)(1)(G)).

Due to the proximity of the Porterville Transit Center, the building had the potential of being purchased for the transit headquarters, but time constraints required the transit headquarters to find a different location.

8. A brief history of previous development proposals and activity, including the rental or lease of property (HSC 34191.5(c)(1)(H)).

There is no history of previous development proposals and activity.

Parcel 7
14 N. Main Street – The Porterville Hotel
APN 261-122-007



Fire – December 26, 2013



Hotel remains – December 26, 2013

1. Date of acquisition of the property and the value of it at that time, and an estimate of the current value of the property (HSC 34191.5(c)(1)(A)).

The former Porterville Redevelopment Agency obtained bond proceeds, by refunding Agency debt in 2008, to acquire and eliminate the blighted development. The property was acquired by the Agency on August 28, 2014, for the amount of \$1,649,705.70. A Broker's Price Opinion estimated the value of the property to be \$198,000, with the assumption the lot is completely cleaned, leveled, and filled to pass compaction tests necessary to comply with state and local building codes. This property was acquired in compliance with the expenditure of bond funds as approved by the Oversight Board and Department of Finance, in order to eliminate the blight. The site is proposed to be demolished, remediated for environmental concerns, and sold with the net proceeds to be used to fulfill an enforceable obligation. At this time, the proposed value and sell date is unknown.

2. Purpose for which the property was acquired (HSC 34191.5(c)(1)(B)).

The property is proposed to be acquired for removal of blight through the demolition and remediation of environmental concerns and the sale of the property for future development, in compliance with the expenditure of bond funds, as approved by the Oversight Board and Department of Finance. In accordance with HSC section 34191.4(c)(2)(B), the net proceeds shall be used to fulfill an enforceable obligation.

3. Parcel data, including address, lot size, and current zoning (HSC 34191.5(c)(1)(C)).

APN: 261-122-007

Address: 14 N. Main Street

Lot size: 11,000 square feet

Zoning/Permitted Uses: The property is zoned DR-N (Downtown Retail – North of Olive Avenue – see Exhibit E)

4. Estimate of the current value, including appraisal information (HSC 34191.5(c)(1)(D)).

A Broker's Price Opinion, obtained on June 23, 2015, estimated the value of the property to be \$198,000, with the assumption the lot is completely cleaned, leveled, and filled to pass compaction tests necessary to comply with state and local building codes.

5. Estimate of any lease, rental, or other revenues generated by the property and a description of the contractual requirements for the disposition of those revenues (HSC 34191.5(c)(1)(E)).

None.

6. The history of any environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts (HSC 34191.5(c)(1)(F)).

In 2011, prior to trying to acquire the property, a Historic Document Review was performed on the property. The study found significant asbestos and lead based paint. Part of the planned demolition included environmental remediation. Although the fire destroyed the structure, the Agency will continue with plans identified by the bond proceeds to acquire the property, demolish, remediate environmental concerns, and sell the property as a clean site.

7. The property's potential for transit-oriented development and the advancement of the planning objections of the successor agency (HSC 34191.5(c)(1)(G)).

The property is located in the heart of downtown near major retail and employment areas on a major thoroughfare serviced by numerous bus lines.

8. A brief history of previous development proposals and activity, including the rental or lease of property (*HSC 34191.5(c)(1)(H)*).

There is no history of previous development proposals and activity.

EXHIBIT A

LONG RANGE PROPERTY MANAGEMENT PLAN CHECKLIST



LONG-RANGE PROPERTY MANAGEMENT PLAN CHECKLIST

Instructions: Please use this checklist as a guide to ensure you have completed all the required components of your Long-Range Property Management Plan. Upon completion of your Long-Range Property Management Plan, email a PDF version of this document and your plan to:

Redevelopment_Administration@dof.ca.gov

The subject line should state "[Agency Name] Long-Range Property Management Plan". The Department of Finance (Finance) will contact the requesting agency for any additional information that may be necessary during our review of your Long-Range Property Management Plan. Questions related to the Long-Range Property Management Plan process should be directed to (916) 445-1546 or by email to

Redevelopment_Administration@dof.ca.gov.

Pursuant to Health and Safety Code 34191.5, within six months after receiving a Finding of Completion from Finance, the Successor Agency is required to submit for approval to the Oversight Board and Finance a Long-Range Property Management Plan that addresses the disposition and use of the real properties of the former redevelopment agency.

GENERAL INFORMATION:

Agency Name: **Successor Agency for the Porterville Redevelopment Agency**

Date Finding of Completion Received: August 7, 2013

Date Oversight Board Approved LRPMP: 02/07/14

Long-Range Property Management Plan Requirements

For each property the plan includes the date of acquisition, value of property at time of acquisition, and an estimate of the current value.

☒ Yes ☐ No

For each property the plan includes the purpose for which the property was acquired.

☒ Yes ☐ No

For each property the plan includes the parcel data, including address, lot size, and current zoning in the former agency redevelopment plan or specific, community, or general plan.

☒ Yes ☐ No

For each property the plan includes an estimate of the current value of the parcel including, if available, any appraisal information.

☒ Yes ☐ No

For each property the plan includes an estimate of any lease, rental, or any other revenues generated by the property, and a description of the contractual requirements for the disposition of those funds.

☒ Yes ☐ No

For each property the plan includes the history of environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts.

☒ Yes ☐ No

For each property the plan includes a description of the property's potential for transit-oriented development and the advancement of the planning objectives of the successor agency.

☒ Yes ☐ No

For each property the plan includes a brief history of previous development proposals and activity, including the rental or lease of the property.

☒ Yes ☐ No

For each property the plan identifies the use or disposition of the property, which could include 1) the retention of the property for governmental use, 2) the retention of the property for future development, 3) the sale of the property, or 4) the use of the property to fulfill an enforceable obligation.

☒ Yes ☐ No

The plan separately identifies and list properties dedicated to governmental use purposes and properties retained for purposes of fulfilling an enforceable obligation.

☒ Yes ☐ No

ADDITIONAL INFORMATION

- If applicable, please provide any additional pertinent information that we should be aware of during our review of your Long-Range Property Management Plan.

Please see attached documentation

Agency Contact Information

Name: Maria Bemis

Title: Finance Director

Phone: (559) 782-7435

Email: mbemis@ci.porterville.ca.us

Date: 2/07/14

Name: Jenni Byers

Title: Project Manager

Phone: (559) 782-7460

Email: jbyers@ci.porterville.ca.us

Date: 02/07/14

Department of Finance Local Government Unit Use OnlyDETERMINATION ON LRPMP: ☐ APPROVED ☐ DENIED

APPROVED/DENIED BY: _____ DATE: _____

APPROVAL OR DENIAL LETTER PROVIDED: ☐ YES DATE AGENCY NOTIFIED: _____

EXHIBIT B

PROPERTY INVENTORY DATA

Successor Agency: City of Porterville
County: Tulare

LONG RANGE PROPERTY MANAGEMENT PLAN: PROPERTY INVENTORY DATA

[illegible]

[illegible]

EXHIBIT C

RESOLUTION OF THE SUCCESSOR AGENCY

SUCCESSOR AGENCY RESOLUTION NO. 2015-03

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY APPROVING THE REVISED LONG
RANGE PROPERTY MANAGEMENT PLAN PURSUANT TO HEALTH & SAFETY CODE
SECTION 34191.5 AND DIRECTING TRANSMITTAL OF THE REVISED LONG RANGE
PROPERTY MANAGEMENT PLAN TO THE OVERSIGHT BOARD

WHEREAS, as of and on and after February 1, 2012, in accordance with the provisions of Health and Safety Code 34179(a)(1), the City Council of the City of Porterville serves and acts as the Successor Agency to the dissolved Porterville Redevelopment Agency (Agency) and, by resolution, the City will perform the functions of the Successor Agency under the Dissolution Act to administer the enforceable obligations of the former Agency and otherwise unwind the Agency's affairs, all subject to the review and approval by a seven-member Oversight Board (Oversight Board); and

WHEREAS, Section 34191.5 requires the Successor Agency to prepare a Long Range Property Management Plan that addresses the disposition and use of the real properties of the former redevelopment agency within six months of receiving a Finding of Completion from the Department of Finance and submit it to the Oversight Board for approval; and

WHEREAS, the Department of Finance issued a Finding of Completion on August 7, 2013, pursuant to Health and Safety Code Section 34179.7; and

WHEREAS, pursuant to Section 34191.5(c)(1), the Successor Agency's Long Range Property Management Plan is required to include an inventory of all properties and shall include the following information: (a) Date of the acquisition and value of the property at that time, and an estimate of current value of the property; (b) the purpose for which the property was acquired; (c) parcel data, including address, lot size, and current zoning; (d) an estimate of current value of the parcel including, if available, any appraisal information; (e) an estimate of any lease, rental, or any other revenues generated by the property, and a description of the contractual requirements for the disposition of those funds; (f) the history of environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts; (g) a description of the property's potential for transit-oriented development and the advancement of the planning objectives of the successor agency; and (h) a brief history of previous development proposals and activity, including the rental or lease of property; and

WHEREAS, on February 4, 2014, the proposed Long Range Property Management Plan was approved by the Successor Agency adopting Successor Agency Resolution No. 2014-01; and

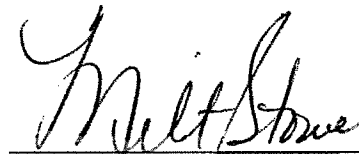
WHEREAS, on February 7, 2014, the proposed Long Range Property Management Plan was approved by the Oversight Board adopting Oversight Board Resolution No. 2014-02; and

WHEREAS, the revised Long Range Property Management Plan, as approved by the Oversight Board, will be provided to the Department of Finance for final approval, prior to the disposition of property.

NOW, THEREFORE, BE IT RESOLVED BY THE SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY:

1. The above recitals are true and correct, are a substantive part of this Resolution, and are adopted as the findings of the Successor Agency.
2. Pursuant to the Dissolution Act, the Successor Agency hereby approves the revised Long Range Property Management Plan in the form attached hereto as Exhibit A and incorporated herein by this reference.
3. The City Manager, or his authorized designees, are hereby authorized to transmit the revised Long Range Property Management Plan to the Oversight Board for approval.
4. Upon approval of the revised Long Range Property Management Plan by the Oversight Board, the City Manager, or his authorized designees, shall provide written notice and information about the Oversight Board's approval of the revised Long Range Property Management Plan to the State of California Department of Finance for further approval by the Department of Finance
5. This Resolution shall be effective immediately upon adoption.
6. The City Clerk on behalf of the Successor Agency shall certify to the adoption of this Resolution.

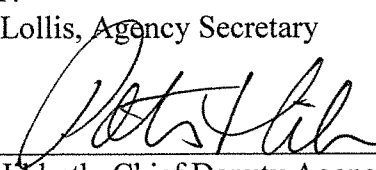
PASSED, APPROVED, AND ADOPTED this 7th day of July, 2015.



Milt Stowe, Chair

ATTEST:

John D. Lollis, Agency Secretary

By: 

Patrice Hildreth, Chief Deputy Agency Secretary

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 acting as the Successor Agency to the Porterville Redevelopment Agency at a meeting of the Successor Agency duly called and held on the 7th day of July, 2015.

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 M. Zavala, Deputy City Clerk

EXHIBIT D

RESOLUTION OF THE OVERSIGHT BOARD

OVERSIGHT BOARD RESOLUTION NO. 2015-03

A RESOLUTION OF THE OVERSIGHT BOARD TO THE
PORTERVILLE REDEVELOPMENT AGENCY APPROVING THE REVISED LONG
RANGE PROPERTY MANAGEMENT PLAN PURSUANT TO HEALTH & SAFETY CODE
SECTION 34191.5 AND DIRECTING TRANSMITTAL OF THE REVISED LONG RANGE
PROPERTY MANAGEMENT PLAN TO THE OVERSIGHT BOARD

WHEREAS, as of and on and after February 1, 2012, in accordance with the provisions of Health and Safety Code 34179(a)(1), the City Council of the City of Porterville serves and acts as the Successor Agency to the dissolved Porterville Redevelopment Agency (Agency) and, by resolution, the City will perform the functions of the Successor Agency under the Dissolution Act to administer the enforceable obligations of the former Agency and otherwise unwind the Agency's affairs, all subject to the review and approval by a seven-member Oversight Board (Oversight Board); and

WHEREAS, Section 34191.5 requires the Successor Agency to prepare a Long Range Property Management Plan that addresses the disposition and use of the real properties of the former redevelopment agency within six months of receiving a Finding of Completion from the Department of Finance and submit it to the Oversight Board for approval; and

WHEREAS, the Department of Finance issued a Finding of Completion on August 7, 2013, pursuant to Health and Safety Code Section 34179.7; and

WHEREAS, pursuant to Section 34191.5(c)(1), the Successor Agency's Long Range Property Management Plan is required to include an inventory of all properties and shall include the following information: (a) date of the acquisition and value of the property at that time, and an estimate of current value of the property; (b) the purpose for which the property was acquired; (c) parcel data, including address, lot size, and current zoning; (d) an estimate of current value of the parcel including, if available, any appraisal information; (e) an estimate of any lease, rental, or any other revenues generated by the property, and a description of the contractual requirements for the disposition of those funds; (f) the history of environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts; (g) a description of the property's potential for transit-oriented development and the advancement of the planning objectives of the successor agency; and (h) a brief history of previous development proposals and activity, including the rental or lease of property; and

WHEREAS, on February 4, 2014, the proposed Long Range Property Management Plan was approved by the Successor Agency adopting Successor Agency Resolution No. 2014-01; and

WHEREAS, on February 7, 2014, the proposed Long Range Property Management Plan was approved by the Oversight Board adopting Oversight Board Resolution No. 2014-02; and

WHEREAS, on July 7, 2015, the Revised Long Range Property Management Plan was approved by the Successor Agency adopting Successor Agency Resolution No. 2015-03; and

WHEREAS, the revised Long Range Property Management Plan, as approved by the Oversight Board, will be provided to the Department of Finance for final approval, prior to the disposition of property.

NOW, THEREFORE, BE IT RESOLVED BY THE OVERSIGHT BOARD TO THE PORTERVILLE REDEVELOPMENT AGENCY:

1. The above recitals are true and correct, are a substantive part of this Resolution, and are adopted as the findings of the Successor Agency.

2. Pursuant to the Dissolution Act, the Successor Agency hereby approves the revised Long Range Property Management Plan in the form attached hereto as Exhibit A and incorporated herein by this reference.

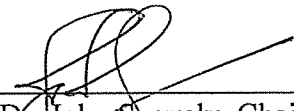
3. Upon approval of the revised Long Range Property Management Plan by the Oversight Board, the City Manager, or his authorized designees, shall provide written notice and information about the Oversight Board's approval of the revised Long Range Property Management Plan to the State of California Department of Finance for further approval by the Department of Finance

4. This Resolution shall be effective immediately upon adoption.

5. The Agency Secretary on behalf of the Oversight Board shall certify to the adoption of this Resolution.

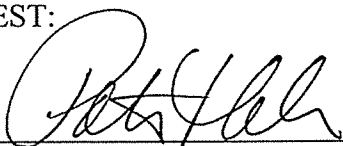
PASSED, APPROVED, AND ADOPTED this 30th day of July, 2015.

By:



Dr. John Shavely, Chair
Oversight Board to the Successor Agency of
the Porterville Redevelopment Agency

ATTEST:



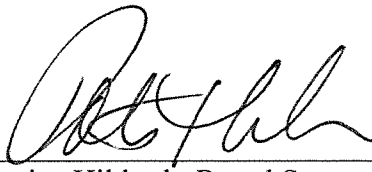
Patrice Hildreth, Board Secretary

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

I, PATRICE HILDRETH, the duly appointed Secretary of the Oversight Board to the Successor Agency of the Porterville Redevelopment Agency do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Oversight Board to the Successor Agency of the Porterville Redevelopment Agency at a meeting of the Agency duly called and held on the 30th day of July, 2015.

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

Board:	CARLSON	DIAZ	ENNIS	HESS	SNAVELY	HEFNER	MARCHANT
AYES:	X	X	X	X	X	X	X
NOES:							
ABSTAIN:							
ABSENT:							



Patrice Hildreth, Board Secretary

EXHIBIT E

CHART SHOWING PERMITTED USES

EXHIBIT E – PERMITTED USES

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

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

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

“P” designates permitted uses.

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

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

“-” designates uses that are not permitted.

TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS				
<i>Use Classification</i>	<i>DR-N Parcels 2, & 7</i>	<i>D-MX Parcel 1</i>	<i>D-PO Parcels 3, 4, 5, & 6</i>	<i>Additional Regulations</i>
Residential Use Classifications				
Single Family Dwelling	See subclassifications below			
<i>Attached</i>	P(1)	-	-	
Multi-family Residential	P(1)	P	P(1)	
Family Day Care Home	See subclassifications below			
<i>Small</i>	P	P	P	
<i>Large</i>	-	P	-	Section 301.07 Family Day Care Home, Large
Group Residential	-	P(3)	-	

TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS

<i>Use Classification</i>	<i>DR-N Parcels 2, & 7</i>	<i>D-MX Parcel 1</i>	<i>D-PO Parcels 3, 4, 5, & 6</i>	<i>Additional Regulations</i>
Mixed Use Development		C		Section 203.04 Supplemental Regulations
Residential Care Facilities, Limited	P	P	P	
Single Room Occupancy Hotels	-	C(1)	-	Section 301.18 Single Room Occupancy Hotels
Public and Semi-Public Use Classifications				
Clubs and Lodges	C(4)	P	P(5)	Section 301.02 Alcoholic Beverage Sales
Colleges and Trade Schools, Public or Private	C(5)	C	C	
Community Center	-	C	-	
Cultural Institutions	C(5)	C	P	
Day Care Centers	C	C	P	
Elderly and Long Term Care	-	-	P	
Government Offices	P	-	P	
Instructional Services	P(5)	P	P	
Park and Recreation Facilities, Public	P	P	P	
Religious Facilities	-	C	-	
Schools, Public or Private	P(4)	P	-	
Social Service Facilities	-	C	-	Section 301.19 Social Service Facilities
Commercial Use Classifications				
Animal Care, Sales, and Services	See subclassifications below			
<i>Pet Stores</i>	M(6)	M(6)	-	
Artists' Studios	P	P	-	
Banks and Financial Institutions	See subclassifications below			
<i>Banks and Credit Unions</i>	P(8)	P(8)	P(8)	
Business Services	P(10)	P(10)	P	

TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS

<i>Use Classification</i>	<i>DR-N Parcels 2, & 7</i>	<i>D-MX Parcel 1</i>	<i>D-PO Parcels 3, 4, 5, & 6</i>	<i>Additional Regulations</i>
Commercial Entertainment and Recreation	See subclassifications below			
<i>Cinema/Theaters</i>	C	C	-	Section 301.02 Alcoholic Beverage Sales
<i>Downtown Entertainment</i>	-	C	-	Section 301.02 Alcoholic Beverage Sales
<i>Small-scale</i>	C	C	-	Section 301.02 Alcoholic Beverage Sales
Eating, Drinking, and Smoking Establishments	See subclassifications below			
<i>Bars/Night Clubs/Lounges</i>	C	C	-	Section 300.08 Outdoor Seating; Section 301.02 Alcoholic Beverage Sales
<i>Coffee Shops/Cafes</i>	P(8)	P(8)	P(8)	Section 300.08 Outdoor Seating
<i>Restaurants</i>	P(8)	P(8)	P(8)	Section 300.08 Outdoor Seating; Section 301.02 Alcoholic Beverage Sales
<i>Tobacco Bars</i>	C	C	-	
Food and Beverage Retail Sales, less than 5,000 square feet	P	P	P(11)	Section 301.02 Alcoholic Beverage Sales
Food and Beverage Retail Sales, more than 5,000 to 50,000 square feet	P	P	-	Section 301.02 Alcoholic Beverage Sales
Hotels and Motels	C	C	-	
Medical Facilities	See subclassifications below			
<i>Medical Clinic</i>	-	P	P	
<i>Professional/Medical</i>	P(13)	P	P	
Mixed Use Development		C		Section 203.04 Supplemental Regulations
Nurseries and Garden Centers	-	C	-	
Offices	See subclassifications below			
<i>General Offices</i>	P(13)	P	P	
<i>Walk-In Clientele</i>	P	P	P	

TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS

<i>Use Classification</i>	<i>DR-N Parcels 2, & 7</i>	<i>D-MX Parcel 1</i>	<i>D-PO Parcels 3, 4, 5, & 6</i>	<i>Additional Regulations</i>
Parking, Public or Private	P	P	P	
Personal Services	P	P	P	
Retail Sales, less than 50,000 square feet	P	P	P(11)	
Retail Sales, more than 50,000 square feet	C	C	-	
Recycling Facilities	See subclassifications below			
<i>Reverse Vending Machine</i>	-	P	-	Section 301.14 Recycling Facilities
Transportation, Communication, and Utilities Use Classifications				
Communication Facilities	See subclassifications below			
<i>Antenna and Transmission Towers, camouflage facilities</i>	P	P	P	Section 301.20 Telecommunication Facilities
<i>Antenna and Transmission Towers, non-camouflage facilities</i>	C(14)	C(14)	C(14)	Section 301.20 Telecommunication Facilities
<i>Broadcasting Facility</i>	-	M	-	Section 301.20 Telecommunication Facilities
<i>Call Center</i>	-	-	P(5)	
<i>Recording Studio</i>	-	P(6)	-	
Transportation Passenger Terminals	P(15)	-	-	
Utilities, Minor	P	P	P	
Other Applicable Types				
Accessory Uses and Structures	P	P	P	Section 301.01 Accessory Uses and Structures
Home Occupations	P	P	-	Section 301.09 Home Occupations
Nonconforming Use	Chapter 307 Nonconforming Uses, Structures, and Lots			
Temporary Use	Section 301.21 Temporary Uses			

TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS

<i>Use Classification</i>	<i>DR-N Parcels 2, & 7</i>	<i>D-MX Parcel 1</i>	<i>D-PO Parcels 3, 4, 5, & 6</i>	<i>Additional Regulations</i>
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Specific Limitations:

1. Residential units allowed only on upper floors unless approved with a Conditional Use Permit. Common ancillary areas are allowed on the ground floor except on Main Street.
2. On Main Street, residential units are allowed only on upper floors unless approved with a Conditional Use Permit.
3. Limited to no more than two rooms in a dwelling rented to not more than a total of four persons and meals are not provided to more than four boarders.
4. Allowed only on upper floors and limited to 5,000 square feet in size.
5. Limited to 5,000 square feet in size.
6. Provided that such use shall be completely enclosed in a building of soundproof construction.
7. Limited to uses conducted wholly within a building enclosed on all sides including the display, storage, repair, and reconditioning of vehicles.
8. Drive-through facilities are prohibited.
9. Bulk storage of sand, gravel, or cement is not allowed.
10. Wholesale services are not allowed.
11. Permitted only as accessory to a primary use.
12. No outdoor operations or outdoor storage are allowed.
13. Limited to 25 percent of ground floor area unless additional floor area is approved with a Conditional Use Permit. No square footage limitation on upper floors.
14. Shall not be located within 300 feet of any R district.
15. Not allowed on Main Street. No repair or storage of vehicles is allowed.

EXHIBIT F

SUCCESSOR AGENCY RESOLUTION APPROVING AMENDED
AND RESTATED LRPMP

SUCCESSOR AGENCY RESOLUTION NO. 2016-04

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE PORTERVILLE
REDEVELOPMENT AGENCY APPROVING THE FIRST AMENDED AND
RESTATED LONG RANGE PROPERTY MANAGEMENT PLAN
PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 34191.3 AND
34191.5, DETERMINING THAT APPROVAL OF THE LONG RANGE
PROPERTY MANAGEMENT PLAN IS EXEMPT FROM THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT AND TAKING CERTAIN ACTIONS IN
CONNECTION THEREWITH

WHEREAS, prior to February 1, 2012, the Porterville Redevelopment Agency (herein referred to as the “Former Agency”) was a community redevelopment agency duly organized and existing under the California Community Redevelopment Law (Health and Safety Code Sections 33000 et seq.), and was authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council (“City Council”) of the City of Porterville (“City”); and

WHEREAS, Assembly Bill x1 26, chaptered and effective on June 27, 2011, added Parts 1.8 and 1.85 to Division 24 of the California Health and Safety Code, which caused the dissolution of all redevelopment agencies and winding down of the affairs of former agencies, including as such laws were amended by Assembly Bill 1484, chaptered and effective on June 27, 2012 (together, the “Dissolution Act”); and

WHEREAS, as of February 1, 2012, the Former Agency was dissolved pursuant to the Dissolution Act and as a separate legal entity the City serves as the Successor Agency to the Porterville Redevelopment Agency (“Successor Agency”); and

WHEREAS, the Successor Agency administers the enforceable obligations of the Former Agency and otherwise unwinds the Former Agency’s affairs, all subject to the review and approval by a seven-member oversight board (“Oversight Board”); and

WHEREAS, pursuant to Health & Safety Code Section 34191.5(b), upon the Successor Agency’s receipt of a “Finding of Completion” from the California Department of Finance pursuant to Health & Safety Code Section 34179.7, the Successor Agency was required to prepare a long range property management plan (“Property Management Plan”) for the Former Agency’s real property assets and submit the approved Property Management Plan to the Oversight Board and the Department of Finance for approval, all within six months of the date of the Finding of Completion; and

WHEREAS, on August 7, 2013, pursuant to Health & Safety Code Section 34179.7, the Successor Agency received a Finding of Completion from the Department of Finance; and

WHEREAS, On February 4, 2014, the Successor Agency approved a Long Range Property Management Plan (the “Original LRPMP”) and adopted Successor Agency Resolution No. 2014-01. On February 7, 2014, the Oversight Board approved the Original LRPMP and adopted Oversight Board Resolution No. 2014-02, and the Plan was subsequently submitted to the California Department of Finance (“DOF”); and

WHEREAS, on July 7, 2015, by its Resolution No. 2015-03, the Successor Agency approved a Revised Long Range Property Management Plan (the "Revised LRPMP") in accordance with changes required by the DOF, which the Revised LRPMP was subsequently approved by the Oversight Board on July 30, 2015, by its Resolution No. 2015-03, and was subsequently submitted to the California Department of Finance ("DOF"); and

WHEREAS, the Original and Revised LRPMP included several properties which have been used as public parking lots. Such public parking properties are referred to herein as the "Public Parking Properties;" and

WHEREAS, at the time the Original and Revised LRPMP were approved, the position of DOF was that public parking lots owned by redevelopment agencies would not be treated as governmental use properties for purposes of provisions of the Dissolution Act which provided that governmental use properties were eligible for transfer from successor agencies to host cities without payment of compensation therefor; and

WHEREAS, subsequent legislation has been enacted in the form of Senate Bill No. 107, Chapter 325, Statutes of 2015 ("SB 107") which provides, at subsections (b) and (c) of Section 34191.3, in pertinent part:

(b) If the department has approved a successor agency's long-range property management plan prior to January 1, 2016, the successor agency may amend its long-range property management plan once, solely to allow for retention of real properties that constitute "parking facilities and lots dedicated solely to public parking" for governmental use pursuant to Section 34181. An amendment to a successor agency's long-range property management plan under this subdivision shall be submitted to its oversight board for review and approval pursuant to Section 34179, and any such amendment shall be submitted to the department prior to July 1, 2016; and

(c) (i) Notwithstanding paragraph (2) of subdivision (a) of Section 34181, for purposes of amending a successor agency's long-range property management plan under subdivision (b), "parking facilities and lots dedicated solely to public parking" do not include properties that, as of the date of transfer pursuant to the amended long-range property management plan, generate revenues in excess of reasonable maintenance costs of the properties; and

(ii) Notwithstanding any other law, a city, county, city and county, or parking district shall not be required to reimburse or pay a successor agency for any funds spent on or before December 31, 2010, by a former redevelopment agency to design and construct a parking facility; and

WHEREAS, the Public Parking Properties constitute examples of "parking facilities and lots dedicated solely to public parking;" and

WHEREAS, the Successor Agency desires to avail itself of the authority provided under SB 107 to amend the Original and Revised LRPMP by that certain First Amended and Restated Long Range Property Management Plan in the form submitted herewith as Exhibit "A" (the "Amended LRPMP") under which each of the Public Parking Properties will be accorded treatment as governmental use properties which may be transferred to the City without payment

therefor. The Amended LRPMP addresses the disposition and use of the real properties of the former Agency and includes the information required pursuant to Health and Safety Code Section 34191.5(c) and implements the provisions of SB 107 concerning public parking facilities as described above. Excepting for the modifications to address the treatment of public parking facilities afforded by SB 107, the Amended LRPMP is substantially identical to the Original LRPMP; and

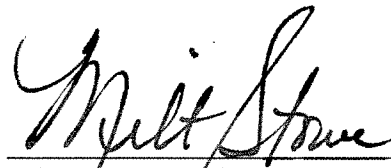
WHEREAS, approval of the Amended LRPMP advances the public health, safety and welfare by facilitating the ongoing availability of public parking facilities within the City; and

WHEREAS, by this Resolution, the Successor Agency desires to approve the Amended LRPMP in the form submitted to the Successor Agency concurrently herewith and to authorize the transmittal of the Amended as the Property Management Plan to the Oversight Board and the Department of Finance for approval, all pursuant to Health & Safety Code Section 34191.5(b).

NOW, THEREFORE, BE IT RESOLVED BY THE SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY:

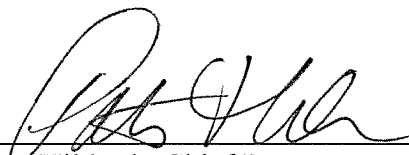
- Section 1. The foregoing recitals are true and correct and constitute a substantive part of this Resolution.
- Section 2. Each of the foregoing recitals is supported by substantial evidence.
- Section 3. The Successor Agency hereby approves the Amended LRPMP as the Property Management Plan in the form submitted to the Successor Agency concurrently herewith and authorizes Successor Agency staff to transmit said Property Management Plan to the Oversight Board and the Department of Finance for approval.
- Section 4. This Resolution shall be effective immediately upon adoption.
- Section 5. The Secretary to the Successor Agency shall certify to the adoption of this Resolution.
- Section 6. This Resolution has been reviewed with respect to the applicability of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"). Pursuant to the State CEQA Guidelines (14 Cal. Code Regs. 15000 et seq.) ("Guidelines"). The Successor Agency has determined that the approval of the Amended LRPMP is not a "project" pursuant to CEQA and is exempt therefrom because it is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment (Guidelines Section 15378(b)(5)). Further, it can be seen with certainty that there is no possibility that approval of the Amended LRPMP may have a significant effect on the environment, and thus the action is exempt from CEQA (Guidelines Section 15061(b)(3)). Staff of the Successor Agency is hereby directed to prepare and post a notice of exemption pursuant to Guidelines Section 15062.

PASSED, APPROVED AND ADOPTED this 5th day of April, 2016.



Milt Stowe, Chair

ATTEST:
John D. Lollis, Agency Secretary

By: 

Patrice Hildreth, Chief Deputy Agency Secretary

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 acting as the Successor Agency to the Porterville Redevelopment Agency at a meeting of the Successor Agency duly called and held on the 5th 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	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk

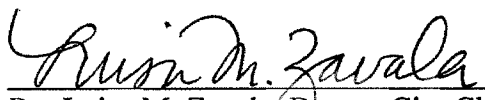

By: Luisa M. Zavala, Deputy City Clerk

EXHIBIT G

OVERSIGHT BOARD RESOLUTION APPROVING AMENDED
AND RESTATED LRPMP

OVERSIGHT BOARD RESOLUTION NO. 2016 - 04

A RESOLUTION OF THE OVERSIGHT BOARD TO THE
SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY
APPROVING THE FIRST AMENDED AND RESTATED LONG RANGE
PROPERTY MANAGEMENT PLAN PURSUANT TO HEALTH AND
SAFETY CODE SECTIONS 34191.3 AND 34191.5, DETERMINING THAT
APPROVAL OF THE AMENDED LONG RANGE PROPERTY
MANAGEMENT PLAN IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT, AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH

WHEREAS, prior to February 1, 2012, the Porterville Redevelopment Agency (herein referred to as the "Former Agency") was a community redevelopment agency duly organized and existing under the California Community Redevelopment Law (Health and Safety Code Sections 33000 et seq.), and was authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council ("City Council") of the City of Porterville ("City"); and

WHEREAS, Assembly Bill x1 26, chaptered and effective on June 27, 2011, added Parts 1.8 and 1.85 to Division 24 of the California Health and Safety Code, which caused the dissolution of all redevelopment agencies and winding down of the affairs of former redevelopment agencies (as amended from time to time, the "Dissolution Act"); and

WHEREAS, as of February 1, 2012 the Former Agency was dissolved pursuant to the Dissolution Act and as a separate legal entity the City serves as the Successor Agency to the Porterville Redevelopment Agency ("Successor Agency"); and

WHEREAS, the Successor Agency administers the enforceable obligations of the Former Agency and otherwise unwinds the Former Agency's affairs, all subject to the review and approval by a seven-member oversight board ("Oversight Board"); and

WHEREAS, pursuant to Health & Safety Code Section 34191.5(b), upon the Successor Agency's receipt of a "Finding of Completion" from the California Department of Finance ("DOF") pursuant to Health & Safety Code Section 34179.7, the Successor Agency was required to prepare a long range property management plan ("Property Management Plan") for the Former Agency's real property assets and submit the approved Property Management Plan to the Oversight Board and the DOF for approval, all within six months of the date of the Finding of Completion; and

WHEREAS, on April 26, 2013, pursuant to Health & Safety Code Section 34179.7, the Successor Agency received a Finding of Completion from the DOF; and

WHEREAS, On February 4, 2014, the Successor Agency approved a Long Range Property Management Plan (the "Original LRPMP") and adopted Successor Agency Resolution No. 2014-01. On February 7, 2014, the Oversight Board approved the Original LRPMP and adopted Oversight Board Resolution No. 2014-02, and the Plan was subsequently submitted to the California Department of Finance ("DOF"); and

WHEREAS, on July 7, 2015, by its Resolution No. 2015-03, the Successor Agency approved a Revised Long Range Property Management Plan (the "Revised LRPMP") in accordance with changes required by the DOF, which the Revised LRPMP was subsequently approved by the Oversight Board on July 30, 2015, by its Resolution No. 2015-03, and was subsequently submitted to the California Department of Finance ("DOF"); and

WHEREAS, the Original and Revised LRPMP included several properties which have been used as public parking lots. Such public parking properties are referred to herein as the "Public Parking Properties;" and

WHEREAS, at the time the Original LRPMP was approved, DOF took the position that public parking lots owned by redevelopment agencies would not be treated as governmental use properties for purposes of provisions of the Dissolution Act, which provided that governmental use properties were eligible for transfer from successor agencies to host cities without payment of compensation therefor; and

WHEREAS, subsequent legislation has been enacted in the form of Senate Bill No. 107, Chapter 325, Statutes of 2015 ("SB 107") which provides, at subsections (b) and (c) of Section 34191.3, in pertinent part:

(b) If the department has approved a successor agency's long-range property management plan prior to January 1, 2016, the successor agency may amend its long-range property management plan once, solely to allow for retention of real properties that constitute "parking facilities and lots dedicated solely to public parking" for governmental use pursuant to Section 34181. An amendment to a successor agency's long-range property management plan under this subdivision shall be submitted to its oversight board for review and approval pursuant to Section 34179, and any such amendment shall be submitted to the department prior to July 1, 2016; and

(c) (i) Notwithstanding paragraph (2) of subdivision (a) of Section 34181, for purposes of amending a successor agency's long-range property management plan under subdivision (b), "parking facilities and lots dedicated solely to public parking" do not include properties that, as of the date of transfer pursuant to the amended long-range property management plan, generate revenues in excess of reasonable maintenance costs of the properties; and

(ii) Notwithstanding any other law, a city, county, city and county, or parking district shall not be required to reimburse or pay a successor agency for any funds spent on or before December 31, 2010, by a former redevelopment agency to design and construct a parking facility; and

WHEREAS, the Public Parking Properties constitute examples of "parking facilities and lots dedicated solely to public parking"; and

WHEREAS, the Successor Agency desires to avail itself of the authority provided under SB 107 to amend the Original LRPMP by that certain First Amended and Restated Long Range Property Management Plan in the form submitted herewith as Attachment "A" (the "Amended LRPMP"), under which each of the Public Parking Properties are designated as governmental use properties which may be transferred to the City without payment therefor; and

WHEREAS, the Amended LRPMP addresses the disposition and use of the real properties of the former Agency and includes the information required pursuant to Health and Safety Code Section 34191.5(c) and implements the provisions of SB 107 concerning public parking facilities as described above; and

WHEREAS, excepting for the modifications to address the treatment of public parking facilities afforded by SB 107, the Amended LRPMP is identical in all material respects to the Revised 2014 LRPMP; and

WHEREAS, approval of the Amended LRPMP advances the public health, safety and welfare by facilitating the ongoing availability of public parking facilities within the City; and

WHEREAS, by this Resolution, the Oversight Board desires to approve the Amended LRPMP in the form submitted to the Oversight Board concurrently herewith and to authorize the transmittal of Amended LRPMP to the DOF for approval, all pursuant to Health & Safety Code Section 34191.5(b).

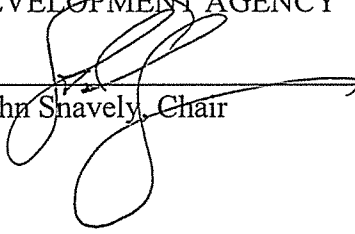
NOW, THEREFORE, BE IT RESOLVED BY THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY:

- Section 1. The foregoing recitals are true and correct and constitute a substantive part of this Resolution.
- Section 2. Each of the foregoing recitals is supported by substantial evidence.
- Section 3. The Oversight Board hereby approves the Amended LRPMP as the Property Management Plan in the form submitted to the Successor Agency concurrently herewith and authorizes Successor Agency staff to transmit said Amended LRPMP to the DOF for approval.
- Section 4. This Resolution shall be effective immediately upon adoption.
- Section 5. The Secretary to the Oversight Board shall certify to the adoption of this Resolution.
- Section 6. This Resolution has been reviewed with respect to the applicability of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"). Pursuant to the State CEQA Guidelines (14 Cal Code Regs 15000 et seq.) ("Guidelines"). The Oversight Board has determined that the approval of the Amended LRPMP is not a "project" pursuant to CEQA and is exempt therefrom because it is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment (Guidelines Section 15378(b)(5)). Further, it can be seen with certainty that there is no possibility that approval of the Amended LRPMP may have a significant effect on the environment, and thus the action is exempt from CEQA (Guidelines Section 15061(b)(3)). Staff of the Successor Agency is hereby

directed to prepare and post a notice of exemption pursuant to Guidelines
Section 15062.

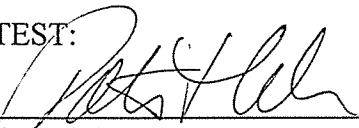
APPROVED AND ADOPTED this 5th day of May, 2016

OVERSIGHT BOARD TO THE SUCCESSOR
AGENCY TO THE PORTERVILLE
REDEVELOPMENT AGENCY



Dr. John Shavely, Chair

ATTEST:



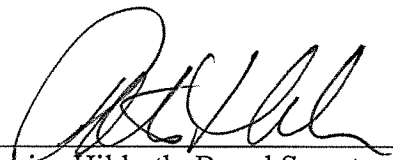
Patrice Hildreth, Secretary

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

I, PATRICE HILDRETH, the duly appointed Secretary of the Oversight Board to the Successor Agency of the Porterville Redevelopment Agency do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Oversight Board to the Successor Agency of the Porterville Redevelopment Agency at a meeting of the Agency duly called and held on the 5th day of May, 2016.

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

Board:	CARLSON	RIOS	ENNIS	HESS	SNAVELY	HEFNER	MARCHANT
AYES:	X	X		X	X	X	X
NOES:							
ABSTAIN:							
ABSENT:			X				

By: 
Patrice Hildreth, Board Secretary



MORTON AVE

HARRISON AVE

THURMAN AVE

CLEVELAND AVE

PUTNAM AVE

MILL AVE

OAK AVE

GARDEN AVE

WILLOW ST

OLIVE AVE

HENRAHAN ST

ROCHEST

FIG ST

FOURTH ST

AST

BST

CST

MAIN ST

SECOND ST

THIRD ST

HOCKETT ST

DIVISION ST

DST

252-183-006

252-183-007

253-207-008

253-131-001

253-177-008

261-123-001

261-122-007

Legend

-  Not Transferring to City
-  Transferring to City

*Long Range Property
Management Plan
Locator*

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE ACCEPTING TITLE TO CERTAIN REAL
PROPERTY FROM THE SUCCESSOR AGENCY
TO THE PORTERVILLE REDEVELOPMENT AGENCY
PURSUANT TO THE FIRST AMENDED AND RESTATED
LONG RANGE PROPERTY MANAGEMENT PLAN**

WHEREAS, the City of Porterville (“City”) is a municipal corporation organized and operating under the laws of the State of California; and

WHEREAS, the Successor Agency to the Porterville Redevelopment Agency (“Successor Agency”) is a public body corporate and politic, organized and operating under Parts 1.8 and 1.85 of Division 24 of the California Health and Safety Code, and the successor the former Porterville Redevelopment Agency (“former Agency”) that was previously a community redevelopment agency organized and existing pursuant to the Community Redevelopment Law, Health and Safety Code Section 33000, *et seq.* (“CRL”); and

WHEREAS, Assembly Bill x1 26 (“AB x1 26”) added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code and which laws were modified, in part, and determined constitutional by the California Supreme Court in the petition *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861 (“*Matosantos Decision*”), which laws and court opinion caused the dissolution of all redevelopment agencies and winding down of the affairs of former redevelopment agencies; thereafter, such laws were amended further by Assembly Bill 1484 (“AB 1484”) (together AB x1 26, the *Matosantos Decision*, and AB 1484 are referred to as the “Dissolution Laws”); and

WHEREAS, as of February 1, 2012 the former Agency was dissolved pursuant to the Dissolution Laws and as a separate public entity, corporate and politic, the Successor Agency administers the enforceable obligations of the former Agency and otherwise unwinds the former Agency’s affairs, all subject to the review and approval by a seven-member oversight board (“Oversight Board”); and

WHEREAS, Health and Safety Code Section 34191.5(b) requires the Successor Agency to prepare a “long-range property management plan” addressing the future disposition and use of all real property of the former Agency no later than six months following the issuance by the California Department of Finance (“DOF”) to the Successor Agency of a finding of completion pursuant to Health and Safety Code Section 34179.7; and

WHEREAS, DOF issued a finding of completion to the Successor Agency on August 7, 2013; and

WHEREAS, the Successor Agency prepared a long range property management plan, as later amended by an Amended and Restated Long Range Property Management Plan (herein, the “LRPMP”) and the LRPMP prepared by the Successor Agency was approved by the Oversight Board and the DOF; and

WHEREAS, the approved LRPMP is attached to this Resolution as Exhibit A; and

WHEREAS, the LRPMP describes all of the properties currently held by the Successor Agency, as successor in interest to the former Agency; and

WHEREAS, the LRPMP provides, in part, that properties designated therein as Parcel 1 (APN 253-177-008), Parcel 2 (APN 261-123-001), Parcel 3 (APN 253-207-008), Parcel 4 (APN 253-131-001), Parcel 5 (APN 252-183-006), and Parcel 6 (APN 252-183-007)(the “Governmental Use Properties”) will be transferred to the City for government use pursuant to Health and Safety Code Section 34181(a); and

WHEREAS, the City desires to accept title to the Governmental Use Properties and authorizes the City Manager or his authorized designee to take such actions as may be necessary to accomplish the conveyance of the Governmental Use Properties to the City, including without limitation the execution of a deed acceptance with respect to such properties; and

WHEREAS, the acceptance of the Governmental Use Properties by the City pursuant to the LRPMP complies with the CRL and the Dissolution Laws and is in the best interests of the taxing entities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTERVILLE:

Section 1. The foregoing recitals are true and correct and constitute a substantive part of this Resolution.

Section 2. The City Council hereby accepts title to the Governmental Use Properties. The Mayor, the City Manager, the City Clerk and their authorized designees are authorized to execute deed acceptances and other instruments and take such other actions as may be necessary, appropriate or convenient to accomplish the conveyance of the Governmental Use Properties to the City, including without limitation paying fees and charges relating to escrow, title, recording and taxes, if applicable. The City Manager and City Clerk and their authorized designees are further authorized and instructed to review title to the Governmental Use Properties, to obtain title insurance relating to the conveyance of the Governmental Use Properties to the City, if and to the extent determined to be appropriate by the City Manager.

Section 3. The Mayor shall sign the passage and adoption of this Resolution and thereupon the same shall take effect and be in force.

PASSED, APPROVED AND ADOPTED this 17th day of January, 2017.

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – JANUARY 17, 2017

SUBJECT: Approval of City Concession Licenses

SOURCE: Parks and Leisure Services

COMMENT: Non-profit organizations are entitled to request a license agreement with the City for the purposes of authorizing them to exclusively utilize City facilities for fundraising concession sales. All of the youth sports organizations that hold leagues at the Sports Complex and Hayes Field were contacted regarding the opportunity to express an interest in obtaining a concession license.

Four youth sport organizations submitted a request to obtain a concession license for the upcoming seasons. The organizations are Porterville Girls Fastpitch, American Youth Soccer Organization (AYSO), Porterville Youth Soccer League (PYSL), and South Valley Chivas Academy (SVCA).

On January 5, 2017, at the Parks and Leisure Services Commission meeting, the Commission recommended awarding Porterville Girls Fastpitch the 2017 Spring Hayes Field license, AYSO the 2017 Spring license at the Sports Complex, and PYSL the Fall license at the Sports Complex. The recommendation was based on rotating who receives the license at the Sports Complex, and that it made the most sense to the Commission that the girls softball league would receive the license at Hayes Field since they play their games there.

The current fee for concession building usage is \$7.19 per hour. The fee is adjusted yearly by the San Francisco Consumer Price Index. The total fee incurred from the monthly usage, as well as the monthly concession report providing the income generated from the concession sales, are due by the 15th day of each month.

RECOMMENDATION: That the City Council approve the concession licenses with Porterville Girls Fastpitch for the 2017 Hayes Field license, AYSO for the Spring 2017 Sports Complex license, and PYSL for the Fall 2017 Sports Complex license, and authorize and direct the Mayor to execute the same.

ATTACHMENTS:

1. Porterville Girls Fastpitch Concession License
2. AYSO Concession License
3. Porterville Youth Soccer League Concession License

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE HAYES FIELD CONCESSION LICENSE

The City of Porterville, hereinafter referred to as "CITY" hereby grants to the Porterville Girls Fastpitch (PGF), hereinafter referred to as "LICENSEE", a license for services to the public in general, for the sale of soft drinks, ice creams, hot dogs, pre-packaged food, general confectionery articles and products, and promotional items at the Hayes Field Concession Building located at 945 W. Mulberry, Porterville, California, for a term of commencing February 1, 2017, and ending November 30, 2017.

1. The LICENSEE shall not sell or serve any type of alcoholic beverage on the premises.
2. The LICENSEE shall, at all times during the term of said License, keep and maintain the concession building open for the convenience of patrons at said Field during the hours in which said Field is being utilized for organized softball or at any other time the CITY deems the operation of the concession necessary for special activities.
3. The LICENSEE shall keep and maintain all concession facilities, equipment and grounds at and around said concession building in good and sanitary condition and shall keep and maintain all of the concession fixtures and equipment in good condition and repair.
4. The City will clean and stock restrooms Monday-Friday. Supplies needed for such cleaning and stocking will be stored in the maintenance closet located on the south side of the building. LICENSEE is prohibited from using said closet or restrooms for storage.
5. In the event the LICENSEE coordinates placement of refrigerators or vending and dispensing machines at the facility, LICENSEE shall ensure such machines are removed or disengaged from City provided utilities promptly at the conclusion of each season.
6. In the event the LICENSEE shall fail, neglect or refuse to abide by and perform the terms, conditions, covenants, and agreements hereof, the CITY may, at its option, terminate and cancel this License, and in the event of a termination of this License, the LICENSEE shall surrender up and deliver to the CITY complete possession of the premises where said License is being operated within 30 days after receiving notice to vacate.
7. The LICENSEE shall not assign, transfer or convey this license or any of the rights or benefits hereunder to any person, firm or corporation without first securing the written consent of the CITY.
8. The CITY, by its authorized agents and servants, reserves the right of entry upon the premises where said license is being operated for purposes of inspection.
9. Nothing herein shall be construed as making the CITY and the LICENSEE partners.
10. To the fullest extent permitted by law, the LICENSEE shall and hereby *does* agree to save, defend and indemnify the CITY, all of its officers, agents and employees of and from all manner of claims, demands, actions or causes of actions of all persons arising from or in any way connected with the use, occupation or employment of said License, or

activities engaged in, or carried on or conducted upon the premises by the LICENSEE, together with costs and attorney's fees and shall secure, at LICENSEE's expense, liability insurance including product liability indemnifying the CITY and the LICENSEE in the sum of two million dollars (\$2,000,000) combined single limit for property damage and injury, including death, to one or more persons, and deposit with the CITY an original certificate of said insurance, and name the CITY, its officers, agents and employees as an additional insured on LICENSEE's policy.

11. During the entire term of this License, the Licensee shall not suffer, allow, or permit any income, profit, or emolument gross and net from any of its activities arising from, connected with, or in any manner associated with the use and employment by the LICENSEE of this License to enure, to be paid to, or delivered to the benefit of any members, private shareholder, or individual; and/or income, profit, gross and net, or other rights or benefits which shall arise from the use and employment of this LICENSEE shall be used solely, positively and exclusively to meet the necessary expenses or upkeep and operation of the activities of the LICENSEE as such, and not any members, shareholders, or individual.
12. The LICENSEE shall maintain and keep adequate records of its sales from the Licensed premises and agrees to permit the CITY to examine said records on demand. In addition, the LICENSEE shall submit a completed "Monthly Concession Report" form to the City no later than the fifth day of the month following any month during which the LICENSEE conducted concession sales.
13. The LICENSEE shall pay monthly to the City a fee of \$7.19 per hour for the use of the concession building by the 15th of each month. The payment will be made by PGF. The fee will be adjusted July 1st of each year by the San Francisco Consumer Price Index.
14. The LICENSEE shall obtain a non-profit business license from the City of Porterville prior to the commencement date of this license agreement.
15. The LICENSEE shall have the right and privilege, provided it is not in default of the terms and provisions of the License, at the end of the term or sooner termination thereof, to remove from the Licensed premises all personal property belonging to the LICENSEE, together with their stocks, goods and wares and trade fixtures that LICENSEE may have installed, provided the same can be removed without material injury to the premises and the LICENSEE hereby acknowledges receipt of the premises in good condition and repair.
16. Notwithstanding any provision of this agreement to the contrary, this agreement may be terminated by either party, with or without cause, by giving the other party thirty (30) days written notice of termination. Notice shall be given by personal delivery or first class mail, return receipt requested.
17. Attorney Fees. If any litigation is commenced between the parties to the Agreement concerning the Agreement or the rights and duties of either in relation to the Agreement, the party prevailing in that litigation shall be entitled, in addition to any other relief that may be granted in the litigation to a reasonable sum as and for its attorney's fees in the

litigation, which shall be determined by the court in that litigation or in a separate action brought for that purpose.

IN WITNESS whereof the parties have executed this License Agreement at Porterville, California, this 17th day of January, 2017.

CITY OF PORTERVILLE

PORTERVILLE GIRLS FASTPITCH

BY: _____
Milt Stowe, Mayor

BY: _____
President

ATTEST:

John D. Lollis, City Clerk

BY: Patrice Hildreth, Chief Deputy City Clerk

APPROVED AS TO FORM:

Julia M. Lew, City Attorney

CITY OF PORTERVILLE SPORTS COMPLEX CONCESSION LICENSE

The City of Porterville, hereinafter referred to as "CITY" hereby grants to AYSO, hereinafter referred to as "LICENSEE", a license for services to the public in general, for the sale of soft drinks, ice creams, hot dogs, pre-packaged food, and general confectionery articles and products at the Sports Complex Concession Building located at 2701 W. Scranton Avenue, Porterville, California, for a term commencing February 1, 2017, and ending July 31, 2017.

1. The LICENSEE shall not sell or serve any type of alcoholic beverage on the premises.
2. The LICENSEE shall, at all times during the term of said License, keep and maintain the concession building open for the convenience of patrons at said Field during the hours in which said Field is being utilized for organized soccer or at any other time the CITY deems the operation of the concession necessary for special activities.
3. The LICENSEE shall keep and maintain all concession facilities, equipment and grounds at and around said concession building in good and sanitary condition and shall keep and maintain all of the concession fixtures and equipment in good condition and repair.
4. The LICENSEE shall open all gates and secure them open with locks upon opening the park and concession facility. The LICENSEE shall arm the concession building and lock all gates upon closing the concession building and park. The LICENSEE shall turn in all keys to the CITY five days after expiration of term.
5. In the event the LICENSEE coordinates placement of refrigerators or vending and dispensing machines at the facility, LICENSEE shall ensure such machines are removed or disengaged from City provided utilities promptly at the conclusion of each season. The LICENSEE shall also see to it that any type of machine or equipment does not block any door entrance.
6. In the event the LICENSEE shall fail, neglect or refuse to abide by and perform the terms, conditions, covenants, and agreements hereof, the CITY may, at its option, terminate and cancel this License, and in the event of a termination of this License, the LICENSEE shall surrender up and deliver to the CITY complete possession of the premises where said License is being operated within 30 days after receiving notice to vacate.

7. The LICENSEE shall not assign, transfer or convey this license or any of the rights or benefits hereunder to any person, firm or corporation without first securing the written consent of the CITY.
8. The CITY, by its authorized agents and servants, reserves the right of entry upon the premises where said license is being operated for purposes of inspection.
9. Nothing herein shall be construed as making the CITY and the LICENSEE partners and/or joint ventures.
10. To the fullest extent permitted by law, the LICENSEE shall and hereby does agree to save, defend and indemnify the CITY, all of its officers, agents and employees of, from all manner of claims, demands, actions or causes of actions of all persons arising from or in any way connected with the use, occupation or employment of said License, or activities engaged in, or carried on or conducted upon the premises by the LICENSEE, together with costs and attorney's fees and shall secure, at LICENSEE's expense, liability insurance including product liability indemnifying the CITY and the LICENSEE in the sum of two million dollars (\$2,000,000) combined single limit for property damage and injury, including death, to one or more persons, and deposit with the CITY an original certificate of said insurance, and name the CITY, its officers, agents and employees as an additional insured on LICENSEE's policy.
11. During the entire term of this License, the Licensee shall not suffer, allow, or permit any income, profit, or emolument gross and net from any of its activities arising from, connected with, or in any manner associated with the use and employment by the LICENSEE of this License to inure, to be paid to, or delivered to the benefit of any members, private shareholder, or individual; and/or income, profit, gross and net, or other rights or benefits which shall arise from the use and employment of this LICENSEE shall be used solely, positively and exclusively to meet the necessary expenses or upkeep and operation of the activities of the LICENSEE as such, and not any members, shareholders, or individual.
12. The LICENSEE shall pay monthly to the City a fee of \$7.19 per hour for the use of the concession building by the 15th of each month. The payment will be made by AYSO. The fee will be adjusted July 1st of each year by the San Francisco Consumer Price Index.
13. The LICENSEE shall obtain a non-profit business license from the City of Porterville prior to the commencement date of this license agreement.
14. The LICENSEE shall maintain and keep adequate records of its sales from the Licensed premises and agrees to permit the CITY to examine said records on demand. In addition, the LICENSEE shall submit a completed "Monthly Concession Report" form to the City no later than the fifth day of the month following any month during which the LICENSEE conducted concession sales.

15. The LICENSEE shall have the right and privilege, provided it is not in default of the terms and provisions of the License, at the end of the term or sooner termination thereof, to remove from the Licensed premises all personal property belonging to the LICENSEE, together with their stocks, goods and wares and trade fixtures that LICENSEE may have installed, provided the same can be removed without material injury to the premises and the LICENSEE hereby acknowledges receipt of the premises in good condition and repair.
16. Notwithstanding any provision of this agreement to the contrary, this agreement may be terminated by either party, with or without cause, by giving the other party thirty (30) days written notice of termination. Notice shall be given by personal delivery or first class mail, return receipt requested.
17. Attorney Fees. If any litigation is commenced between the parties to the Agreement concerning the Agreement or the rights and duties of either in relation to the Agreement, the party prevailing in that litigation shall be entitled, in addition to any other relief that may be granted in the litigation, to a reasonable sum as and for its attorney's fees in the litigation, which shall be determined by the court in that litigation or in a separate action brought for that purpose.

IN WITNESS whereof the parties have executed this License Agreement at Porterville, California, this 17th day of January, 2017.

CITY OF PORTERVILLE

AYSO

BY: _____
Milt Stowe, Mayor

BY: _____
President

ATTEST:

John D. Lollis, City Clerk

BY: Patrice Hildreth, Chief Deputy City Clerk

APPROVED AS TO FORM:

Julia M. Lew, City Attorney

CITY OF PORTERVILLE SPORTS COMPLEX CONCESSION LICENSE

The City of Porterville, hereinafter referred to as "CITY" hereby grants to Porterville Youth Soccer League (PYSL), hereinafter referred to as "LICENSEE", a license for services to the public in general, for the sale of soft drinks, ice creams, hot dogs, pre-packaged food, and general confectionery articles and products at the Sports Complex Concession Building located at 2701 W. Scranton Avenue, Porterville, California, for a term commencing August 15, 2017, and ending January 15, 2018.

1. The LICENSEE shall not sell or serve any type of alcoholic beverage on the premises.
2. The LICENSEE shall, at all times during the term of said License, keep and maintain the concession building open for the convenience of patrons at said Field during the hours in which said Field is being utilized for organized soccer or at any other time the CITY deems the operation of the concession necessary for special activities.
3. The LICENSEE shall keep and maintain all concession facilities, equipment and grounds at and around said concession building in good and sanitary condition and shall keep and maintain all of the concession fixtures and equipment in good condition and repair.
4. The LICENSEE shall open all gates and secure them open with locks upon opening the park and concession facility. The LICENSEE shall arm the concession building and lock all gates upon closing the concession building and park. The LICENSEE shall turn in all keys to the CITY five days after expiration of term.
5. In the event the LICENSEE coordinates placement of refrigerators or vending and dispensing machines at the facility, LICENSEE shall ensure such machines are removed or disengaged from City provided utilities promptly at the conclusion of each season. The LICENSEE shall also see to it that any type of machine or equipment does not block any door entrance.
6. In the event the LICENSEE shall fail, neglect or refuse to abide by and perform the terms, conditions, covenants, and agreements hereof, the CITY may, at its option, terminate and cancel this License, and in the event of a termination of this License, the LICENSEE shall surrender up and deliver to the CITY complete possession of the premises where said License is being operated within 30 days after receiving notice to vacate.

7. The LICENSEE shall not assign, transfer or convey this license or any of the rights or benefits hereunder to any person, firm or corporation without first securing the written consent of the CITY.
8. The CITY, by its authorized agents and servants, reserves the right of entry upon the premises where said license is being operated for purposes of inspection.
9. Nothing herein shall be construed as making the CITY and the LICENSEE partners and/or joint ventures.
10. To the fullest extent permitted by law, the LICENSEE shall and hereby does agree to save, defend and indemnify the CITY, all of its officers, agents and employees of, from all manner of claims, demands, actions or causes of actions of all persons arising from or in any way connected with the use, occupation or employment of said License, or activities engaged in, or carried on or conducted upon the premises by the LICENSEE, together with costs and attorney's fees and shall secure, at LICENSEE's expense, liability insurance including product liability indemnifying the CITY and the LICENSEE in the sum of two million dollars (\$2,000,000) combined single limit for property damage and injury, including death, to one or more persons, and deposit with the CITY an original certificate of said insurance, and name the CITY, its officers, agents and employees as an additional insured on LICENSEE's policy.
11. During the entire term of this License, the Licensee shall not suffer, allow, or permit any income, profit, or emolument gross and net from any of its activities arising from, connected with, or in any manner associated with the use and employment by the LICENSEE of this License to inure, to be paid to, or delivered to the benefit of any members, private shareholder, or individual; and/or income, profit, gross and net, or other rights or benefits which shall arise from the use and employment of this LICENSEE shall be used solely, positively and exclusively to meet the necessary expenses or upkeep and operation of the activities of the LICENSEE as such, and not any members, shareholders, or individual.
12. The LICENSEE shall pay monthly to the City a fee of \$7.19 per hour for the use of the concession building by the 15th of each month. The payment will be made by PYSL. The fee will be adjusted July 1st of each year by the San Francisco Consumer Price Index.
13. The LICENSEE shall obtain a non-profit business license from the City of Porterville prior to the commencement date of this license agreement.
14. The LICENSEE shall maintain and keep adequate records of its sales from the Licensed premises and agrees to permit the CITY to examine said records on demand. In addition, the LICENSEE shall submit a completed "Monthly Concession Report" form to the City no later than the fifth day of the month following any month during which the LICENSEE conducted concession sales.

15. The LICENSEE shall have the right and privilege, provided it is not in default of the terms and provisions of the License, at the end of the term or sooner termination thereof, to remove from the Licensed premises all personal property belonging to the LICENSEE, together with their stocks, goods and wares and trade fixtures that LICENSEE may have installed, provided the same can be removed without material injury to the premises and the LICENSEE hereby acknowledges receipt of the premises in good condition and repair.
16. Notwithstanding any provision of this agreement to the contrary, this agreement may be terminated by either party, with or without cause, by giving the other party thirty (30) days written notice of termination. Notice shall be given by personal delivery or first class mail, return receipt requested.
17. Attorney Fees. If any litigation is commenced between the parties to the Agreement concerning the Agreement or the rights and duties of either in relation to the Agreement, the party prevailing in that litigation shall be entitled, in addition to any other relief that may be granted in the litigation, to a reasonable sum as and for its attorney's fees in the litigation, which shall be determined by the court in that litigation or in a separate action brought for that purpose.

IN WITNESS whereof the parties have executed this License Agreement at Porterville, California, this 17th day of January, 2017.

CITY OF PORTERVILLE

PYSL

BY: _____
Milt Stowe, Mayor

BY: _____
President

ATTEST:

John D. Lollis, City Clerk

BY: Patrice Hildreth, Chief Deputy City Clerk

APPROVED AS TO FORM:

Julia M. Lew, City Attorney



CITY COUNCIL AGENDA – JANUARY 17, 2017

SUBJECT: Approval for Community Civic Event - Boys and Girls Club - Love our Kids 5K Fun Run - February 18, 2017

SOURCE: Finance

COMMENT: The Boys and Girls Club is requesting approval to hold a 5K run at the Porterville Sports Complex on Saturday, February 18, 2017, from 7:30 a.m. to 1:30 p.m. The 5K run will take place inside the perimeter of the Porterville Sports Complex. No street closures are requested.

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 and Exhibit B.

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

ATTACHMENTS:

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

Appropriated/Funded:

Review By:

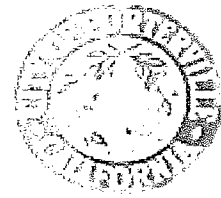
Department Director:

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 application 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: 12/6/2016 Event Date: 2/18/2017
Event time: 7:30a (setup) - 1:30p (Cleanup)

Name of Event: Love our Kids 5K Fun Run

Sponsoring organization: Boys & Girls Club Phone# 592-4074

Address: 1003 San Juan Ave. Exeter CA. 93221

Authorized representative: Adele Sanchez Phone# 559-306-7661

Address: PO Box 610, Strathmore Ca. 93267

Event chairperson: Gail Grasmick Phone# 559-361-9321

Address: 19960 Rd. 230, Strathmore Ca. 93267

Location of event Porterville Sports Complex

(Location map must be attached)

Type of event: 5K Fun Run

Non-profit organization status: (501c) BL#004524

(IRS Determination)

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

Barricades (quantity): _____ Street sweeping Yes _____ No X

Police protection Yes _____ No X Refuse pickup Yes _____ No X

Other: _____

Parks facility application required:

Yes X No _____ Attached X Pd.

Assembly permit required:

Yes X No ✓ Attached X

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

Appr.

Deny

_____	_____	Bus. Lic. Spvr.	_____
_____	_____	Pub Works Dir	_____
_____	_____	Comm. Dev. Dir	_____
_____	_____	Fields 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)*

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.**

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.

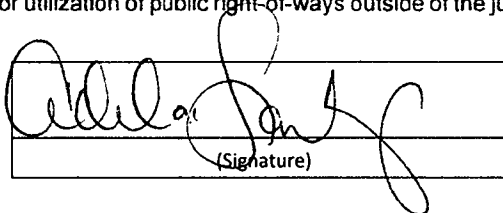
First aid station: Organization/Applicant will establish a first aid station, with clearly posted signs, to provide basic emergency care, such as ice/hot packs, bandages, and compresses.

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.

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.

Boys & Girls Club of Strathmore

(Name of Organization)



(Signature)

12/06/2016

(Date)

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: Love our Kids 5K Fun Run

Sponsoring Organization Boys & Girls Club of the Sequoia (Strathmore)

Event date: 2/18/2017 Hours: 7:30a Setup - 1:30pm Clean up

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed

<u>Street Name</u>	<u>From</u>	<u>To</u>	<u>Activity</u>
No Street closures, we will be using a route inside the perimeter of the Porterville Sports Complex.			
<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
Boys and Girls Club
Love Our Kids 5K Fun Run
February 18, 2017

Finance Director:
M. Bemis

Public Works Director:
M. Reed

Community Development Manager: No comments.
J. Phillips

Field Services Manager, Acting: No comment.
M. Knight

Battalion Chief of Operations:
G. Hall

Parks and Leisure Services Director: Vehicles to remain off the grass
D. Moore

Police Lieutenant: Please see Exhibit B.
C. Contreras

Administrative Services Director: See Exhibit A, page 2.
P. Hildreth

Requirements for Community Civic Event

Sponsor: Boys and Girls Club
Event: Love our Kids 5K Fun Run
Event Chairman: Gail Grasmick
Location: Sports Complex
Date of Event: February 18, 2017
Time of Event: 7:30 a.m. to 1:30 p.m.

RISK MANAGEMENT: Conditions of Approval

That the Boys and Girls Club 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.

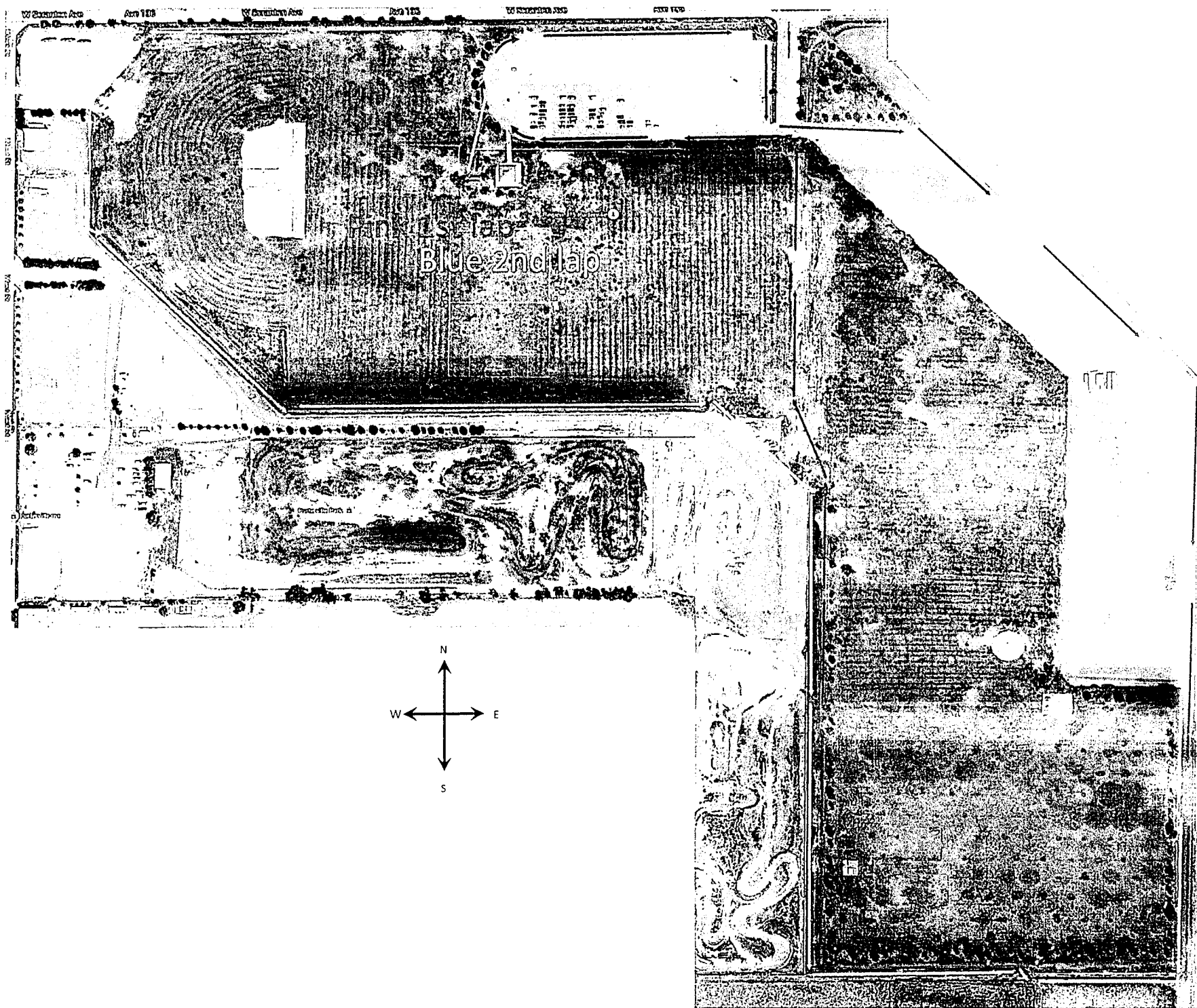
PORTERVILLE POLICE DEPARTMENT

Conditions/Requirements for Special Event

Boys & Girls Club of the Sequoias
“Love Our Kids 5k Fun Run”
2701 W. Scranton – Sports Complex
February 18th, 2017 from 9:00am-12:00pm

- ▶ Aid stations and check points must be out of the roadway and not in a position to interfere with traffic.
- ▶ Staff at aid stations and check points should have a means of communication by which they may summon assistance in the event of an emergency.
- ▶ Event staff on the race route should wear highly visible attire.
- ▶ For everyone’s safety, all participants should be directed to stay away from the side of the roadways and not disrupt the normal flow of traffic.
- ▶ Event organizers should contact the Police Department Watch Commander well in advance of the event to make any special requests. Watch Commander Lieutenants Richard Standridge and/or Dominic Barteau can be reached at (559) 782-7410.

Chris Contreras, Lieutenant
Porterville Police Department



Pin 1st lap
Blue 2nd lap

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 the 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: Boys & Girls Club of the Sequoias (Strathmore)
1003 San Juan Ave, Exeter Ca. 93221
- 2 Address where amplification equipment is to be used: Porterville Sports Complex
- 3 Names and addresses of all persons who will use or operate the amplification equipment. _____
Jonathan Ertl, 19704 Road 222, Strathmore Ca. 93267
- 4 type of event for which amplification equipment will be used: 5k Fun Run
- 5 Dates and hours of operation of amplification equipment : 2017
2/18/2016, 9:00am - 12:00pm
- 6 A general description of the sound amplifying equipment to be used. PA system to
thank sponsors and announce race winners.

Section 18-9

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

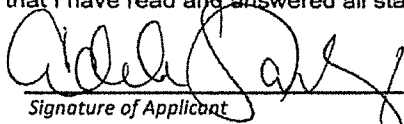
The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of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

Section 18-14

It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected any or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of 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 wilfully disturbs another person by loud and unreasonable noise.

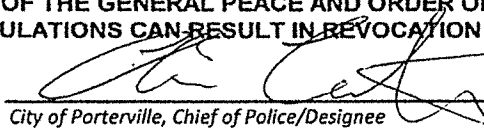
I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.


Signature of Applicant

12/6/2016

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

1-6-17
Date



BOYS&GI-01

JENNIFERR

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/2/2016

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

PRODUCER Buckman-Mitchell, Inc. 500 N. Santa Fe Street Visalia, CA 93292	CONTACT NAME: PHONE (A/C, No, Ext): (559) 733-1181 FAX (A/C, No): (559) 738-5517 E-MAIL: info@bminc.com ADDRESS:	
	INSURER(S) AFFORDING COVERAGE INSURER A: Great American Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
INSURED Boys & Girls Clubs of Tulare County, Inc. 1003 San Juan Avenue Exeter, CA 93221	NAIC # 16691	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ Soc Serv Prof Liab GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC ☐ OTHER:	X		PAC122975100	04/15/2016	04/15/2017	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 20,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Regarding Fun Run to be held February 18, 2017 at Porterville Sports Complex. Holder is named Additional Insured as respects General Liability per attached Form CG8970 11-14, subject to policy terms and conditions.

CERTIFICATE HOLDER

CANCELLATION

City of Porterville and Successor Agency to the Porterville
Redevelopment Agency
291 North Main Street
Porterville, CA 93257

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

AUTHORIZED REPRESENTATIVE

- a. your premises; or
- b. "your work" for such additional insured; or
- c. acts or omissions of such additional insured in connection with the general supervision of "your work"

and only to the extent set forth as follows:

- a. The Limits of Insurance applicable to the Additional Insured are the lesser of those specified in the written contract or agreement or in the Declarations for this Policy and subject to all the terms, conditions and exclusions for this Policy. The Limits of Insurance applicable to the Additional Insured are inclusive of and not in addition to the Limits of Insurance shown in the Declarations.
- b. The Insurance afforded to the Additional Insured only applies to the extent permitted by law
- c. 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.
- d. In no event shall the coverages or Limits of Insurance in this Coverage Form be increased by such contract.

Q. Additional Insureds - By Contract

1. SECTION II - WHO IS AN INSURED is amended to include as an insured any person or organization whom you have agreed to add as an additional insured in a written contract, written agreement or permit. Such person or organization is an additional insured but only with respect to liability for "bodily injury," "property damage" or "personal and advertising injury" arising out of:

- a. your acts or omissions, or the acts or omissions of those acting on your behalf, in the performance of your ongoing operations for the Additional Insured that are subject of the written contract or written agreement provided that the "bodily injury" or "property damage" occurs, or the "personal and advertising injury" is committed, subsequent to the signing of such written contract or written agreement; or
- b. the maintenance, operation or use by you of equipment rented or leased to you by such person or organization; or
- c. the Additional Insureds financial control of you; or
- d. operations performed by you or on your behalf for which the state or political subdivision has issued a permit

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 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 such additional insured.

With respect to paragraph 1.a. above, a person's or organization's status as an additional insured under this Endorsement ends when:

- (1) all work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed for or on behalf of the Additional Insured(s) at the location of the covered operations has been completed; or
- (2) that portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

With respect to paragraph 1.b. above, this insurance does not apply to any "occurrence" which takes place after the equipment rental or lease agreement has expired or you have returned such equipment to the lessor.

The insurance provided by this Endorsement applies only if the written contract or written agreement is signed prior to the "bodily injury" or "property damage."

We have no duty to defend an additional insured under this Endorsement until we receive written notice of a "suit" by the Additional Insured as required in paragraph b. of Condition 2. **Duties in the Event of Occurrence, Offense, Claim or Suit under SECTION IV - COMMERCIAL GENERAL LIABILITY CONDITION.**

2. With respect to the insurance provided by this Endorsement, the following are added to paragraph 2. Exclusions under SECTION I - COVERAGE A - Bodily Injury and Property Damage Liability:

This insurance does not apply to:

- a. "Bodily injury" or "property damage" that occurs prior to your commencing operations at the location where such "bodily injury" or "property damage" occurs.
- b. "Bodily injury," "property damage" or "personal and advertising injury" arising out of the rendering of, or failure to render, any professional architectural, engineering or surveying services, including:
 - (1) the preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; or
 - (2) supervisory, inspection, architectural or engineering activities.

This exclusion applies even if the claims against any insured allege negligence or other wrongdoing in the supervision, hiring, employment, training or monitoring of others by that insured, if the "occurrence" which caused the "bodily injury" or "property damage," or the offense which caused the "personal and advertising injury," involved the rendering of, or failure to render, any professional architectural, engineering or surveying services.

- c. "Bodily injury" or "property damage" occurring after:
 - (1) all work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed for or on behalf of the Additional Insured(s) at the location of the covered operations has been completed; or
 - (2) that portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

d. Any person or organization specifically designated as an additional insured for ongoing operations by a separate additional insured endorsement issued by us and made part of this Policy.

3. 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:

- a. required by the contract or agreement; or
- b. 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.

R. Primary and Non-Contributory Additional Insured Extension

This provision applies to any person or organization who qualifies as an additional insured under any form or endorsement under this Policy.

Condition 4. Other Insurance of **SECTION IV - COMMERCIAL GENERAL LIABILITY CONDITIONS** is amended as follows:

a. The following is added to paragraph a. **Primary Insurance:**

This insurance is primary to and will not seek contribution from any other insurance available to an additional insured under your policy provided that:

- (1) the Additional Insured is a named insured under such other insurance; and
- (2) you have agreed in writing in a contract or agreement that this insurance would be primary and would not seek contribution from any other insurance available to the Additional Insured.

b. The following is added to paragraph b. **Excess Insurance:**

When a written contract or written agreement, other than a premises lease, facilities rental contract or agreement, an equipment rental or lease contract or agreement or permit issued by a state or political subdivision between you and an additional insured does not require this insurance to be primary or primary and non-contributory, this insurance is excess over any other insurance for which the Additional Insured is designated as a named insured.

Regardless of the written agreement between you and an additional insured, this insurance is excess over any other insurance whether primary, excess, contingent or on any other basis for which the Additional Insured has been added as an additional insured on other policies.

S. Additional Insureds - Protection of Your Limits

This provision applies to any person or organization who qualifies as an additional insured under any form or endorsement under this Policy.

1. The following is added to Condition 2, **Duties in the Event of Occurrence, Defense, Claim or Suit:**

An additional insured under this Endorsement will as soon as practicable:

- a. give written notice of an "occurrence" or an offense that may result in a claim or "suit" under this insurance to us;
 - b. tender the defense and indemnity of any claim or "suit" to all insurers whom also have insurance available to the Additional Insured; and
 - c. agree to make available any other insurance which the Additional Insured has for a loss we cover under this Coverage Part.
 - d. we have no duty to defend or indemnify an additional insured under this Endorsement until we receive written notice of a "suit" by the Additional Insured.
2. The Limits of Insurance applicable to the Additional Insured are those specified in a written contract or written agreement or the Limits of Insurance stated in the Declarations of this Policy and defined in **SECTION III - LIMITS OF INSURANCE** of this Policy, whichever are less. These limits are inclusive of and not in addition to the Limits of Insurance available under this Policy.

T. Blanket Waiver of Transfer of Rights of Recovery Against Others to Us (Subrogation)

Under **SECTION IV - COMMERCIAL GENERAL LIABILITY CONDITIONS**, the following is added to Condition 8. Transfer of Rights of Recovery Against Others to Us:

If required by a written contract or written agreement, we waive any right of recovery we may have against a person or organization because of payment we make for injury or damage arising out of your ongoing operations or "your work" done under a contract for that person or organization and included in the "products-completed operations hazard" provided that the injury or damage occurs subsequent to the execution of the written contract or written agreement.

U. Property Damage Extension with Voluntary Payments

1. The following is added to paragraph 1. Insuring Agreement of **SECTION I - COVERAGE A - Bodily Injury and Property Damage Liability**:

At your request we will pay for "loss" to property of others caused by your business operations for which this Policy provides liability insurance. Such payment will be made without regard to your legal obligation to do so. The "loss" must occur during the policy period and must take place in the "coverage territory."

2. With respect to the coverage afforded under paragraph 1. above, paragraph 2. Exclusions of **SECTION I - COVERAGES A - Bodily Injury and Property Damage Liability** is amended as follows:

Exclusions J.(3), J.(4), J.(5) and J.(6) are deleted.

3. As respects coverage afforded by this coverage, **SECTION III - LIMITS OF INSURANCE** is replaced by the following:

Regardless of the number of insureds, claims made or "suits" brought or persons or organizations making claims or bring "suits":

1. Subject to 2. Below, the most we will pay for one or more "loss" arising out of any one "occurrence" is \$ 1,000.
2. The aggregate amount we will pay for the sum of all "loss" in an annual period is \$ 5,000. This aggregate amount is part of and not in addition to the General Aggregate Limit described in paragraph 2. of **SECTION III - LIMITS OF INSURANCE**.



CITY COUNCIL AGENDA – JANUARY 17, 2017

SUBJECT: City Council Member Requested Agenda Item - Consider Adjustment of Animal Shelter Adoption Fees

SOURCE: City Manager's Office

COMMENT: Vice Mayor Ward has requested that the City Council consider the adjustment of Animal Shelter adoption fees as a Scheduled Matter at its February 7th meeting.

RECOMMENDATION: That the City Council approve Vice Mayor Ward's request to consider the adjustment of Animal Shelter adoption fees as a Scheduled Matter at the February 7th Council meeting.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – JANUARY 17, 2017

SUBJECT: City Council Member Requested Agenda Item - Consider Establishing a Permit to Allow Residents to Modify the Even/Odd Watering Schedule

SOURCE: City Manager's Office

COMMENT: Vice Mayor Ward has requested that the City Council consider the establishing of a permit to allow residents to modify the even/odd watering schedule as a Scheduled Matter at its February 7th meeting.

RECOMMENDATION: That the City Council approve Vice Mayor Ward's request to consider the establishment of a permit to allow residents to modify the even/odd watering schedule as a Scheduled Matter at the February 7th Council meeting.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – JANUARY 17, 2017

SUBJECT: City Council Member Requested Agenda Item - Consider Establishing a Fine for Violating the City's Sign Ordinance

SOURCE: City Manager's Office

COMMENT: Vice Mayor Ward has requested that the City Council consider establishing a fine for violating the City's Sign Ordinance as a Scheduled Matter at its February 7th meeting.

RECOMMENDATION: That the City Council approve Vice Mayor Ward's request to consider the establishment of a fine for violating the City's Sign Ordinance as a Scheduled Matter at the February 7th Council meeting.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – JANUARY 17, 2017

SUBJECT: Bid Results - Island Annexation Sewer Project 456A, B, C, & 457

SOURCE: Public Works

COMMENT: On December 13, 2016, staff received four (4) bids for the Island Annexation Sewer Project - Area 456A, B, C, and 457. The proposed project is to be the last of the 2006 island annexation areas to receive new sewer infrastructure. Annexation Areas 456A and 457 are generally bound by Highway 190 on the north, Jaye Street on the east, Highway 65 on the west, and the Poplar Ditch on the south. Annexation Areas 456B and 456C are generally bound by Olive Avenue on the north, Jaye Street on the east, Highway 65 on the west, and the Tule River on the south.

The proposed project includes 11,707 lineal feet (2.22 miles) of 8" and 6" diameter sewer mains, 27 sewer manholes and 149 sewer laterals. Construction sequencing will be essential throughout the project and specified as such so as to maintain access and minimize the inconvenience within the neighborhoods affected by this project.

The bids are as follows:

Contractor	Amount
1. Bill Nelson Fresno, CA	\$2,294,638.00
2. Todd Companies Visalia, CA	\$2,352,782.01
3. Steve Dovali Const. Co. Fresno, CA	\$2,890,507.85
4. Dawson Mauldin Const. Inc Huntington Beach, CA	\$3,690,698.60

The Engineer's estimate of probable cost for construction is \$1,682,074.50. The lowest responsive bid is \$2,294,638, 36.42% above the Engineer's estimate. An additional \$229,463.80 is necessary for construction contingency (10%). It is anticipated that \$125,000.00 is required for construction management, quality control and inspection services (5.45%) for a total estimated project cost of \$2,649,101.80.

It is City Council's policy to reject all bids when the bid exceeds 10% of the Engineer's Estimate. Although the possibility exists that the City will receive favorable bids if re-advertised, there are no guarantees that the City will receive less costly bids, and will likely necessitate a change in scope of the design of the project and/or an increase in the budget appropriation.

The cost difference between the Engineer's estimate and the bid results is due to significant unforeseen cost differences. Costs in bid items such as mobilization, concrete materials, water services, asphalt paving, to name a few, were significantly higher. It was anticipated that mobilization and demobilization costs for one project would be less expensive since equipment would be mobilized within the City and it would cost less to move equipment from one area to another. Costs for this respective item were bid as if each area was a separate project, with each at \$75,000 for a total of \$150,000, whereas the Engineer's estimate had the total cost at \$80,000. Concrete for curb and gutter and concrete encasement have higher costs than what is usually seen, similar to the recent Garden Avenue project bids, where concrete were nearly double the cost due to prevailing wages now applying to concrete ready-mix truck drivers. Water services are typically in the range of \$1,500, which is the what was used in the Engineer's estimate. However, in the lowest bid, costs increased to \$2,500. Asphalt paving costs presented an increase as well. Using previous bid results data, asphalt paving costs ranged from \$25 to \$30, but bid results came in at around \$45. These unforeseen circumstances put the project at a higher cost than anticipated.

The question before the Council is whether to reject all bids and re-advertise, modify the scope of the project, or choose which annexation areas will receive infrastructure that is within the available budget. The available budget for this project is \$912,400 for Annexation Area 456A and 457 and the budget for Annexation Area 456B and 456C is \$913,500 for a total combined budget of \$1,825,900. The lowest bid results for Annexation Area 456B and 456C and Annexation Area 456A and 457 came in at \$871,594 and \$1,428,044, respectively, and puts it at a combined total of \$2,294,638. An additional \$967,027.30 is required to fully finance the project with the lowest responsible bidder.

Refinancing of the Sewer Revenue Bonds, better known to staff as Certificate of Participation (COP) funds, is the mechanism for funding this project. The stated funding source was approved in the 2016/2017 Annual Budget.

RECOMMENDATION:

That City Council direct staff to:

1. Reject all bids and authorize the City Engineer to re-advertise the project for new bids per policy; or
2. Reject all bids and authorize the City Engineer to re-advertise and change the scope of the design of the project; or
3. Reject all bids and authorize the City Engineer to re-advertise and select which annexation areas will receive infrastructure that

is within the available budget.

- ATTACHMENTS:
1. Locator Map-Area 456A & 457
 2. Locator Map-Area 456B
 3. Locator Map-Area 456C

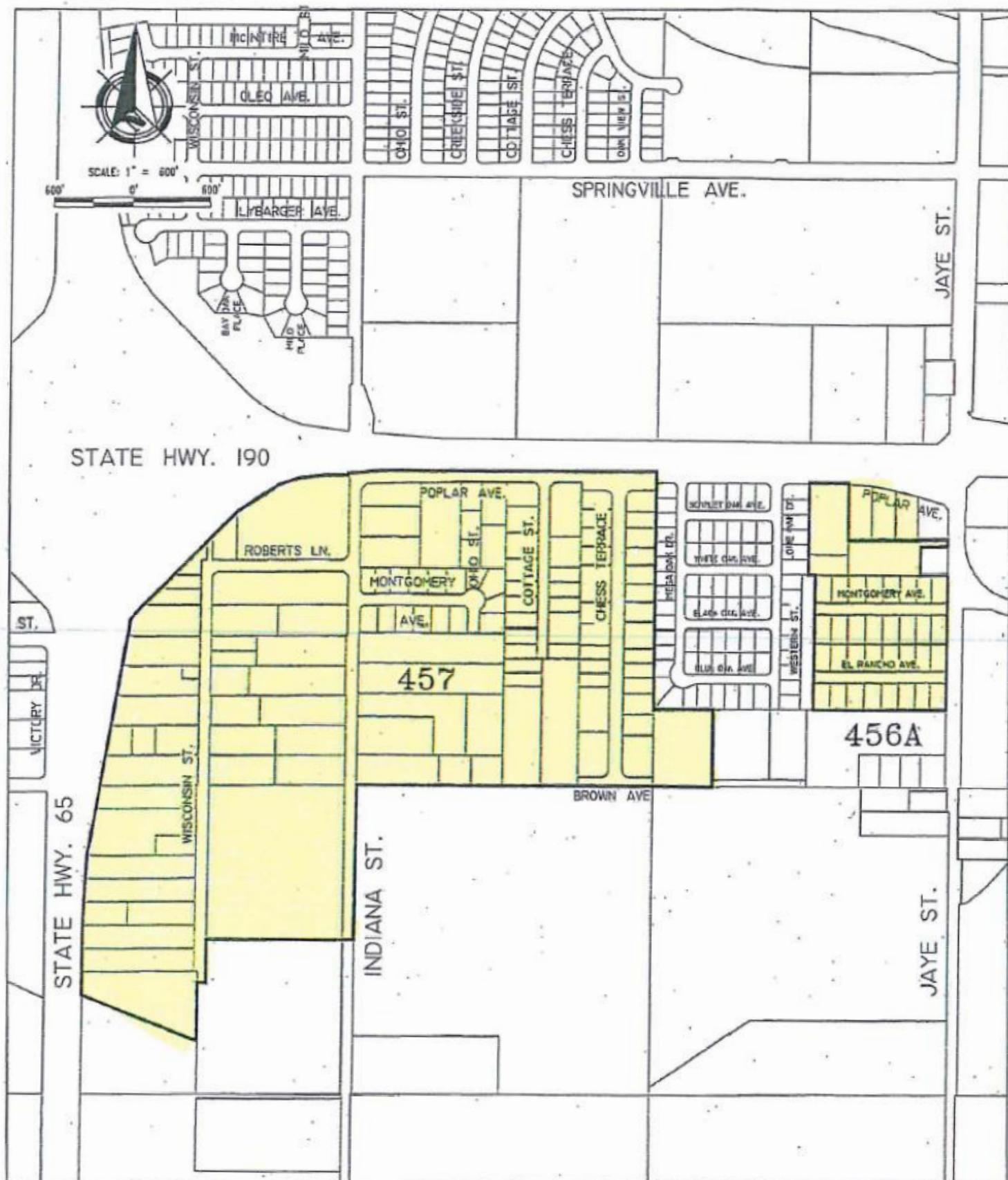
Appropriated/Funded:

Review By:

Department Director:

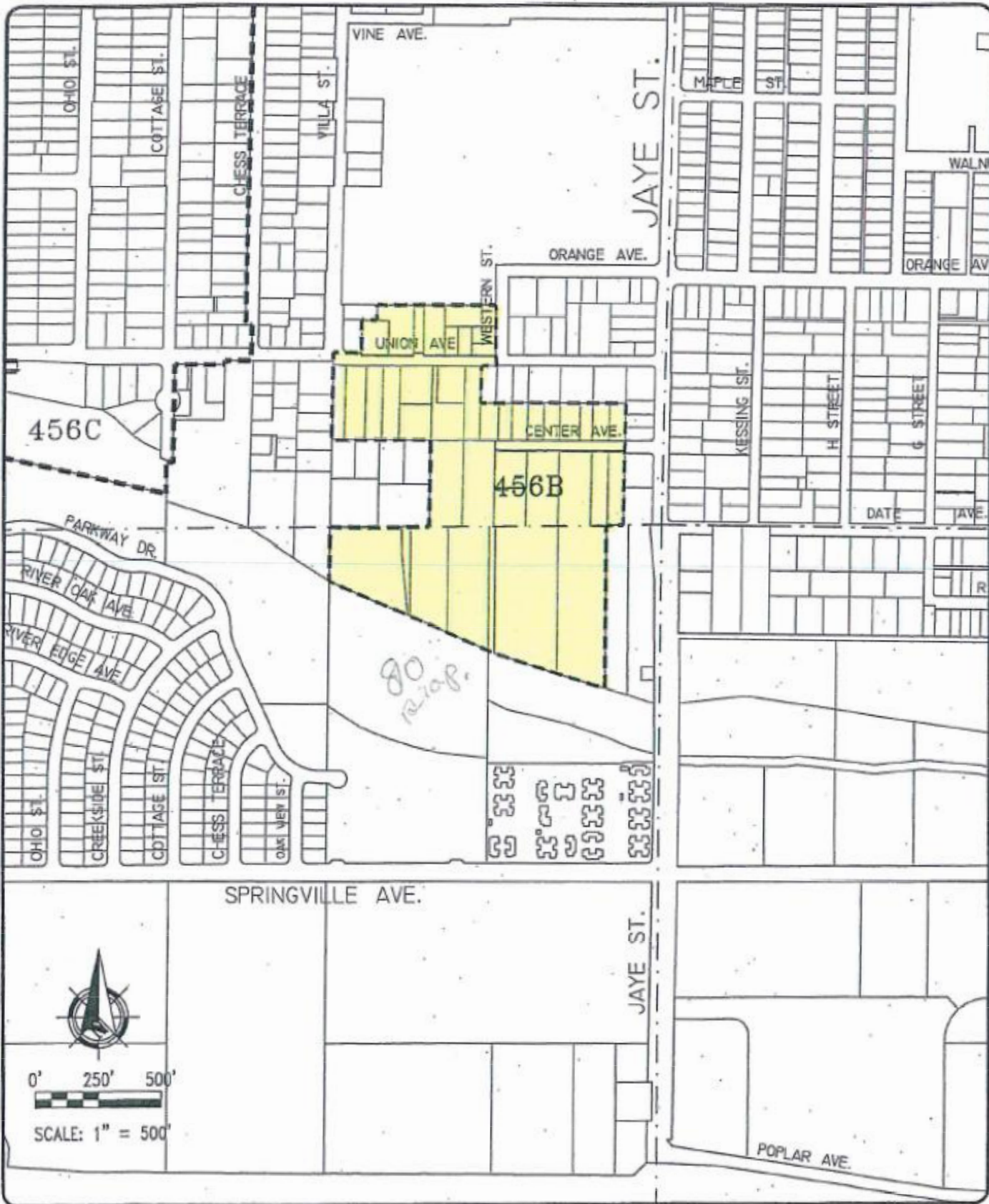
Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

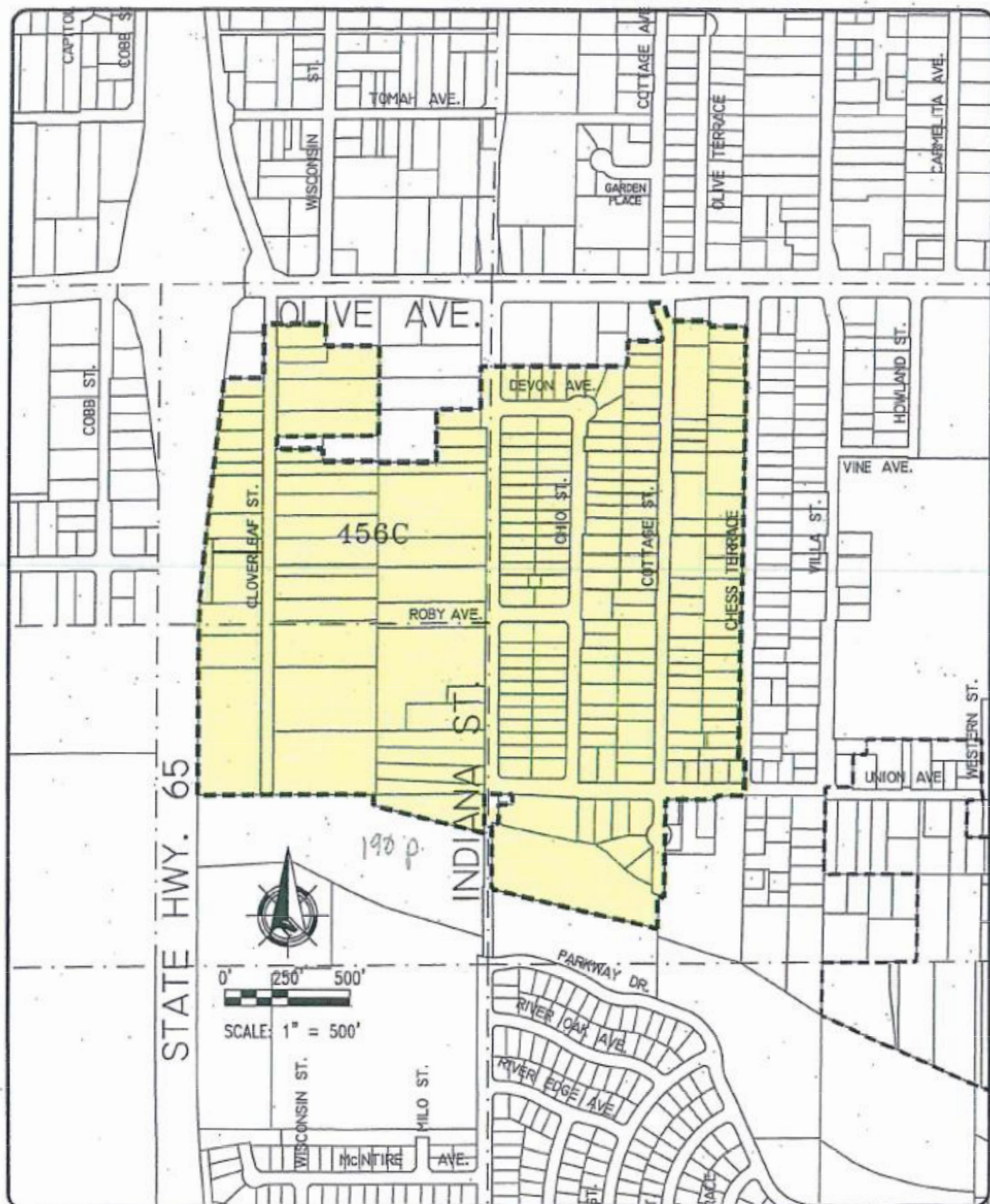


ISLAND ANNEX. 456A & 457

ISLAND ANNEXATION 456B



ISLAND ANNEXATION 456C





CITY COUNCIL AGENDA – JANUARY 17, 2017

SUBJECT: Zalud House Paranormal Tours

SOURCE: Parks and Leisure Services

COMMENT: The Zalud House Museum first opened its door to the public in 1970. Beginning in 2010, the public could do more than take a tour of the house or rent the garden for a special event, when the first Zalud House paranormal tour took place after an item went before City Council to introduce the new revenue generating concept.

Paranormal Movement Inc. (PMI), formerly part of the Porterville Ghost Society, conducts paranormal tours of the house. The City's Zalud House Curator, Ms. Heather Huerta, is co-founder of PMI along with her husband. Together they have lead the tours since the inception of these type of tours. All of the revenue generated from PMI tours has gone directly to the Zalud House Fund.

There are three types of paranormal requests that have been fielded by staff. The first are individuals that do not own investigative equipment who are interested in a tour led by PMI. Second, there are amateur paranormal groups with equipment interested in conducting their own investigation. Lastly, there are professional groups interested in conducting an investigation. One risk that always presents itself with any of these scenarios is the tours/investigations are conducted in the dark and the majority of the house contains fragile and irreplaceable items that may be broken or stolen.

Zalud House paranormal tours the past three fiscal years:

2013/14	2014/15	2015/16
9	13	21

The Travel Channel recently shot an episode of Ghost Adventures at the Zalud House. The show aired December 10, 2016, and it's too early to speculate if that may create a higher demand by the public to take a paranormal tour.

Current Zalud House admission prices are:

\$2 per adult for museum tour

\$.50 per child for museum tour

\$25 per adult for 4-hour paranormal tour

\$40 per adult for 4-hour paranormal investigation

\$51 per hour garden rental during business hours

\$61 per hour garden rental during non-business hours

The City Council may first wish to decide if the Zalud House should remain open to the public for paranormal tours/investigations. If the answer is affirmative, staff recommends direction from the City Council to enter into an exclusive agreement with PMI to conduct the tours while Ms. Huerta serves as the Curator, as other groups have expressed an interest in conducting the tours. Should the Zalud House remain open for amateur paranormal investigations, staff recommends a City staff member be required to be present during the investigation.

The Parks and Leisure Services Commission at its meeting on December 8, 2016, recommended to City Council that the Zalud House discontinue paranormal tours/investigations as of April 1, 2017. They factored in some transition time as they figured interest would remain peaked from the television show. The reasoning behind the Commission's decision was in order to maintain the historical integrity of the house. The Commission said the intent of the Zalud family's gift to the City likely wasn't to turn the house into a 'fun house.' PMI is not opposed to eliminating the paranormal tours/investigations of the Zalud House.

RECOMMENDATION: That the City Council provide direction on Zalud House paranormal tours.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – JANUARY 17, 2017

SUBJECT: Letter of Support for H.R. 23 - Gaining Responsibility on Water Act of 2017

SOURCE: Public Works

COMMENT: A number of Central Valley members of Congress are in support of H.R. 23 (Valadao, R-CA-21), the Gaining Responsibility on Water Act of 2017, introduced on January 3, 2017, and have requested that the City of Porterville consider joining in written support.

The proposed legislation seeks to provide drought relief for the state of California through the modernization of water policies throughout the Western United States, which would make more water available for both communities and farming. The primary focuses of H.R. 23 are restoring water deliveries that have been curtailed by both lawsuits and regulations, as well as stimulate the development of new water storage projects.

RECOMMENDATION: That the City Council:

1. Consider H.R. 23 (as introduced on January 3, 2017); and
2. If approved, authorize the Mayor to sign the attached draft Letter of Support.

ATTACHMENTS:

1. Draft Letter of Support
2. HR 23 Bill Text

Appropriated/Funded: N/A

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

January 17, 2017

The Honorable David G. Valadao
1728 Longworth Building
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Valadao,

California's Central Valley, which provides the majority of fruits and vegetables for the United States, has been suffering from a drought, which has been made worse by Federal regulations. As a result, more than 300 billion gallons of water have been diverted away from the region in an effort to protect the Delta Smelt. Today, residents and farmers in the Central Valley are receiving less water, if any at all, than they previously contracted for and purchased. The water system that established California as a beacon of ingenuity has been pushed to the wayside and has had devastating consequences for farmers, as they now fallow thousands of acres of farmland. In addition, many communities in the Central Valley have run completely dry due to the lack of surface water, and have resorted to relying solely on trucks to deliver potable water to residents.

On behalf of the Porterville City Council, we support your introduction of H.R. 23, the Gaining Responsibility On Water (GROW) Act of 2017. This legislation would ensure reliable water deliveries for the Central Valley, secure private property and senior water rights, and save millions of dollars by ending wasteful special protectionist plans. To ensure water reliability in the future, the bill obligates the Federal government to complete feasibility studies for multiple water storage projects in California and increases the scope of investigation for dam safety throughout the West, including expansion.

Now is the time to enact long-term, meaningful solutions to California's water supply issues, and we are hopeful this legislation is the next step in addressing the challenges we face. We look forward to working with you on advancing H.R. 23, the GROW Act, this 115th Congress.

Sincerely,

Milt Stowe, Mayor
City of Porterville

115TH CONGRESS
1ST SESSION

H. R. 23

To provide drought relief in the State of California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2017

Mr. VALADAO (for himself, Mr. NUNES, Mr. ROHRABACHER, Mr. COOK, Mr. ISSA, Mr. ROYCE of California, Mrs. MIMI WALTERS of California, Mr. CALVERT, Mr. KNIGHT, Mr. MCCARTHY, Mr. HUNTER, Mr. LAMALFA, and Mr. MCCLINTOCK) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide drought relief in the State of California, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Gaining Responsibility
5 on Water Act of 2017”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—CENTRAL VALLEY PROJECT WATER RELIABILITY

- Sec. 101. Amendment to purposes.
- Sec. 102. Amendment to definition.
- Sec. 103. Contracts.
- Sec. 104. Water transfers, improved water management, and conservation.
- Sec. 105. Fish, wildlife, and habitat restoration.
- Sec. 106. Restoration fund.
- Sec. 107. Additional authorities.
- Sec. 108. Bay-Delta Accord.
- Sec. 109. Natural and artificially spawned species.
- Sec. 110. Regulatory streamlining.
- Sec. 111. Additional emergency consultation.
- Sec. 112. Regarding the operation of Folsom Reservoir.
- Sec. 113. Applicants.
- Sec. 114. San Joaquin River settlement.

TITLE II—CALFED STORAGE FEASIBILITY STUDIES

- Sec. 201. Studies.
- Sec. 202. Temperance Flat.
- Sec. 203. CALFED storage accountability.
- Sec. 204. Water storage project construction.

TITLE III—WATER RIGHTS PROTECTIONS

- Sec. 301. Offset for State Water Project.
- Sec. 302. Area of origin protections.
- Sec. 303. No redirected adverse impacts.
- Sec. 304. Allocations for Sacramento Valley contractors.
- Sec. 305. Effect on existing obligations.

TITLE IV—MISCELLANEOUS

- Sec. 401. Water supply accounting.
- Sec. 402. Operations of the Trinity River Division.
- Sec. 403. Report on results of water usage.
- Sec. 404. Klamath project consultation applicants.
- Sec. 405. Losses caused by the construction and operation of storage projects.
- Sec. 406. CA State Water Resources Control Board.

TITLE V—WATER SUPPLY PERMITTING ACT

- Sec. 501. Short title.
- Sec. 502. Definitions.
- Sec. 503. Establishment of lead agency and cooperating agencies.
- Sec. 504. Bureau responsibilities.
- Sec. 505. Cooperating agency responsibilities.
- Sec. 506. Funding to process permits.

TITLE VI—BUREAU OF RECLAMATION PROJECT STREAMLINING

- Sec. 601. Short title.
- Sec. 602. Definitions.
- Sec. 603. Acceleration of studies.
- Sec. 604. Expedited completion of reports.
- Sec. 605. Project acceleration.
- Sec. 606. Annual report to Congress.

TITLE VII—ACCELERATED REVENUE, REPAYMENT, AND
SURFACE WATER STORAGE ENHANCEMENT

Sec. 701. Short title.

Sec. 702. Prepayment of certain repayment contracts between the United States and contractors of federally developed water supplies.

TITLE VIII—SAFETY OF DAMS

Sec. 801. Authorization of additional project benefits.

TITLE IX—WATER RIGHTS PROTECTION

Sec. 901. Short title.

Sec. 902. Definition of water right.

Sec. 903. Treatment of water rights.

Sec. 904. Recognition of State authority.

Sec. 905. Effect of title.

1 **TITLE I—CENTRAL VALLEY**
2 **PROJECT WATER RELIABILITY**

3 **SEC. 101. AMENDMENT TO PURPOSES.**

4 Section 3402 of the Central Valley Project Improve-
5 ment Act (106 Stat. 4706) is amended—

6 (1) in subsection (f), by striking the period at
7 the end; and

8 (2) by adding at the end the following:

9 “(g) to ensure that water dedicated to fish and wild-
10 life purposes by this title is replaced and provided to Cen-
11 tral Valley Project water contractors by December 31,
12 2018, at the lowest cost reasonably achievable; and

13 “(h) to facilitate and expedite water transfers in ac-
14 cordance with this Act.”.

15 **SEC. 102. AMENDMENT TO DEFINITION.**

16 Section 3403 of the Central Valley Project Improve-
17 ment Act (106 Stat. 4707) is amended—

1 (1) by amending subsection (a) to read as fol-
2 lows:

3 “(a) the term ‘anadromous fish’ means those native
4 stocks of salmon (including steelhead) and sturgeon that,
5 as of October 30, 1992, were present in the Sacramento
6 and San Joaquin Rivers and their tributaries and ascend
7 those rivers and their tributaries to reproduce after matur-
8 ing in San Francisco Bay or the Pacific Ocean;”;

9 (2) in subsection (l), by striking “and,”;

10 (3) in subsection (m), by striking the period
11 and inserting “; and”; and

12 (4) by adding at the end the following:

13 “(n) the term ‘reasonable flows’ means water flows
14 capable of being maintained taking into account com-
15 peting consumptive uses of water and economic, environ-
16 mental, and social factors.”.

17 **SEC. 103. CONTRACTS.**

18 Section 3404 of the Central Valley Project Improve-
19 ment Act (106 Stat. 4708) is amended—

20 (1) in the heading, by striking “**LIMITATION**
21 **ON CONTRACTING AND CONTRACT REFORM**”
22 and inserting “**CONTRACTS**”; and

23 (2) by striking the language of the section and
24 by adding:

1 “(a) RENEWAL OF EXISTING LONG-TERM CON-
 2 TRACTS.—Upon request of the contractor, the Secretary
 3 shall renew any existing long-term repayment or water
 4 service contract that provides for the delivery of water
 5 from the Central Valley Project for a period of 40 years.

6 “(b) ADMINISTRATION OF CONTRACTS.—Except as
 7 expressly provided by this Act, any existing long-term re-
 8 payment or water service contract for the delivery of water
 9 from the Central Valley Project shall be administered pur-
 10 suant to the Act of July 2, 1956 (70 Stat. 483).

11 “(c) DELIVERY CHARGE.—Beginning on the date of
 12 the enactment of this Act, a contract entered into or re-
 13 newed pursuant to this section shall include a provision
 14 that requires the Secretary to charge the other party to
 15 such contract only for water actually delivered by the Sec-
 16 retary.”.

17 **SEC. 104. WATER TRANSFERS, IMPROVED WATER MANAGE-**
 18 **MENT, AND CONSERVATION.**

19 Section 3405 of the Central Valley Project Improve-
 20 ment Act (106 Stat. 4709) is amended as follows:

21 (1) In subsection (a)—

22 (A) by inserting before “Except as pro-
 23 vided herein” the following: “The Secretary
 24 shall take all necessary actions to facilitate and
 25 expedite transfers of Central Valley Project

1 water in accordance with this Act or any other
2 provision of Federal reclamation law and the
3 National Environmental Policy Act of 1969.”;

4 (B) in paragraph (1)(A), by striking “to
5 combination” and inserting “or combination”;

6 (C) in paragraph (2), by adding at the end
7 the following:

8 “(E) The contracting district from which
9 the water is coming, the agency, or the Sec-
10 retary shall determine if a written transfer pro-
11 posal is complete within 45 days after the date
12 of submission of such proposal. If such district
13 or agency or the Secretary determines that such
14 proposal is incomplete, such district or agency
15 or the Secretary shall state with specificity
16 what must be added to or revised in order for
17 such proposal to be complete.

18 “(F) Except as provided in this section,
19 the Secretary shall not impose mitigation or
20 other requirements on a proposed transfer, but
21 the contracting district from which the water is
22 coming or the agency shall retain all authority
23 under State law to approve or condition a pro-
24 posed transfer.”; and

25 (D) by adding at the end the following:

1 “(4) Notwithstanding any other provision of
2 Federal reclamation law—

3 “(A) the authority to make transfers or ex-
4 changes of, or banking or recharge arrange-
5 ments using, Central Valley Project water that
6 could have been conducted before October 30,
7 1992, is valid, and such transfers, exchanges,
8 or arrangements shall not be subject to, limited,
9 or conditioned by this title; and

10 “(B) this title shall not supersede or re-
11 voke the authority to transfer, exchange, bank,
12 or recharge Central Valley Project water that
13 existed prior to October 30, 1992.”.

14 (2) In subsection (b)—

15 (A) in the heading, by striking “METER-
16 ING” and inserting “MEASUREMENT”; and

17 (B) by inserting after the first sentence
18 the following: “The contracting district or agen-
19 cy, not including contracting districts serving
20 multiple agencies with separate governing
21 boards, shall ensure that all contractor-owned
22 water delivery systems within its boundaries
23 measure surface water at the district or agen-
24 cy’s facilities up to the point the surface water
25 is commingled with other water supplies.”.

1 (3) By striking subsection (d).

2 (4) By redesignating subsections (e) and (f) as
3 subsections (d) and (e), respectively.

4 (5) By amending subsection (e) (as redesign-
5 nated by paragraph (4))—

6 (A) by striking “as a result of the in-
7 creased repayment” and inserting “that exceed
8 the cost-of-service”;

9 (B) by inserting “the delivery of” after
10 “rates applicable to”; and

11 (C) by striking “, and all increased reve-
12 nues received by the Secretary as a result of the
13 increased water prices established under sub-
14 section 3405(d) of this section,”.

15 **SEC. 105. FISH, WILDLIFE, AND HABITAT RESTORATION.**

16 Section 3406 of the Central Valley Project Improve-
17 ment Act (106 Stat. 4714) is amended as follows:

18 (1) In subsection (b)—

19 (A) in paragraph (1)(B)—

20 (i) by striking “is authorized and di-
21 rected to” and inserting “may”;

22 (ii) by inserting “reasonable water”
23 after “to provide”;

1 (iii) by striking “anadromous fish, ex-
2 cept that such” and inserting “anad-
3 romous fish. Such”;

4 (iv) by striking “Instream flow” and
5 inserting “Reasonable instream flow”;

6 (v) by inserting “and the National
7 Marine Fisheries Service” after “United
8 States Fish and Wildlife Service”; and

9 (vi) by striking “California Depart-
10 ment of Fish and Game” and inserting
11 “United States Geological Survey”;

12 (B) in paragraph (2)—

13 (i) by striking “primary purpose” and
14 inserting “purposes”;

15 (ii) by striking “but not limited to”
16 before “additional obligations”; and

17 (iii) by adding after the period the fol-
18 lowing: “All Central Valley Project water
19 used for the purposes specified in this
20 paragraph shall be credited to the quantity
21 of Central Valley Project yield dedicated
22 and managed under this paragraph by de-
23 termining how the dedication and manage-
24 ment of such water would affect the deliv-
25 ery capability of the Central Valley Project

1 during the 1928 to 1934 drought period
2 after fishery, water quality, and other flow
3 and operational requirements imposed by
4 terms and conditions existing in licenses,
5 permits, and other agreements pertaining
6 to the Central Valley Project under appli-
7 cable State or Federal law existing on Oc-
8 tober 30, 1992, have been met. To the full-
9 est extent possible and in accordance with
10 section 3411, Central Valley Project water
11 dedicated and managed pursuant to this
12 paragraph shall be reused to fulfill the
13 Secretary's remaining contractual obliga-
14 tions to provide Central Valley Project
15 water for agricultural or municipal and in-
16 dustrial purposes.”; and

17 (C) by amending paragraph (2)(C) to read:

18 “(C) If by March 15th of any year the
19 quantity of Central Valley Project water fore-
20 casted to be made available to water service or
21 repayment contractors in the Delta Division of
22 the Central Valley Project is below 75 percent
23 of the total quantity of water to be made avail-
24 able under said contracts, the quantity of Cen-
25 tral Valley Project yield dedicated and managed

1 for that year under this paragraph shall be re-
 2 duced by 25 percent.”.

3 (2) By adding at the end the following:

4 “(i) SATISFACTION OF PURPOSES.—
 5 By pursuing the activities described in this
 6 section, the Secretary shall be deemed to
 7 have met the mitigation, protection, res-
 8 toration, and enhancement purposes of this
 9 title.”.

10 **SEC. 106. RESTORATION FUND.**

11 (a) IN GENERAL.—Section 3407(a) of the Central
 12 Valley Project Improvement Act (106 Stat. 4726) is
 13 amended as follows:

14 (1) By inserting “(1) IN GENERAL.—” before
 15 “There is hereby”.

16 (2) By striking “Not less than 67 percent” and
 17 all that follows through “Monies” and inserting
 18 “Monies”.

19 (3) By adding at the end the following:

20 “(2) PROHIBITIONS.—The Secretary may not directly
 21 or indirectly require a donation or other payment to the
 22 Restoration Fund—

23 “(A) or environmental restoration or mitigation
 24 fees not otherwise provided by law, as a condition
 25 to—

1 “(i) providing for the storage or convey-
2 ance of non-Central Valley Project water pursu-
3 ant to Federal reclamation laws; or

4 “(ii) the delivery of water pursuant to sec-
5 tion 215 of the Reclamation Reform Act of
6 1982 (Public Law 97–293; 96 Stat. 1270); or

7 “(B) for any water that is delivered with the
8 sole intent of groundwater recharge.”.

9 (b) CERTAIN PAYMENTS.—Section 3407(c)(1) of the
10 Central Valley Project Improvement Act is amended—

11 (1) by striking “mitigation and restoration”;

12 (2) by striking “provided for or”; and

13 (3) by striking “of fish, wildlife” and all that
14 follows through the period and inserting “of carrying
15 out all activities described in this title.”.

16 (c) ADJUSTMENT AND ASSESSMENT OF MITIGATION
17 AND RESTORATION PAYMENTS.—Section 3407(d)(2) of
18 the Central Valley Project Improvement Act is amended
19 by inserting “, or after October 1, 2016, \$4 per megawatt-
20 hour for Central Valley Project power sold to power con-
21 tractors (October 2016 price levels)” after “\$12 per acre-
22 foot (October 1992 price levels) for municipal and indus-
23 trial water sold and delivered by the Central Valley
24 Project”.

1 (d) COMPLETION OF ACTIONS.—Section
2 3407(d)(2)(A) of the Central Valley Project Improvement
3 Act is amended by inserting “no later than December 31,
4 2020,” after “That upon the completion of the fish, wild-
5 life, and habitat mitigation and restoration actions man-
6 dated under section 3406 of this title,”.

7 (e) REPORT; ADVISORY BOARD.—Section 3407 of the
8 Central Valley Project Improvement Act (106 Stat. 4714)
9 is amended by adding at the end the following:

10 “(g) REPORT ON EXPENDITURE OF FUNDS.—At the
11 end of each fiscal year, the Secretary, in consultation with
12 the Restoration Fund Advisory Board, shall submit to
13 Congress a plan for the expenditure of all of the funds
14 deposited into the Restoration Fund during the preceding
15 fiscal year. Such plan shall contain a cost-effectiveness
16 analysis of each expenditure.

17 “(h) ADVISORY BOARD.—

18 “(1) ESTABLISHMENT.—There is hereby estab-
19 lished the Restoration Fund Advisory Board (herein-
20 after in this section referred to as the ‘Advisory
21 Board’) composed of 12 members selected by the
22 Secretary, each for four-year terms, one of whom
23 shall be designated by the Secretary as Chairman.
24 The members shall be selected so as to represent the
25 various Central Valley Project stakeholders, four of

1 whom shall be from CVP agricultural users, three
2 from CVP municipal and industrial users, three
3 from CVP power contractors, and two at the discre-
4 tion of the Secretary. The Secretary and the Sec-
5 retary of Commerce may each designate a represent-
6 ative to act as an observer of the Advisory Board.

7 “(2) DUTIES.—The duties of the Advisory
8 Board are as follows:

9 “(A) To meet at least semiannually to de-
10 velop and make recommendations to the Sec-
11 retary regarding priorities and spending levels
12 on projects and programs carried out pursuant
13 to the Central Valley Project Improvement Act.

14 “(B) To ensure that any advice or rec-
15 ommendation made by the Advisory Board to
16 the Secretary reflect the independent judgment
17 of the Advisory Board.

18 “(C) Not later than December 31, 2018,
19 and annually thereafter, to transmit to the Sec-
20 retary and Congress recommendations required
21 under subparagraph (A).

22 “(D) Not later than December 31, 2018,
23 and biennially thereafter, to transmit to Con-
24 gress a report that details the progress made in

1 achieving the actions mandated under section
2 3406.

3 “(3) ADMINISTRATION.—With the consent of
4 the appropriate agency head, the Advisory Board
5 may use the facilities and services of any Federal
6 agency.”.

7 **SEC. 107. ADDITIONAL AUTHORITIES.**

8 (a) AUTHORITY FOR CERTAIN ACTIVITIES.—Section
9 3408(c) of the Central Valley Project Improvement Act
10 (106 Stat. 4728) is amended to read as follows:

11 “(c) CONTRACTS FOR ADDITIONAL STORAGE AND
12 DELIVERY OF WATER.—

13 “(1) IN GENERAL.—The Secretary is authorized
14 to enter into contracts pursuant to Federal reclama-
15 tion law and this title with any Federal agency, Cali-
16 fornia water user or water agency, State agency, or
17 private organization for the exchange, impoundment,
18 storage, carriage, and delivery of nonproject water
19 for domestic, municipal, industrial, fish and wildlife,
20 and any other beneficial purpose.

21 “(2) LIMITATION.—Nothing in this subsection
22 shall be deemed to supersede the provisions of sec-
23 tion 103 of Public Law 99–546 (100 Stat. 3051).

24 “(3) AUTHORITY FOR CERTAIN ACTIVITIES.—
25 The Secretary shall use the authority granted by

1 this subsection in connection with requests to ex-
2 change, impound, store, carry, or deliver nonproject
3 water using Central Valley Project facilities for any
4 beneficial purpose.

5 “(4) RATES.—The Secretary shall develop rates
6 not to exceed the amount required to recover the
7 reasonable costs incurred by the Secretary in con-
8 nection with a beneficial purpose under this sub-
9 section. Such rates shall be charged to a party using
10 Central Valley Project facilities for such purpose.
11 Such costs shall not include any donation or other
12 payment to the Restoration Fund.

13 “(5) CONSTRUCTION.—This subsection shall be
14 construed and implemented to facilitate and encour-
15 age the use of Central Valley Project facilities to ex-
16 change, impound, store, carry, or deliver nonproject
17 water for any beneficial purpose.”.

18 (b) REPORTING REQUIREMENTS.—Section 3408(f) of
19 the Central Valley Project Improvement Act (106 Stat.
20 4729) is amended—

21 (1) by striking “Interior and Insular Affairs
22 and the Committee on Merchant Marine and Fish-
23 eries” and inserting “Natural Resources”;

1 (2) in the second sentence, by inserting before
2 the period at the end the following: “, including
3 progress on the plan required by subsection (j)”; and

4 (3) by adding at the end the following: “The fil-
5 ing and adequacy of such report shall be personally
6 certified to the committees referenced above by the
7 Regional Director of the Mid-Pacific Region of the
8 Bureau of Reclamation.”.

9 (c) PROJECT YIELD INCREASE.—Section 3408(j) of
10 the Central Valley Project Improvement Act (106 Stat.
11 4730) is amended as follows:

12 (1) By redesignating paragraphs (1) through
13 (7) as subparagraphs (A) through (G), respectively.

14 (2) By striking “In order to minimize adverse
15 effects, if any, upon” and inserting “(1) IN GEN-
16 ERAL.—In order to minimize adverse effects upon”.

17 (3) By striking “needs, the Secretary,” and all
18 that follows through “submit to the Congress, a”
19 and inserting “needs, the Secretary, on a priority
20 basis and not later than September 30, 2018, shall
21 submit to Congress a”.

22 (4) By striking “increase,” and all that follows
23 through “options:” and inserting “increase, as soon
24 as possible but not later than September 30, 2017
25 (except for the construction of new facilities which

1 shall not be limited by that deadline), the water of
2 the Central Valley Project by the amount dedicated
3 and managed for fish and wildlife purposes under
4 this title and otherwise required to meet the pur-
5 poses of the Central Valley Project including satis-
6 fying contractual obligations. The plan required by
7 this subsection shall include recommendations on ap-
8 propriate cost-sharing arrangements and authorizing
9 legislation or other measures needed to implement
10 the intent, purposes, and provisions of this sub-
11 section and a description of how the Secretary in-
12 tends to use the following options—”.

13 (5) In subparagraph (A), by inserting “and
14 construction of new water storage facilities” before
15 the semicolon.

16 (6) In subparagraph (F), by striking “and” at
17 the end.

18 (7) In subparagraph (G), by striking the period
19 and all that follows through the end of the sub-
20 section and inserting “; and”.

21 (8) By inserting after subparagraph (G) the fol-
22 lowing:

23 “(H) Water banking and recharge.”.

24 (9) By adding at the end the following:

1 “(2) IMPLEMENTATION OF PLAN.—The Sec-
 2 retary shall implement the plan required by para-
 3 graph (1) commencing on October 1, 2017. In order
 4 to carry out this subsection, the Secretary shall co-
 5 ordinate with the State of California in imple-
 6 menting measures for the long-term resolution of
 7 problems in the San Francisco Bay/Sacramento-San
 8 Joaquin Delta Estuary.

9 “(3) FAILURE OF THE PLAN.—Notwithstanding
 10 any other provision of Federal reclamation law, if by
 11 September 30, 2018, the plan required by paragraph
 12 (1) fails to increase the annual delivery capability of
 13 the Central Valley Project by 800,000 acre-feet, im-
 14 plementation of any non-mandatory action under
 15 section 3406(b)(2) shall be suspended until the plan
 16 achieves an increase in the annual delivery capability
 17 of the Central Valley Project by 800,000 acre-feet.”.

18 (d) TECHNICAL CORRECTION.—Section 3408(h) of
 19 the Central Valley Project Improvement Act (106 Stat.
 20 4729) is amended—

21 (1) in paragraph (1), by striking “paragraph
 22 (h)(2)” and inserting “paragraph (2)”; and

23 (2) in paragraph (2), by striking “paragraph
 24 (h)(i)” and inserting “paragraph (1)”.

1 (e) WATER STORAGE PROJECT CONSTRUCTION.—
2 The Secretary, acting through the Commissioner of the
3 Bureau of Reclamation, may partner or enter into an
4 agreement on the water storage projects identified in sec-
5 tion 103(d)(1) of the Water Supply Reliability, and Envi-
6 ronmental Improvement Act (Public Law 108–361) (and
7 Acts supplemental and amendatory to the Act) with local
8 joint powers authorities formed pursuant to State law by
9 irrigation districts and other local water districts and local
10 governments within the applicable hydrologic region, to
11 advance these projects. No additional Federal funds are
12 authorized for the activities authorized in sections
13 103(d)(1)(A)(i), 103(d)(1)(A)(ii), and 103(d)(1)(A)(iii) of
14 Public Law 108–361. However, each water storage project
15 under sections 103(d)(1)(A)(i), 103(d)(1)(A)(ii), and
16 103(d)(1)(A)(iii) of Public Law 108–361 is authorized for
17 construction if non-Federal funds are used for financing
18 and constructing the project.

19 **SEC. 108. BAY-DELTA ACCORD.**

20 (a) CONGRESSIONAL DIRECTION REGARDING CEN-
21 TRAL VALLEY PROJECT AND CALIFORNIA STATE WATER
22 PROJECT OPERATIONS.—The Central Valley Project and
23 the State Water Project shall be operated pursuant to the
24 water quality standards and operational constraints de-
25 scribed in the “Principles for Agreement on the Bay-Delta

1 Standards Between the State of California and the Fed-
2 eral Government” dated December 15, 1994, and such op-
3 erations shall proceed without regard to the Endangered
4 Species Act of 1973 (16 U.S.C. 1531 et seq.) or any other
5 law pertaining to the operation of the Central Valley
6 Project and the California State Water Project. Imple-
7 mentation of this section shall be in strict conformance
8 with the “Principles for Agreement on the Bay-Delta
9 Standards Between the State of California and the Fed-
10 eral Government” dated December 15, 1994.

11 (b) APPLICATION OF LAWS TO OTHERS.—Neither a
12 Federal department nor the State of California, including
13 any agency or board of the State of California, shall im-
14 pose on any water right obtained pursuant to State law,
15 including a pre-1914 appropriative right, any condition
16 that restricts the exercise of that water right in order to
17 conserve, enhance, recover or otherwise protect any species
18 that is affected by operations of the Central Valley Project
19 or California State Water Project. Nor shall the State of
20 California, including any agency or board of the State of
21 California, restrict the exercise of any water right obtained
22 pursuant to State law, including a pre-1914 appropriative
23 right, in order to protect, enhance, or restore under the
24 Public Trust Doctrine any public trust value. Implementa-
25 tion of the “Principles for Agreement on the Bay-Delta

1 Standards Between the State of California and the Fed-
2 eral Government” dated December 15, 1994, shall be in
3 strict compliance with the water rights priority system and
4 statutory protections for areas of origin.

5 (c) COSTS.—No cost associated with the implementa-
6 tion of this section shall be imposed directly or indirectly
7 on any Central Valley Project contractor, or any other per-
8 son or entity, unless such costs are incurred on a voluntary
9 basis.

10 (d) NATIVE SPECIES PROTECTION.—California law is
11 preempted with respect to any restriction on the quantity
12 or size of nonnative fish taken or harvested that preys
13 upon one or more native fish species that occupy the Sac-
14 ramento and San Joaquin Rivers and their tributaries or
15 the Sacramento-San Joaquin Rivers Delta.

16 **SEC. 109. NATURAL AND ARTIFICIALLY SPAWNED SPECIES.**

17 After the date of the enactment of this title, and re-
18 gardless of the date of listing, the Secretaries of the Inte-
19 rior and Commerce shall not distinguish between natural-
20 spawned and hatchery-spawned or otherwise artificially
21 propagated strains of a species in making any determina-
22 tion under the Endangered Species Act of 1973 (16
23 U.S.C. 1531 et seq.) that relates to any anadromous fish
24 species present in the Sacramento and San Joaquin Rivers
25 or their tributaries and ascend those rivers and their trib-

1 utaries to reproduce after maturing in San Francisco Bay
 2 or the Pacific Ocean.

3 **SEC. 110. REGULATORY STREAMLINING.**

4 (a) APPLICABILITY OF CERTAIN LAWS.—Filing of a
 5 Notice of Determination or a Notice of Exemption for any
 6 project, including the issuance of a permit under State
 7 law, related to any project of the CVP or the delivery of
 8 water therefrom in accordance with the California Envi-
 9 ronmental Quality Act shall be deemed to meet the re-
 10 quirements of section 102(2)(C) of the National Environ-
 11 mental Protection Act of 1969 (42 U.S.C. 4332(2)(C)) for
 12 that project or permit.

13 (b) CONTINUATION OF PROJECT.—The Bureau of
 14 Reclamation shall not be required to cease or modify any
 15 major Federal action or other activity related to any
 16 project of the CVP or the delivery of water there from
 17 pending completion of judicial review of any determination
 18 made under the National Environmental Protection Act
 19 of 1969 (42 U.S.C. 4332(2)(C)).

20 (c) PROJECT DEFINED.—For the purposes of this
 21 section:

22 (1) CVP.—The term “CVP” means the Central
 23 Valley Project.

24 (2) PROJECT.—The term “project”—

25 (A) means an activity that—

1 (i) is undertaken by a public agency,
2 funded by a public agency, or that requires
3 an issuance of a permit by a public agency;

4 (ii) has a potential to result in phys-
5 ical change to the environment; and

6 (iii) may be subject to several discre-
7 tionary approvals by governmental agen-
8 cies;

9 (B) may include construction activities,
10 clearing or grading of land, improvements to
11 existing structures, and activities or equipment
12 involving the issuance of a permit; or

13 (C) as defined under the California Envi-
14 ronmental Quality Act in section 21065 of the
15 California Public Resource Code.

16 **SEC. 111. ADDITIONAL EMERGENCY CONSULTATION.**

17 For adjustments to operating criteria other than
18 under section 108 or to take urgent actions to address
19 water supply shortages for the least amount of time or
20 volume of diversion necessary as determined by the Com-
21 missioner of Reclamation, no mitigation measures shall be
22 required during any year that the Sacramento Valley
23 index is 6.5 or lower, or at the request of the State of
24 California, and until two succeeding years following either
25 of those events have been completed where the final Sac-

1 ramento Valley Index is 7.8 or greater, and any mitigation
2 measures imposed must be based on quantitative data and
3 required only to the extent that such data demonstrates
4 actual harm to species.

5 **SEC. 112. REGARDING THE OPERATION OF FOLSOM RES-**
6 **ERVOIR.**

7 The Secretary of the Interior, in collaboration with
8 the Sacramento Water Forum, shall expedite evaluation,
9 completion and implementation of the Modified Lower
10 American River Flow Management Standard developed by
11 the Water Forum in 2015 to improve water supply reli-
12 ability for Central Valley Project American River water
13 contractors and resource protection in the lower American
14 River during consecutive dry years under current and fu-
15 ture demand and climate change conditions.

16 **SEC. 113. APPLICANTS.**

17 In the event that the Bureau of Reclamation or an-
18 other Federal agency initiates or reinitiates consultation
19 with the U.S. Fish and Wildlife Service or the National
20 Marine Fisheries Service under section 7(a)(2) of the En-
21 dangered Species Act of 1973 (16 U.S.C. 1536(a)(2)),
22 with respect to construction or operation of the Central
23 Valley Project and State Water Project, or any part there-
24 of, the State Water Project contractors and the Central
25 Valley Project contractors will be accorded all the rights

1 and responsibilities extended to applicants in the consulta-
 2 tion process.

3 **SEC. 114. SAN JOAQUIN RIVER SETTLEMENT.**

4 (a) CALIFORNIA STATE LAW SATISFIED BY WARM
 5 WATER FISHERY.—

6 (1) IN GENERAL.—Sections 5930 through 5948
 7 of the California Fish and Game Code, and all appli-
 8 cable Federal laws, including the San Joaquin River
 9 Restoration Settlement Act (Public Law 111–11)
 10 and the Stipulation of Settlement (Natural Re-
 11 sources Defense Council, et al. v. Kirk Rodgers, et
 12 al., Eastern District of California, No. Civ. S–88–
 13 1658–LKK/GGH), shall be satisfied by the existence
 14 of a warm water fishery in the San Joaquin River
 15 below Friant Dam, but upstream of Gravelly Ford.

16 (2) DEFINITION OF WARM WATER FISHERY.—
 17 For the purposes of this section, the term “warm
 18 water fishery” means a water system that has an
 19 environment suitable for species of fish other than
 20 salmon (including all subspecies) and trout (includ-
 21 ing all subspecies).

22 (b) REPEAL OF THE SAN JOAQUIN RIVER SETTLE-
 23 MENT.—As of the date of enactment of this section, the
 24 Secretary of the Interior shall cease any action to imple-
 25 ment the San Joaquin River Restoration Settlement Act

1 (subtitle A of title X of Public Law 111–11) and the Stip-
2 ulation of Settlement (Natural Resources Defense Council,
3 et al. v. Kirk Rodgers, et al., Eastern District of Cali-
4 fornia, No. Civ. S–88–1658 LKK/GGH).

5 **TITLE II—CALFED STORAGE** 6 **FEASIBILITY STUDIES**

7 **SEC. 201. STUDIES.**

8 The Secretary of the Interior, through the Commis-
9 sioner of Reclamation, shall—

10 (1) complete the feasibility studies described in
11 clauses (i)(I) and (ii)(II) of section 103(d)(1)(A) of
12 Public Law 108–361 (118 Stat. 1684) and submit
13 such studies to the appropriate committees of the
14 House of Representatives and the Senate not later
15 than December 31, 2017;

16 (2) complete the feasibility study described in
17 clause (i)(II) of section 103(d)(1)(A) of Public Law
18 108–361 and submit such study to the appropriate
19 committees of the House of Representatives and the
20 Senate not later than November 30, 2018;

21 (3) complete a publicly available draft of the
22 feasibility study described in clause (ii)(I) of section
23 103(d)(1)(A) of Public Law 108–361 and submit
24 such study to the appropriate committees of the

1 House of Representatives and the Senate not later
2 than November 30, 2018;

3 (4) complete the feasibility study described in
4 clause (ii)(I) of section 103(d)(1)(A) of Public Law
5 108–361 and submit such study to the appropriate
6 committees of the House of Representatives and the
7 Senate not later than November 30, 2019;

8 (5) complete the feasibility study described in
9 section 103(f)(1)(A) of Public Law 108–361 (118
10 Stat. 1694) and submit such study to the appro-
11 priate committees of the House of Representatives
12 and the Senate not later than December 31, 2019;

13 (6) provide a progress report on the status of
14 the feasibility studies referred to in paragraphs (1)
15 through (3) to the appropriate committees of the
16 House of Representatives and the Senate not later
17 than 90 days after the date of the enactment of this
18 Act and each 180 days thereafter until December
19 31, 2019, as applicable. The report shall include
20 timelines for study completion, draft environmental
21 impact statements, final environmental impact state-
22 ments, and Records of Decision;

23 (7) in conducting any feasibility study under
24 this Act, the reclamation laws, the Central Valley
25 Project Improvement Act (title XXXIV of Public

1 Law 102–575; 106 Stat. 4706), the Fish and Wild-
 2 life Coordination Act (16 U.S.C. 661 et seq.), the
 3 Endangered Species Act of 1973 (16 U.S.C. 1531 et
 4 seq.), and other applicable law, for the purposes of
 5 determining feasibility the Secretary shall document,
 6 delineate, and publish costs directly relating to the
 7 engineering and construction of a water storage
 8 project separately from the costs resulting from reg-
 9 ulatory compliance or the construction of auxiliary
 10 facilities necessary to achieve regulatory compliance;
 11 and

12 (8) communicate, coordinate and cooperate with
 13 public water agencies that contract with the United
 14 States for Central Valley Project water and that are
 15 expected to participate in the cost pools that will be
 16 created for the projects proposed in the feasibility
 17 studies under this section.

18 **SEC. 202. TEMPERANCE FLAT.**

19 (a) DEFINITIONS.—For the purposes of this section:

20 (1) PROJECT.—The term “Project” means the
 21 Temperance Flat Reservoir Project on the Upper
 22 San Joaquin River.

23 (2) RMP.—The term “RMP” means the docu-
 24 ment titled “Bakersfield Field Office, Record of De-

1 cision and Approved Resource Management Plan”,
2 dated December 2014.

3 (3) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

5 (b) APPLICABILITY OF RMP.—The RMP and find-
6 ings related thereto shall have no effect on or applicability
7 to the Secretary’s determination of feasibility of, or on any
8 findings or environmental review documents related to—

9 (1) the Project; or

10 (2) actions taken by the Secretary pursuant to
11 section 103(d)(1)(A)(ii)(II) of the Bay-Delta Au-
12 thorization Act (title I of Public Law 108–361).

13 (c) DUTIES OF SECRETARY UPON DETERMINATION
14 OF FEASIBILITY.—If the Secretary finds the Project to
15 be feasible, the Secretary shall manage the land rec-
16 ommended in the RMP for designation under the Wild and
17 Scenic Rivers Act (16 U.S.C. 1271 et seq.) in a manner
18 that does not impede any environmental reviews,
19 preconstruction, construction, or other activities of the
20 Project, regardless of whether or not the Secretary sub-
21 mits any official recommendation to Congress under the
22 Wild and Scenic Rivers Act.

23 (d) RESERVED WATER RIGHTS.—Effective Decem-
24 ber 22, 2017, there shall be no Federal reserved water
25 rights to any segment of the San Joaquin River related

1 to the Project as a result of any designation made under
2 the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

3 **SEC. 203. CALFED STORAGE ACCOUNTABILITY.**

4 If the Secretary of the Interior fails to provide the
5 feasibility studies described in section 201 to the appro-
6 priate committees of the House of Representatives and the
7 Senate by the times prescribed, the Secretary shall notify
8 each committee chair individually in person on the status
9 of each project once a month until the feasibility study
10 for that project is provided to Congress.

11 **SEC. 204. WATER STORAGE PROJECT CONSTRUCTION.**

12 (a) PARTNERSHIP AND AGREEMENTS.—The Sec-
13 retary of the Interior, acting through the Commissioner
14 of the Bureau of Reclamation, may partner or enter into
15 an agreement on the water storage projects identified in
16 section 103(d)(1) of the Water Supply Reliability and En-
17 vironmental Improvement Act (Public Law 108–361) (and
18 Acts supplemental and amendatory to the Act) with local
19 joint powers authorities formed pursuant to State law by
20 irrigation districts and other local water districts and local
21 governments within the applicable hydrologic region, to
22 advance those projects.

23 (b) AUTHORIZATION FOR PROJECT.—If the Secretary
24 determines a project described in section 202(a)(1) and
25 (2) is feasible, the Secretary is authorized to carry out

1 the project in a manner that is substantially in accordance
 2 with the recommended plan, and subject to the conditions
 3 described in the feasibility study, provided that no Federal
 4 funding shall be used to construct the project.

5 **TITLE III—WATER RIGHTS** 6 **PROTECTIONS**

7 **SEC. 301. OFFSET FOR STATE WATER PROJECT.**

8 (a) IMPLEMENTATION IMPACTS.—The Secretary of
 9 the Interior shall confer with the California Department
 10 of Fish and Wildlife in connection with the implementa-
 11 tion of this title on potential impacts to any consistency
 12 determination for operations of the State Water Project
 13 issued pursuant to California Fish and Game Code section
 14 2080.1.

15 (b) ADDITIONAL YIELD.—If, as a result of the appli-
 16 cation of this title, the California Department of Fish and
 17 Wildlife—

18 (1) revokes the consistency determinations pur-
 19 suant to California Fish and Game Code section
 20 2080.1 that are applicable to the State Water
 21 Project;

22 (2) amends or issues one or more new consist-
 23 ency determinations pursuant to California Fish and
 24 Game Code section 2080.1 in a manner that directly
 25 or indirectly results in reduced water supply to the

1 State Water Project as compared with the water
2 supply available under the smelt biological opinion
3 and the salmonid biological opinion; or

4 (3) requires take authorization under California
5 Fish and Game Code section 2081 for operation of
6 the State Water Project in a manner that directly or
7 indirectly results in reduced water supply to the
8 State Water Project as compared with the water
9 supply available under the smelt biological opinion
10 and the salmonid biological opinion, and as a con-
11 sequence of the Department's action, Central Valley
12 Project yield is greater than it would have been ab-
13 sent the Department's actions, then that additional
14 yield shall be made available to the State Water
15 Project for delivery to State Water Project contrac-
16 tors to offset losses resulting from the Department's
17 action.

18 (c) NOTIFICATION RELATED TO ENVIRONMENTAL
19 PROTECTIONS.—The Secretary of the Interior shall imme-
20 diately notify the Director of the California Department
21 of Fish and Wildlife in writing if the Secretary of the Inte-
22 rior determines that implementation of the smelt biological
23 opinion and the salmonid biological opinion consistent with
24 this title reduces environmental protections for any species
25 covered by the opinions.

1 **SEC. 302. AREA OF ORIGIN PROTECTIONS.**

2 (a) IN GENERAL.—The Secretary of the Interior is
3 directed, in the operation of the Central Valley Project,
4 to adhere to California’s water rights laws governing water
5 rights priorities and to honor water rights senior to those
6 held by the United States for operation of the Central Val-
7 ley Project, regardless of the source of priority, including
8 any appropriative water rights initiated prior to December
9 19, 1914, as well as water rights and other priorities per-
10 fected or to be perfected pursuant to California Water
11 Code Part 2 of Division 2. Article 1.7 (commencing with
12 section 1215 of chapter 1 of part 2 of division 2, sections
13 10505, 10505.5, 11128, 11460, 11461, 11462, and
14 11463, and sections 12200 through 12220, inclusive).

15 (b) DIVERSIONS.—Any action undertaken by the Sec-
16 retary of the Interior and the Secretary of Commerce pur-
17 suant to both this title and section 7 of the Endangered
18 Species Act of 1973 (16 U.S.C. 1531 et seq.) that requires
19 that diversions from the Sacramento River or the San Joa-
20 quin River watersheds upstream of the Delta be bypassed
21 shall not be undertaken in a manner that alters the water
22 rights priorities established by California law.

23 **SEC. 303. NO REDIRECTED ADVERSE IMPACTS.**

24 (a) IN GENERAL.—The Secretary of the Interior shall
25 ensure that, except as otherwise provided for in a water
26 service or repayment contract, actions taken in compliance

1 with legal obligations imposed pursuant to or as a result
2 of this title, including such actions under section 7 of the
3 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)
4 and other applicable Federal and State laws, shall not di-
5 rectly or indirectly—

6 (1) result in the involuntary reduction of water
7 supply or fiscal impacts to individuals or districts
8 who receive water from either the State Water
9 Project or the United States under water rights set-
10 tlement contracts, exchange contracts, water service
11 contracts, repayment contracts, or water supply con-
12 tracts; or

13 (2) cause redirected adverse water supply or fis-
14 cal impacts to those within the Sacramento River
15 watershed, the San Joaquin River watershed or the
16 State Water Project service area.

17 (b) COSTS.—To the extent that costs are incurred
18 solely pursuant to or as a result of this title and would
19 not otherwise have been incurred by any entity or public
20 or local agency or subdivision of the State of California,
21 such costs shall not be borne by any such entity, agency,
22 or subdivision of the State of California, unless such costs
23 are incurred on a voluntary basis.

1 (c) RIGHTS AND OBLIGATIONS NOT MODIFIED OR
 2 AMENDED.—Nothing in this title shall modify or amend
 3 the rights and obligations of the parties to any existing—

4 (1) water service, repayment, settlement, pur-
 5 chase, or exchange contract with the United States,
 6 including the obligation to satisfy exchange contracts
 7 and settlement contracts prior to the allocation of
 8 any other Central Valley Project water; or

9 (2) State Water Project water supply or settle-
 10 ment contract with the State.

11 **SEC. 304. ALLOCATIONS FOR SACRAMENTO VALLEY CON-**
 12 **TRACTORS.**

13 (a) ALLOCATIONS.—

14 (1) IN GENERAL.—Subject to paragraph (2)
 15 and subsection (b), the Secretary of the Interior is
 16 directed, in the operation of the Central Valley
 17 Project, to allocate water provided for irrigation pur-
 18 poses to existing Central Valley Project agricultural
 19 water service contractors within the Sacramento
 20 River Watershed in compliance with the following:

21 (A) Not less than 100 percent of their con-
 22 tract quantities in a “Wet” year.

23 (B) Not less than 100 percent of their con-
 24 tract quantities in an “Above Normal” year.

1 (C) Not less than 100 percent of their con-
2 tract quantities in a “Below Normal” year that
3 is preceded by an “Above Normal” or a “Wet”
4 year.

5 (D) Not less than 50 percent of their con-
6 tract quantities in a “Dry” year that is pre-
7 ceded by a “Below Normal”, an “Above Nor-
8 mal”, or a “Wet” year.

9 (E) In all other years not identified herein,
10 the allocation percentage for existing Central
11 Valley Project agricultural water service con-
12 tractors within the Sacramento River Water-
13 shed shall not be less than twice the allocation
14 percentage to south-of-Delta Central Valley
15 Project agricultural water service contractors,
16 up to 100 percent; provided, that nothing here-
17 in shall preclude an allocation to existing Cen-
18 tral Valley Project agricultural water service
19 contractors within the Sacramento River Water-
20 shed that is greater than twice the allocation
21 percentage to south-of-Delta Central Valley
22 Project agricultural water service contractors.

23 (2) CONDITIONS.—The Secretary’s actions
24 under paragraph (a) shall be subject to—

1 (A) the priority of individuals or entities
2 with Sacramento River water rights, including
3 those with Sacramento River Settlement Con-
4 tracts, that have priority to the diversion and
5 use of Sacramento River water over water
6 rights held by the United States for operations
7 of the Central Valley Project;

8 (B) the United States obligation to make
9 a substitute supply of water available to the
10 San Joaquin River Exchange Contractors; and

11 (C) the Secretary's obligation to make
12 water available to managed wetlands pursuant
13 to section 3406(d) of the Central Valley Project
14 Improvement Act (Public Law 102–575).

15 (b) PROTECTION OF MUNICIPAL AND INDUSTRIAL
16 SUPPLIES.—Nothing in subsection (a) shall be deemed
17 to—

18 (1) modify any provision of a water service con-
19 tract that addresses municipal and industrial water
20 shortage policies of the Secretary;

21 (2) affect or limit the authority of the Secretary
22 to adopt or modify municipal and industrial water
23 shortage policies;

1 (3) affect or limit the authority of the Secretary
2 to implement municipal and industrial water short-
3 age policies; or

4 (4) affect allocations to Central Valley Project
5 municipal and industrial contractors pursuant to
6 such policies.

7 Neither subsection (a) nor the Secretary's implementation
8 of subsection (a) shall constrain, govern or affect, directly,
9 the operations of the Central Valley Project's American
10 River Division or any deliveries from that Division, its
11 units or facilities.

12 (c) NO EFFECT ON ALLOCATIONS.—This section
13 shall not—

14 (1) affect the allocation of water to Friant Divi-
15 sion contractors; or

16 (2) result in the involuntary reduction in con-
17 tract water allocations to individuals or entities with
18 contracts to receive water from the Friant Division.

19 (d) PROGRAM FOR WATER RESCHEDULING.—The
20 Secretary of the Interior shall develop and implement a
21 program, not later than 1 year after the date of the enact-
22 ment of this Act, to provide for the opportunity for exist-
23 ing Central Valley Project agricultural water service con-
24 tractors within the Sacramento River Watershed to re-

1 schedule water, provided for under their Central Valley
 2 Project water service contracts, from one year to the next.

3 (e) DEFINITIONS.—In this section:

4 (1) The term “existing Central Valley Project
 5 agricultural water service contractors within the
 6 Sacramento River Watershed” means water service
 7 contractors within the Shasta, Trinity, and Sac-
 8 ramento River Divisions of the Central Valley
 9 Project, that have a water service contract in effect,
 10 on the date of the enactment of this section, that
 11 provides water for irrigation.

12 (2) The year type terms used in subsection (a)
 13 have the meaning given those year types in the Sac-
 14 ramento Valley Water Year Type (40–30–30) Index.

15 **SEC. 305. EFFECT ON EXISTING OBLIGATIONS.**

16 Nothing in this title preempts or modifies any exist-
 17 ing obligation of the United States under Federal reclama-
 18 tion law to operate the Central Valley Project in con-
 19 formity with State law, including established water rights
 20 priorities.

21 **TITLE IV—MISCELLANEOUS**

22 **SEC. 401. WATER SUPPLY ACCOUNTING.**

23 (a) IN GENERAL.—All Central Valley Project water,
 24 except Central Valley Project water released pursuant to
 25 U.S. Department of the Interior Record of Decision, Trin-

1 ity River Mainstem Fishery Restoration Final Environ-
2 mental Impact Statement/Environmental Impact Report
3 dated December 2000 used to implement an action under-
4 taken for a fishery beneficial purpose that was not im-
5 posed by terms and conditions existing in licenses, per-
6 mits, and other agreements pertaining to the Central Val-
7 ley Project under applicable State or Federal law existing
8 on October 30, 1992, shall be credited to the quantity of
9 Central Valley Project yield dedicated and managed under
10 this section; provided, that nothing herein shall affect the
11 Secretary of the Interior's duty to comply with any other-
12 wise lawful requirement imposed on operations of the Cen-
13 tral Valley Project under any provision of Federal or State
14 law.

15 (b) RECLAMATION POLICIES AND ALLOCATIONS.—
16 Reclamation policies and allocations shall not be based
17 upon any premise or assumption that Central Valley
18 Project contract supplies are supplemental or secondary
19 to any other contractor source of supply.

20 **SEC. 402. OPERATIONS OF THE TRINITY RIVER DIVISION.**

21 The Secretary of the Interior, in the operation of the
22 Trinity River Division of the Central Valley Project, shall
23 not make releases from Lewiston Dam in excess of the
24 volume for each water-year type required by the U.S. De-
25 partment of the Interior Record of Decision, Trinity River

1 Mainstem Fishery Restoration Final Environmental Im-
2 pact Statement/Environmental Impact Report dated De-
3 cember 2000.

4 (1) A maximum of 369,000 acre-feet in a
5 “Critically Dry” year.

6 (2) A maximum of 453,000 acre-feet in a
7 “Dry” year.

8 (3) A maximum of 647,000 acre-feet in a “Nor-
9 mal” year.

10 (4) A maximum of 701,000 acre-feet in a
11 “Wet” year.

12 (5) A maximum of 815,000 acre-feet in an
13 “Extremely Wet” year.

14 **SEC. 403. REPORT ON RESULTS OF WATER USAGE.**

15 The Secretary of the Interior, in consultation with the
16 Secretary of Commerce and the Secretary of Natural Re-
17 sources of the State of California, shall publish an annual
18 report detailing instream flow releases from the Central
19 Valley Project and California State Water Project, their
20 explicit purpose and authority, and all measured environ-
21 mental benefit as a result of the releases.

22 **SEC. 404. KLAMATH PROJECT CONSULTATION APPLICANTS.**

23 If the Bureau of Reclamation initiates or reinitiates
24 consultation with the U.S. Fish and Wildlife Service or
25 the National Marine Fisheries Service under section

1 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C.
 2 1536(a)(2)), with respect to construction or operation of
 3 the Klamath Project (or any part thereof), Klamath
 4 Project contractors shall be accorded all the rights and
 5 responsibilities extended to applicants in the consultation
 6 process. Upon request of the Klamath Project contractors,
 7 they may be represented through an association or organi-
 8 zation.

9 **SEC. 405. LOSSES CAUSED BY THE CONSTRUCTION AND OP-**
 10 **ERATION OF STORAGE PROJECTS.**

11 (a) MARINAS, RECREATIONAL FACILITIES, OTHER
 12 BUSINESSES.—If in constructing any new or modified
 13 water storage project included in section 103(d)(1)(A) of
 14 Public Law 108–361 (118 Stat. 1684), the Bureau of Rec-
 15 lamation destroys or otherwise adversely affects any exist-
 16 ing marina, recreational facility, or other water-dependent
 17 business when constructing or operating a new or modified
 18 water storage project, the Secretaries of the Interior and
 19 Agriculture, acting through the Bureau and the Forest
 20 Service shall—

- 21 (1) provide compensation otherwise required by
 22 law; and
 23 (2) provide the owner of the affected marina,
 24 recreational facility, or other water-dependent busi-
 25 ness under mutually agreeable terms and conditions

1 with the right of first refusal to construct and oper-
2 ate a replacement marina, recreational facility, or
3 other water-dependent business, as the case may be,
4 on United States land associated with the new or
5 modified water storage project.

6 (b) HYDROELECTRIC PROJECTS.—If in constructing
7 any new or modified water storage project included in sec-
8 tion 103(d)(1)(A) of Public Law 108–361 (118 Stat.
9 1684), the Bureau of Reclamation reduces or eliminates
10 the capacity or generation of any existing non-Federal hy-
11 droelectric project by inundation or otherwise, the Sec-
12 retary of the Interior shall—

13 (1) provide compensation otherwise required by
14 law;

15 (2) provide the owner of the affected hydro-
16 electric project under mutually agreeable terms and
17 conditions with a right of first refusal to construct,
18 operate, and maintain replacement hydroelectric
19 generating facilities at such new or modified water
20 storage project, on federal land associated with the
21 new or modified water storage project or on private
22 land owned by the affected hydroelectric project
23 owner;

24 (3) provide compensation for the construction
25 of any water conveyance facilities as are necessary to

1 convey water to any new powerhouse constructed by
2 such owner in association with such new hydro-
3 electric generating facilities; and

4 (4) provide for subsections (b)(1), (b)(2), and
5 (b)(3) at a cost not to exceed the estimated value of
6 the actual impacts to any existing non-Federal hy-
7 droelectric project and as estimated for the associ-
8 ated feasibility study, including additional planning,
9 environmental, design, construction, and operations
10 and maintenance costs for existing and replacement
11 facilities.

12 (c) COST ALLOCATION.—Any compensation under
13 this section shall be a project cost and allocated to project
14 beneficiaries.

15 (d) APPLICABILITY.—This section shall only apply to
16 federally owned water storage projects, whether authorized
17 under this Act or some other authority.

18 (e) LIMITATION.—Nothing in this section affects the
19 ability of landowners or tribes to seek compensation or any
20 other remedy otherwise required by law.

21 **SEC. 406. CA STATE WATER RESOURCES CONTROL BOARD.**

22 (a) IN GENERAL.—In carrying out this Act, the Sec-
23 retaries shall—

24 (1) recognize Congressional opposition to the
25 violation of private property rights by the California

1 State Water Resources Control Board in their pro-
 2 posal to require a minimum percentage of
 3 unimpaired flows in the main tributaries of the San
 4 Joaquin River; and

5 (2) recognize the need to provide reliable water
 6 supplies to municipal, industrial, and agricultural
 7 users across the State.

8 **TITLE V—WATER SUPPLY** 9 **PERMITTING ACT**

10 **SEC. 501. SHORT TITLE.**

11 This title may be cited as the “Water Supply Permit-
 12 ting Coordination Act”.

13 **SEC. 502. DEFINITIONS.**

14 In this title:

15 (1) SECRETARY.—The term “Secretary” means
 16 the Secretary of the Interior.

17 (2) BUREAU.—The term “Bureau” means the
 18 Bureau of Reclamation.

19 (3) QUALIFYING PROJECTS.—The term “quali-
 20 fying projects” means new surface water storage
 21 projects in the States covered under the Act of June
 22 17, 1902 (32 Stat. 388, chapter 1093), and Acts
 23 supplemental to and amendatory of that Act (43
 24 U.S.C. 371 et seq.) constructed on lands adminis-
 25 tered by the Department of the Interior or the De-

1 partment of Agriculture, exclusive of any easement,
2 right-of-way, lease, or any private holding.

3 (4) COOPERATING AGENCIES.—The term “co-
4 operating agency” means a Federal agency with ju-
5 risdiction over a review, analysis, opinion, statement,
6 permit, license, or other approval or decision re-
7 quired for a qualifying project under applicable Fed-
8 eral laws and regulations, or a State agency subject
9 to section 503(c).

10 **SEC. 503. ESTABLISHMENT OF LEAD AGENCY AND COOPER-**
11 **ATING AGENCIES.**

12 (a) ESTABLISHMENT OF LEAD AGENCY.—The Bu-
13 reau of Reclamation is established as the lead agency for
14 purposes of coordinating all reviews, analyses, opinions,
15 statements, permits, licenses, or other approvals or deci-
16 sions required under Federal law to construct qualifying
17 projects.

18 (b) IDENTIFICATION AND ESTABLISHMENT OF CO-
19 OPERATING AGENCIES.—The Commissioner of the Bureau
20 shall—

21 (1) identify, as early as practicable upon receipt
22 of an application for a qualifying project, any Fed-
23 eral agency that may have jurisdiction over a review,
24 analysis, opinion, statement, permit, license, ap-

1 proval, or decision required for a qualifying project
2 under applicable Federal laws and regulations; and

3 (2) notify any such agency, within a reasonable
4 timeframe, that the agency has been designated as
5 a cooperating agency in regards to the qualifying
6 project unless that agency responds to the Bureau in
7 writing, within a timeframe set forth by the Bureau,
8 notifying the Bureau that the agency—

9 (A) has no jurisdiction or authority with
10 respect to the qualifying project;

11 (B) has no expertise or information rel-
12 evant to the qualifying project or any review,
13 analysis, opinion, statement, permit, license, or
14 other approval or decision associated therewith;
15 or

16 (C) does not intend to submit comments
17 on the qualifying project or conduct any review
18 of such a project or make any decision with re-
19 spect to such project in a manner other than in
20 cooperation with the Bureau.

21 (c) STATE AUTHORITY.—A State in which a quali-
22 fying project is being considered may choose, consistent
23 with State law—

24 (1) to participate as a cooperating agency; and

1 (2) to make subject to the processes of this title
2 all State agencies that—

3 (A) have jurisdiction over the qualifying
4 project;

5 (B) are required to conduct or issue a re-
6 view, analysis, or opinion for the qualifying
7 project; or

8 (C) are required to make a determination
9 on issuing a permit, license, or approval for the
10 qualifying project.

11 **SEC. 504. BUREAU RESPONSIBILITIES.**

12 (a) IN GENERAL.—The principal responsibilities of
13 the Bureau under this title are to—

14 (1) serve as the point of contact for applicants,
15 State agencies, Indian tribes, and others regarding
16 proposed qualifying projects;

17 (2) coordinate preparation of unified environ-
18 mental documentation that will serve as the basis for
19 all Federal decisions necessary to authorize the use
20 of Federal lands for qualifying projects; and

21 (3) coordinate all Federal agency reviews nec-
22 essary for project development and construction of
23 qualifying projects.

24 (b) COORDINATION PROCESS.—The Bureau shall
25 have the following coordination responsibilities:

1 (1) PRE-APPLICATION COORDINATION.—Notify
2 cooperating agencies of proposed qualifying projects
3 not later than 30 days after receipt of a proposal
4 and facilitate a preapplication meeting for prospec-
5 tive applicants, relevant Federal and State agencies,
6 and Indian tribes to—

7 (A) explain applicable processes, data re-
8 quirements, and applicant submissions nec-
9 essary to complete the required Federal agency
10 reviews within the timeframe established; and

11 (B) establish the schedule for the quali-
12 fying project.

13 (2) CONSULTATION WITH COOPERATING AGEN-
14 CIES.—Consult with the cooperating agencies
15 throughout the Federal agency review process, iden-
16 tify and obtain relevant data in a timely manner,
17 and set necessary deadlines for cooperating agencies.

18 (3) SCHEDULE.—Work with the qualifying
19 project applicant and cooperating agencies to estab-
20 lish a project schedule. In establishing the schedule,
21 the Bureau shall consider, among other factors—

22 (A) the responsibilities of cooperating
23 agencies under applicable laws and regulations;

1 (B) the resources available to the cooper-
2 ating agencies and the non-Federal qualifying
3 project sponsor, as applicable;

4 (C) the overall size and complexity of the
5 qualifying project;

6 (D) the overall schedule for and cost of the
7 qualifying project; and

8 (E) the sensitivity of the natural and his-
9 toric resources that may be affected by the
10 qualifying project.

11 (4) ENVIRONMENTAL COMPLIANCE.—Prepare a
12 unified environmental review document for each
13 qualifying project application, incorporating a single
14 environmental record on which all cooperating agen-
15 cies with authority to issue approvals for a given
16 qualifying project shall base project approval deci-
17 sions. Help ensure that cooperating agencies make
18 necessary decisions, within their respective authori-
19 ties, regarding Federal approvals in accordance with
20 the following timelines:

21 (A) Not later than one year after accept-
22 ance of a completed project application when an
23 environmental assessment and finding of no sig-
24 nificant impact is determined to be the appro-
25 priate level of review under the National Envi-

1 ronmental Policy Act of 1969 (42 U.S.C. 4321
2 et seq.).

3 (B) Not later than one year and 30 days
4 after the close of the public comment period for
5 a draft environmental impact statement under
6 the National Environmental Policy Act of 1969
7 (42 U.S.C. 4321 et seq.), when an environ-
8 mental impact statement is required under the
9 same.

10 (5) CONSOLIDATED ADMINISTRATIVE
11 RECORD.—Maintain a consolidated administrative
12 record of the information assembled and used by the
13 cooperating agencies as the basis for agency deci-
14 sions.

15 (6) PROJECT DATA RECORDS.—To the extent
16 practicable and consistent with Federal law, ensure
17 that all project data is submitted and maintained in
18 generally accessible electronic format, compile, and
19 where authorized under existing law, make available
20 such project data to cooperating agencies, the quali-
21 fying project applicant, and to the public.

22 (7) PROJECT MANAGER.—Appoint a project
23 manager for each qualifying project. The project
24 manager shall have authority to oversee the project
25 and to facilitate the issuance of the relevant final

1 authorizing documents, and shall be responsible for
2 ensuring fulfillment of all Bureau responsibilities set
3 forth in this section and all cooperating agency re-
4 sponsibilities under section 505.

5 **SEC. 505. COOPERATING AGENCY RESPONSIBILITIES.**

6 (a) ADHERENCE TO BUREAU SCHEDULE.—Upon no-
7 tification of an application for a qualifying project, all co-
8 operating agencies shall submit to the Bureau a timeframe
9 under which the cooperating agency reasonably considers
10 it will be able to complete its authorizing responsibilities.
11 The Bureau shall use the timeframe submitted under this
12 subsection to establish the project schedule under section
13 504, and the cooperating agencies shall adhere to the
14 project schedule established by the Bureau.

15 (b) ENVIRONMENTAL RECORD.—Cooperating agen-
16 cies shall submit to the Bureau all environmental review
17 material produced or compiled in the course of carrying
18 out activities required under Federal law consistent with
19 the project schedule established by the Bureau.

20 (c) DATA SUBMISSION.—To the extent practicable
21 and consistent with Federal law, the cooperating agencies
22 shall submit all relevant project data to the Bureau in a
23 generally accessible electronic format subject to the project
24 schedule set forth by the Bureau.

1 **SEC. 506. FUNDING TO PROCESS PERMITS.**

2 (a) IN GENERAL.—The Secretary, after public notice
3 in accordance with the Administrative Procedures Act (5
4 U.S.C. 553), may accept and expend funds contributed by
5 a non-Federal public entity to expedite the evaluation of
6 a permit of that entity related to a qualifying project.

7 (b) EFFECT ON PERMITTING.—

8 (1) IN GENERAL.—In carrying out this section,
9 the Secretary shall ensure that the use of funds ac-
10 cepted under subsection (a) will not impact impartial
11 decisionmaking with respect to permits, either sub-
12 stantively or procedurally.

13 (2) EVALUATION OF PERMITS.—In carrying out
14 this section, the Secretary shall ensure that the eval-
15 uation of permits carried out using funds accepted
16 under this section shall—

17 (A) be reviewed by the Regional Director
18 of the Bureau, or the Regional Director's des-
19 ignee, of the region in which the qualifying
20 project or activity is located; and

21 (B) use the same procedures for decisions
22 that would otherwise be required for the evalua-
23 tion of permits for similar projects or activities
24 not carried out using funds authorized under
25 this section.

1 (3) IMPARTIAL DECISIONMAKING.—In carrying
2 out this section, the Secretary and the cooperating
3 agencies receiving funds under this section for quali-
4 fying projects shall ensure that the use of the funds
5 accepted under this section for such projects shall
6 not—

7 (A) impact impartial decisionmaking with
8 respect to the issuance of permits, either sub-
9 stantively or procedurally; or

10 (B) diminish, modify, or otherwise affect
11 the statutory or regulatory authorities of such
12 agencies.

13 (c) LIMITATION ON USE OF FUNDS.—None of the
14 funds accepted under this section shall be used to carry
15 out a review of the evaluation of permits required under
16 subsection (b)(2)(A).

17 (d) PUBLIC AVAILABILITY.—The Secretary shall en-
18 sure that all final permit decisions carried out using funds
19 authorized under this section are made available to the
20 public, including on the Internet.

1 **TITLE VI—BUREAU OF REC-**
2 **LAMATION PROJECT STREAM-**
3 **LINING**

4 **SEC. 601. SHORT TITLE.**

5 This title may be cited as the “Bureau of Reclama-
6 tion Project Streamlining Act”.

7 **SEC. 602. DEFINITIONS.**

8 In this title:

9 (1) ENVIRONMENTAL IMPACT STATEMENT.—

10 The term “environmental impact statement” means
11 the detailed statement of environmental impacts of
12 a project required to be prepared pursuant to the
13 National Environmental Policy Act of 1969 (42
14 U.S.C. 4321 et seq.).

15 (2) ENVIRONMENTAL REVIEW PROCESS.—

16 (A) IN GENERAL.—The term “environ-
17 mental review process” means the process of
18 preparing an environmental impact statement,
19 environmental assessment, categorical exclusion,
20 or other document under the National Environ-
21 mental Policy Act of 1969 (42 U.S.C. 4321 et
22 seq.) for a project study.

23 (B) INCLUSIONS.—The term “environ-
24 mental review process” includes the process for
25 and completion of any environmental permit,

1 approval, review, or study required for a project
2 study under any Federal law other than the
3 National Environmental Policy Act of 1969 (42
4 U.S.C. 4321 et seq.).

5 (3) FEDERAL JURISDICTIONAL AGENCY.—The
6 term “Federal jurisdictional agency” means a Fed-
7 eral agency with jurisdiction delegated by law, regu-
8 lation, order, or otherwise over a review, analysis,
9 opinion, statement, permit, license, or other approval
10 or decision required for a project study under appli-
11 cable Federal laws (including regulations).

12 (4) FEDERAL LEAD AGENCY.—The term “Fed-
13 eral lead agency” means the Bureau of Reclamation.

14 (5) PROJECT.—The term “project” means a
15 surface water project, a project under the purview of
16 title XVI of Public Law 102–575, or a rural water
17 supply project investigated under Public Law 109–
18 451 to be carried out, funded or operated in whole
19 or in part by the Secretary pursuant to the Act of
20 June 17, 1902 (32 Stat. 388, chapter 1093), and
21 Acts supplemental to and amendatory of that Act
22 (43 U.S.C. 371 et seq.).

23 (6) PROJECT SPONSOR.—The term “project
24 sponsor” means a State, regional, or local authority
25 or instrumentality or other qualifying entity, such as

1 a water conservation district, irrigation district,
2 water conservancy district, joint powers authority,
3 mutual water company, canal company, rural water
4 district or association, or any other entity that has
5 the capacity to contract with the United States
6 under Federal reclamation law.

7 (7) PROJECT STUDY.—The term “project
8 study” means a feasibility study for a project carried
9 out pursuant to the Act of June 17, 1902 (32 Stat.
10 388, chapter 1093), and Acts supplemental to and
11 amendatory of that Act (43 U.S.C. 371 et seq.).

12 (8) SECRETARY.—The term “Secretary” means
13 the Secretary of the Interior.

14 (9) SURFACE WATER STORAGE.—The term
15 “surface water storage” means any surface water
16 reservoir or impoundment that would be owned,
17 funded or operated in whole or in part by the Bu-
18 reau of Reclamation or that would be integrated into
19 a larger system owned, operated or administered in
20 whole or in part by the Bureau of Reclamation.

21 **SEC. 603. ACCELERATION OF STUDIES.**

22 (a) IN GENERAL.—To the extent practicable, a
23 project study initiated by the Secretary, after the date of
24 enactment of this Act, under the Reclamation Act of 1902

1 (32 Stat. 388), and all Acts amendatory thereof or supple-
2 mentary thereto, shall—

3 (1) result in the completion of a final feasibility
4 report not later than 3 years after the date of initi-
5 ation;

6 (2) have a maximum Federal cost of
7 \$3,000,000; and

8 (3) ensure that personnel from the local project
9 area, region, and headquarters levels of the Bureau
10 of Reclamation concurrently conduct the review re-
11 quired under this section.

12 (b) EXTENSION.—If the Secretary determines that a
13 project study described in subsection (a) will not be con-
14 ducted in accordance with subsection (a), the Secretary,
15 not later than 30 days after the date of making the deter-
16 mination, shall—

17 (1) prepare an updated project study schedule
18 and cost estimate;

19 (2) notify the non-Federal project cost-sharing
20 partner that the project study has been delayed; and

21 (3) provide written notice to the Committee on
22 Natural Resources of the House of Representatives
23 and the Committee on Energy and Natural Re-
24 sources of the Senate as to the reasons the require-
25 ments of subsection (a) are not attainable.

1 (c) EXCEPTION.—

2 (1) IN GENERAL.—Notwithstanding the re-
3 quirements of subsection (a), the Secretary may ex-
4 tend the timeline of a project study by a period not
5 to exceed 3 years, if the Secretary determines that
6 the project study is too complex to comply with the
7 requirements of subsection (a).

8 (2) FACTORS.—In making a determination that
9 a study is too complex to comply with the require-
10 ments of subsection (a), the Secretary shall con-
11 sider—

12 (A) the type, size, location, scope, and
13 overall cost of the project;

14 (B) whether the project will use any inno-
15 vative design or construction techniques;

16 (C) whether the project will require signifi-
17 cant action by other Federal, State, or local
18 agencies;

19 (D) whether there is significant public dis-
20 pute as to the nature or effects of the project;
21 and

22 (E) whether there is significant public dis-
23 pute as to the economic or environmental costs
24 or benefits of the project.

1 (3) NOTIFICATION.—Each time the Secretary
2 makes a determination under this subsection, the
3 Secretary shall provide written notice to the Com-
4 mittee on Natural Resources of the House of Rep-
5 resentatives and the Committee on Energy and Nat-
6 ural Resources of the Senate as to the results of
7 that determination, including an identification of the
8 specific one or more factors used in making the de-
9 termination that the project is complex.

10 (4) LIMITATION.—The Secretary shall not ex-
11 tend the timeline for a project study for a period of
12 more than 7 years, and any project study that is not
13 completed before that date shall no longer be au-
14 thorized.

15 (d) REVIEWS.—Not later than 90 days after the date
16 of the initiation of a project study described in subsection
17 (a), the Secretary shall—

18 (1) take all steps necessary to initiate the proc-
19 ess for completing federally mandated reviews that
20 the Secretary is required to complete as part of the
21 study, including the environmental review process
22 under section 805;

23 (2) convene a meeting of all Federal, tribal, and
24 State agencies identified under section 605(d) that
25 may—

1 (A) have jurisdiction over the project;

2 (B) be required by law to conduct or issue
3 a review, analysis, opinion, or statement for the
4 project study; or

5 (C) be required to make a determination
6 on issuing a permit, license, or other approval
7 or decision for the project study; and

8 (3) take all steps necessary to provide informa-
9 tion that will enable required reviews and analyses
10 related to the project to be conducted by other agen-
11 cies in a thorough and timely manner.

12 (e) INTERIM REPORT.—Not later than 18 months
13 after the date of enactment of this Act, the Secretary shall
14 submit to the Committee on Natural Resources of the
15 House of Representatives and the Committee on Energy
16 and Natural Resources of the Senate and make publicly
17 available a report that describes—

18 (1) the status of the implementation of the
19 planning process under this section, including the
20 number of participating projects;

21 (2) a review of project delivery schedules, in-
22 cluding a description of any delays on those studies
23 initiated prior to the date of the enactment of this
24 Act; and

1 (3) any recommendations for additional author-
2 ity necessary to support efforts to expedite the
3 project.

4 (f) FINAL REPORT.—Not later than 4 years after the
5 date of enactment of this Act, the Secretary shall submit
6 to the Committee on Natural Resources of the House of
7 Representatives and the Committee on Energy and Nat-
8 ural Resources of the Senate and make publicly available
9 a report that describes—

10 (1) the status of the implementation of this sec-
11 tion, including a description of each project study
12 subject to the requirements of this section;

13 (2) the amount of time taken to complete each
14 project study; and

15 (3) any recommendations for additional author-
16 ity necessary to support efforts to expedite the
17 project study process, including an analysis of
18 whether the limitation established by subsection
19 (a)(2) needs to be adjusted to address the impacts
20 of inflation.

21 **SEC. 604. EXPEDITED COMPLETION OF REPORTS.**

22 The Secretary shall—

23 (1) expedite the completion of any ongoing
24 project study initiated before the date of enactment
25 of this Act; and

1 (2) if the Secretary determines that the project
2 is justified in a completed report, proceed directly to
3 preconstruction planning, engineering, and design of
4 the project in accordance with the Reclamation Act
5 of 1902 (32 Stat. 388), and all Acts amendatory
6 thereof or supplementary thereto.

7 **SEC. 605. PROJECT ACCELERATION.**

8 (a) APPLICABILITY.—

9 (1) IN GENERAL.—This section shall apply to—

10 (A) each project study that is initiated
11 after the date of enactment of this Act and for
12 which an environmental impact statement is
13 prepared under the National Environmental
14 Policy Act of 1969 (42 U.S.C. 4321 et seq.);

15 (B) the extent determined appropriate by
16 the Secretary, to other project studies initiated
17 before the date of enactment of this Act and for
18 which an environmental review process docu-
19 ment is prepared under the National Environ-
20 mental Policy Act of 1969 (42 U.S.C. 4321 et
21 seq.); and

22 (C) any project study for the development
23 of a nonfederally owned and operated surface
24 water storage project for which the Secretary

determines there is a demonstrable Federal interest and the project—

(i) is located in a river basin where other Bureau of Reclamation water projects are located;

(ii) will create additional water supplies that support Bureau of Reclamation water projects; or

(iii) will become integrated into the operation of Bureau of Reclamation water projects.

(2) FLEXIBILITY.—Any authority granted under this section may be exercised, and any requirement established under this section may be satisfied, for the conduct of an environmental review process for a project study, a class of project studies, or a program of project studies.

(3) LIST OF PROJECT STUDIES.—

(A) IN GENERAL.—The Secretary shall annually prepare, and make publicly available, a list of all project studies that the Secretary has determined—

(i) meets the standards described in paragraph (1); and

1 (ii) does not have adequate funding to
2 make substantial progress toward the com-
3 pletion of the project study.

4 (B) INCLUSIONS.—The Secretary shall in-
5 clude for each project study on the list under
6 subparagraph (A) a description of the estimated
7 amounts necessary to make substantial progress
8 on the project study.

9 (b) PROJECT REVIEW PROCESS.—

10 (1) IN GENERAL.—The Secretary shall develop
11 and implement a coordinated environmental review
12 process for the development of project studies.

13 (2) COORDINATED REVIEW.—The coordinated
14 environmental review process described in paragraph
15 (1) shall require that any review, analysis, opinion,
16 statement, permit, license, or other approval or deci-
17 sion issued or made by a Federal, State, or local
18 governmental agency or an Indian tribe for a project
19 study described in subsection (b) be conducted, to
20 the maximum extent practicable, concurrently with
21 any other applicable governmental agency or Indian
22 tribe.

23 (3) TIMING.—The coordinated environmental
24 review process under this subsection shall be com-
25 pleted not later than the date on which the Sec-

1 retary, in consultation and concurrence with the
2 agencies identified under section 705(d), establishes
3 with respect to the project study.

4 (c) LEAD AGENCIES.—

5 (1) JOINT LEAD AGENCIES.—

6 (A) IN GENERAL.—Subject to the require-
7 ments of the National Environmental Policy
8 Act of 1969 (42 U.S.C. 4321 et seq.) and the
9 requirements of section 1506.8 of title 40, Code
10 of Federal Regulations (or successor regula-
11 tions), including the concurrence of the pro-
12 posed joint lead agency, a project sponsor may
13 serve as the joint lead agency.

14 (B) PROJECT SPONSOR AS JOINT LEAD
15 AGENCY.—A project sponsor that is a State or
16 local governmental entity may—

17 (i) with the concurrence of the Sec-
18 retary, serve as a joint lead agency with
19 the Federal lead agency for purposes of
20 preparing any environmental document
21 under the National Environmental Policy
22 Act of 1969 (42 U.S.C. 4321 et seq.); and

23 (ii) prepare any environmental review
24 process document under the National En-
25 vironmental Policy Act of 1969 (42 U.S.C.

1 4321 et seq.) required in support of any
2 action or approval by the Secretary if—

3 (I) the Secretary provides guid-
4 ance in the preparation process and
5 independently evaluates that docu-
6 ment;

7 (II) the project sponsor complies
8 with all requirements applicable to the
9 Secretary under—

10 (aa) the National Environ-
11 mental Policy Act of 1969 (42
12 U.S.C. 4321 et seq.);

13 (bb) any regulation imple-
14 menting that Act; and

15 (cc) any other applicable
16 Federal law; and

17 (III) the Secretary approves and
18 adopts the document before the Sec-
19 retary takes any subsequent action or
20 makes any approval based on that
21 document, regardless of whether the
22 action or approval of the Secretary re-
23 sults in Federal funding.

24 (2) DUTIES.—The Secretary shall ensure
25 that—

1 (A) the project sponsor complies with all
2 design and mitigation commitments made joint-
3 ly by the Secretary and the project sponsor in
4 any environmental document prepared by the
5 project sponsor in accordance with this sub-
6 section; and

7 (B) any environmental document prepared
8 by the project sponsor is appropriately supple-
9 mented to address any changes to the project
10 the Secretary determines are necessary.

11 (3) ADOPTION AND USE OF DOCUMENTS.—Any
12 environmental document prepared in accordance
13 with this subsection shall be adopted and used by
14 any Federal agency making any determination re-
15 lated to the project study to the same extent that
16 the Federal agency could adopt or use a document
17 prepared by another Federal agency under—

18 (A) the National Environmental Policy Act
19 of 1969 (42 U.S.C. 4321 et seq.); and

20 (B) parts 1500 through 1508 of title 40,
21 Code of Federal Regulations (or successor regu-
22 lations).

23 (4) ROLES AND RESPONSIBILITY OF LEAD
24 AGENCY.—With respect to the environmental review

1 process for any project study, the Federal lead agen-
2 cy shall have authority and responsibility—

3 (A) to take such actions as are necessary
4 and proper and within the authority of the Fed-
5 eral lead agency to facilitate the expeditious
6 resolution of the environmental review process
7 for the project study; and

8 (B) to prepare or ensure that any required
9 environmental impact statement or other envi-
10 ronmental review document for a project study
11 required to be completed under the National
12 Environmental Policy Act of 1969 (42 U.S.C.
13 4321 et seq.) is completed in accordance with
14 this section and applicable Federal law.

15 (d) PARTICIPATING AND COOPERATING AGENCIES.—

16 (1) IDENTIFICATION OF JURISDICTIONAL AGEN-
17 CIES.—With respect to carrying out the environ-
18 mental review process for a project study, the Sec-
19 retary shall identify, as early as practicable in the
20 environmental review process, all Federal, State, and
21 local government agencies and Indian tribes that
22 may—

23 (A) have jurisdiction over the project;

1 (B) be required by law to conduct or issue
2 a review, analysis, opinion, or statement for the
3 project study; or

4 (C) be required to make a determination
5 on issuing a permit, license, or other approval
6 or decision for the project study.

7 (2) STATE AUTHORITY.—If the environmental
8 review process is being implemented by the Sec-
9 retary for a project study within the boundaries of
10 a State, the State, consistent with State law, may
11 choose to participate in the process and to make
12 subject to the process all State agencies that—

13 (A) have jurisdiction over the project;

14 (B) are required to conduct or issue a re-
15 view, analysis, opinion, or statement for the
16 project study; or

17 (C) are required to make a determination
18 on issuing a permit, license, or other approval
19 or decision for the project study.

20 (3) INVITATION.—

21 (A) IN GENERAL.—The Federal lead agen-
22 cy shall invite, as early as practicable in the en-
23 vironmental review process, any agency identi-
24 fied under paragraph (1) to become a partici-
25 pating or cooperating agency, as applicable, in

1 the environmental review process for the project
2 study.

3 (B) DEADLINE.—An invitation to partici-
4 pate issued under subparagraph (A) shall set a
5 deadline by which a response to the invitation
6 shall be submitted, which may be extended by
7 the Federal lead agency for good cause.

8 (4) PROCEDURES.—Section 1501.6 of title 40,
9 Code of Federal Regulations (as in effect on the
10 date of enactment of the Bureau of Reclamation
11 Project Streamlining Act), shall govern the identi-
12 fication and the participation of a cooperating agen-
13 cy.

14 (5) FEDERAL COOPERATING AGENCIES.—Any
15 Federal agency that is invited by the Federal lead
16 agency to participate in the environmental review
17 process for a project study shall be designated as a
18 cooperating agency by the Federal lead agency un-
19 less the invited agency informs the Federal lead
20 agency, in writing, by the deadline specified in the
21 invitation that the invited agency—

22 (A)(i) has no jurisdiction or authority with
23 respect to the project;

24 (ii) has no expertise or information rel-
25 evant to the project; or

1 (iii) does not have adequate funds to par-
2 ticipate in the project; and

3 (B) does not intend to submit comments
4 on the project.

5 (6) ADMINISTRATION.—A participating or co-
6 operating agency shall comply with this section and
7 any schedule established under this section.

8 (7) EFFECT OF DESIGNATION.—Designation as
9 a participating or cooperating agency under this
10 subsection shall not imply that the participating or
11 cooperating agency—

12 (A) supports a proposed project; or

13 (B) has any jurisdiction over, or special ex-
14 pertise with respect to evaluation of, the
15 project.

16 (8) CONCURRENT REVIEWS.—Each partici-
17 pating or cooperating agency shall—

18 (A) carry out the obligations of that agen-
19 cy under other applicable law concurrently and
20 in conjunction with the required environmental
21 review process, unless doing so would prevent
22 the participating or cooperating agency from
23 conducting needed analysis or otherwise car-
24 rying out those obligations; and

1 (B) formulate and implement administra-
2 tive, policy, and procedural mechanisms to en-
3 able the agency to ensure completion of the en-
4 vironmental review process in a timely, coordi-
5 nated, and environmentally responsible manner.

6 (e) NON-FEDERAL PROJECTS INTEGRATED INTO
7 RECLAMATION SYSTEMS.—The Federal lead agency shall
8 serve in that capacity for the entirety of all non-Federal
9 projects that will be integrated into a larger system owned,
10 operated or administered in whole or in part by the Bu-
11 reau of Reclamation.

12 (f) NON-FEDERAL PROJECT.—If the Secretary deter-
13 mines that a project can be expedited by a non-Federal
14 sponsor and that there is a demonstrable Federal interest
15 in expediting that project, the Secretary shall take such
16 actions as are necessary to advance such a project as a
17 non-Federal project, including, but not limited to, entering
18 into agreements with the non-Federal sponsor of such
19 project to support the planning, design and permitting of
20 such project as a non-Federal project.

21 (g) PROGRAMMATIC COMPLIANCE.—

22 (1) IN GENERAL.—The Secretary shall issue
23 guidance regarding the use of programmatic ap-
24 proaches to carry out the environmental review proc-
25 ess that—

1 (A) eliminates repetitive discussions of the
2 same issues;

3 (B) focuses on the actual issues ripe for
4 analyses at each level of review;

5 (C) establishes a formal process for coordi-
6 nating with participating and cooperating agen-
7 cies, including the creation of a list of all data
8 that are needed to carry out an environmental
9 review process; and

10 (D) complies with—

11 (i) the National Environmental Policy
12 Act of 1969 (42 U.S.C. 4321 et seq.); and

13 (ii) all other applicable laws.

14 (2) REQUIREMENTS.—In carrying out para-
15 graph (1), the Secretary shall—

16 (A) as the first step in drafting guidance
17 under that paragraph, consult with relevant
18 Federal, State, and local governmental agen-
19 cies, Indian tribes, and the public on the appro-
20 priate use and scope of the programmatic ap-
21 proaches;

22 (B) emphasize the importance of collabora-
23 tion among relevant Federal, State, and local
24 governmental agencies, and Indian tribes in un-
25 dertaking programmatic reviews, especially with

1 respect to including reviews with a broad geo-
2 graphical scope;

3 (C) ensure that the programmatic re-
4 views—

5 (i) promote transparency, including of
6 the analyses and data used in the environ-
7 mental review process, the treatment of
8 any deferred issues raised by Federal,
9 State, and local governmental agencies, In-
10 dian tribes, or the public, and the temporal
11 and special scales to be used to analyze
12 those issues;

13 (ii) use accurate and timely informa-
14 tion in the environmental review process,
15 including—

16 (I) criteria for determining the
17 general duration of the usefulness of
18 the review; and

19 (II) the timeline for updating any
20 out-of-date review;

21 (iii) describe—

22 (I) the relationship between pro-
23 grammatic analysis and future tiered
24 analysis; and

1 (II) the role of the public in the
2 creation of future tiered analysis; and
3 (iv) are available to other relevant
4 Federal, State, and local governmental
5 agencies, Indian tribes, and the public;
6 (D) allow not fewer than 60 days of public
7 notice and comment on any proposed guidance;
8 and
9 (E) address any comments received under
10 subparagraph (D).

11 (h) COORDINATED REVIEWS.—

12 (1) COORDINATION PLAN.—

13 (A) ESTABLISHMENT.—The Federal lead
14 agency shall, after consultation with and with
15 the concurrence of each participating and co-
16 operating agency and the project sponsor or
17 joint lead agency, as applicable, establish a plan
18 for coordinating public and agency participation
19 in, and comment on, the environmental review
20 process for a project study or a category of
21 project studies.

22 (B) SCHEDULE.—

23 (i) IN GENERAL.—As soon as prac-
24 ticable but not later than 45 days after the
25 close of the public comment period on a

1 draft environmental impact statement, the
2 Federal lead agency, after consultation
3 with and the concurrence of each partici-
4 pating and cooperating agency and the
5 project sponsor or joint lead agency, as ap-
6 plicable, shall establish, as part of the co-
7 ordination plan established in subpara-
8 graph (A), a schedule for completion of the
9 environmental review process for the
10 project study.

11 (ii) FACTORS FOR CONSIDERATION.—

12 In establishing a schedule, the Secretary
13 shall consider factors such as—

14 (I) the responsibilities of partici-
15 pating and cooperating agencies under
16 applicable laws;

17 (II) the resources available to the
18 project sponsor, joint lead agency, and
19 other relevant Federal and State
20 agencies, as applicable;

21 (III) the overall size and com-
22 plexity of the project;

23 (IV) the overall schedule for and
24 cost of the project; and

1 (V) the sensitivity of the natural
2 and historical resources that could be
3 affected by the project.

4 (iii) MODIFICATIONS.—The Secretary
5 may—

6 (I) lengthen a schedule estab-
7 lished under clause (i) for good cause;
8 and

9 (II) shorten a schedule only with
10 concurrence of the affected partici-
11 pating and cooperating agencies and
12 the project sponsor or joint lead agen-
13 cy, as applicable.

14 (iv) DISSEMINATION.—A copy of a
15 schedule established under clause (i) shall
16 be—

17 (I) provided to each participating
18 and cooperating agency and the
19 project sponsor or joint lead agency,
20 as applicable; and

21 (II) made available to the public.

22 (2) COMMENT DEADLINES.—The Federal lead
23 agency shall establish the following deadlines for
24 comment during the environmental review process
25 for a project study:

1 (A) DRAFT ENVIRONMENTAL IMPACT
2 STATEMENTS.—For comments by Federal and
3 State agencies and the public on a draft envi-
4 ronmental impact statement, a period of not
5 more than 60 days after publication in the Fed-
6 eral Register of notice of the date of public
7 availability of the draft environmental impact
8 statement, unless—

9 (i) a different deadline is established
10 by agreement of the Federal lead agency,
11 the project sponsor or joint lead agency, as
12 applicable, and all participating and co-
13 operating agencies; or

14 (ii) the deadline is extended by the
15 Federal lead agency for good cause.

16 (B) OTHER ENVIRONMENTAL REVIEW
17 PROCESSES.—For all other comment periods es-
18 tablished by the Federal lead agency for agency
19 or public comments in the environmental review
20 process, a period of not more than 30 days
21 after the date on which the materials on which
22 comment is requested are made available, un-
23 less—

24 (i) a different deadline is established
25 by agreement of the Federal lead agency,

1 the project sponsor, or joint lead agency,
2 as applicable, and all participating and co-
3 operating agencies; or

4 (ii) the deadline is extended by the
5 Federal lead agency for good cause.

6 (3) DEADLINES FOR DECISIONS UNDER OTHER
7 LAWS.—In any case in which a decision under any
8 Federal law relating to a project study, including the
9 issuance or denial of a permit or license, is required
10 to be made by the date described in subsection
11 (i)(5)(B), the Secretary shall submit to the Com-
12 mittee on Natural Resources of the House of Rep-
13 resentatives and the Committee on Energy and Nat-
14 ural Resources of the Senate—

15 (A) as soon as practicable after the 180-
16 day period described in subsection (i)(5)(B), an
17 initial notice of the failure of the Federal agen-
18 cy to make the decision; and

19 (B) every 60 days thereafter until such
20 date as all decisions of the Federal agency re-
21 lating to the project study have been made by
22 the Federal agency, an additional notice that
23 describes the number of decisions of the Fed-
24 eral agency that remain outstanding as of the
25 date of the additional notice.

1 (4) INVOLVEMENT OF THE PUBLIC.—Nothing
2 in this subsection reduces any time period provided
3 for public comment in the environmental review
4 process under applicable Federal law (including reg-
5 ulations).

6 (5) TRANSPARENCY REPORTING.—

7 (A) REPORTING REQUIREMENTS.—Not
8 later than 1 year after the date of enactment of
9 this Act, the Secretary shall establish and main-
10 tain an electronic database and, in coordination
11 with other Federal and State agencies, issue re-
12 porting requirements to make publicly available
13 the status and progress with respect to compli-
14 ance with applicable requirements of the Na-
15 tional Environmental Policy Act of 1969 (42
16 U.S.C. 4321 et seq.) and any other Federal,
17 State, or local approval or action required for a
18 project study for which this section is applica-
19 ble.

20 (B) PROJECT STUDY TRANSPARENCY.—

21 Consistent with the requirements established
22 under subparagraph (A), the Secretary shall
23 make publicly available the status and progress
24 of any Federal, State, or local decision, action,
25 or approval required under applicable laws for

1 each project study for which this section is ap-
2 plicable.

3 (i) ISSUE IDENTIFICATION AND RESOLUTION.—

4 (1) COOPERATION.—The Federal lead agency,
5 the cooperating agencies, and any participating
6 agencies shall work cooperatively in accordance with
7 this section to identify and resolve issues that could
8 delay completion of the environmental review process
9 or result in the denial of any approval required for
10 the project study under applicable laws.

11 (2) FEDERAL LEAD AGENCY RESPONSIBIL-
12 ITIES.—

13 (A) IN GENERAL.—The Federal lead agen-
14 cy shall make information available to the co-
15 operating agencies and participating agencies as
16 early as practicable in the environmental review
17 process regarding the environmental and socio-
18 economic resources located within the project
19 area and the general locations of the alter-
20 natives under consideration.

21 (B) DATA SOURCES.—The information
22 under subparagraph (A) may be based on exist-
23 ing data sources, including geographic informa-
24 tion systems mapping.

1 (3) COOPERATING AND PARTICIPATING AGENCY
2 RESPONSIBILITIES.—Based on information received
3 from the Federal lead agency, cooperating and par-
4 ticipating agencies shall identify, as early as prac-
5 ticable, any issues of concern regarding the potential
6 environmental or socioeconomic impacts of the
7 project, including any issues that could substantially
8 delay or prevent an agency from granting a permit
9 or other approval that is needed for the project
10 study.

11 (4) ACCELERATED ISSUE RESOLUTION AND
12 ELEVATION.—

13 (A) IN GENERAL.—On the request of a
14 participating or cooperating agency or project
15 sponsor, the Secretary shall convene an issue
16 resolution meeting with the relevant partici-
17 pating and cooperating agencies and the project
18 sponsor or joint lead agency, as applicable, to
19 resolve issues that may—

20 (i) delay completion of the environ-
21 mental review process; or

22 (ii) result in denial of any approval re-
23 quired for the project study under applica-
24 ble laws.

1 (B) MEETING DATE.—A meeting requested
2 under this paragraph shall be held not later
3 than 21 days after the date on which the Sec-
4 retary receives the request for the meeting, un-
5 less the Secretary determines that there is good
6 cause to extend that deadline.

7 (C) NOTIFICATION.—On receipt of a re-
8 quest for a meeting under this paragraph, the
9 Secretary shall notify all relevant participating
10 and cooperating agencies of the request, includ-
11 ing the issue to be resolved and the date for the
12 meeting.

13 (D) ELEVATION OF ISSUE RESOLUTION.—
14 If a resolution cannot be achieved within the
15 30-day period beginning on the date of a meet-
16 ing under this paragraph and a determination
17 is made by the Secretary that all information
18 necessary to resolve the issue has been ob-
19 tained, the Secretary shall forward the dispute
20 to the heads of the relevant agencies for resolu-
21 tion.

22 (E) CONVENTION BY SECRETARY.—The
23 Secretary may convene an issue resolution
24 meeting under this paragraph at any time, at
25 the discretion of the Secretary, regardless of

1 whether a meeting is requested under subpara-
2 graph (A).

3 (5) FINANCIAL PENALTY PROVISIONS.—

4 (A) IN GENERAL.—A Federal jurisdictional
5 agency shall complete any required approval or
6 decision for the environmental review process
7 on an expeditious basis using the shortest exist-
8 ing applicable process.

9 (B) FAILURE TO DECIDE.—

10 (i) IN GENERAL.—

11 (I) TRANSFER OF FUNDS.—If a
12 Federal jurisdictional agency fails to
13 render a decision required under any
14 Federal law relating to a project study
15 that requires the preparation of an
16 environmental impact statement or
17 environmental assessment, including
18 the issuance or denial of a permit, li-
19 cense, statement, opinion, or other ap-
20 proval by the date described in clause
21 (ii), the amount of funds made avail-
22 able to support the office of the head
23 of the Federal jurisdictional agency
24 shall be reduced by an amount of
25 funding equal to the amount specified

1 in item (aa) or (bb) of subclause (II),
2 and those funds shall be made avail-
3 able to the division of the Federal ju-
4 risdictional agency charged with ren-
5 dering the decision by not later than
6 1 day after the applicable date under
7 clause (ii), and once each week there-
8 after until a final decision is rendered,
9 subject to subparagraph (C).

10 (II) AMOUNT TO BE TRANS-
11 FERRED.—The amount referred to in
12 subclause (I) is—

13 (aa) \$20,000 for any project
14 study requiring the preparation
15 of an environmental assessment
16 or environmental impact state-
17 ment; or

18 (bb) \$10,000 for any project
19 study requiring any type of re-
20 view under the National Environ-
21 mental Policy Act of 1969 (42
22 U.S.C. 4321 et seq.) other than
23 an environmental assessment or
24 environmental impact statement.

1 (ii) DESCRIPTION OF DATE.—The
2 date referred to in clause (i) is the later
3 of—

4 (I) the date that is 180 days
5 after the date on which an application
6 for the permit, license, or approval is
7 complete; and

8 (II) the date that is 180 days
9 after the date on which the Federal
10 lead agency issues a decision on the
11 project under the National Environ-
12 mental Policy Act of 1969 (42 U.S.C.
13 4321 et seq.).

14 (C) LIMITATIONS.—

15 (i) IN GENERAL.—No transfer of
16 funds under subparagraph (B) relating to
17 an individual project study shall exceed, in
18 any fiscal year, an amount equal to 1 per-
19 cent of the funds made available for the
20 applicable agency office.

21 (ii) FAILURE TO DECIDE.—The total
22 amount transferred in a fiscal year as a re-
23 sult of a failure by an agency to make a
24 decision by an applicable deadline shall not
25 exceed an amount equal to 5 percent of the

1 funds made available for the applicable
2 agency office for that fiscal year.

3 (iii) AGGREGATE.—Notwithstanding
4 any other provision of law, for each fiscal
5 year, the aggregate amount of financial
6 penalties assessed against each applicable
7 agency office under this title and any other
8 Federal law as a result of a failure of the
9 agency to make a decision by an applicable
10 deadline for environmental review, includ-
11 ing the total amount transferred under this
12 paragraph, shall not exceed an amount
13 equal to 9.5 percent of the funds made
14 available for the agency office for that fis-
15 cal year.

16 (D) NOTIFICATION OF TRANSFERS.—Not
17 later than 10 days after the last date in a fiscal
18 year on which funds of the Federal jurisdic-
19 tional agency may be transferred under sub-
20 paragraph (B)(5) with respect to an individual
21 decision, the agency shall submit to the appro-
22 priate committees of the House of Representa-
23 tives and the Senate written notification that
24 includes a description of—

25 (i) the decision;

1 (ii) the project study involved;

2 (iii) the amount of each transfer
3 under subparagraph (B) in that fiscal year
4 relating to the decision;

5 (iv) the total amount of all transfers
6 under subparagraph (B) in that fiscal year
7 relating to the decision; and

8 (v) the total amount of all transfers of
9 the agency under subparagraph (B) in that
10 fiscal year.

11 (E) NO FAULT OF AGENCY.—

12 (i) IN GENERAL.—A transfer of funds
13 under this paragraph shall not be made if
14 the applicable agency described in subpara-
15 graph (A) notifies, with a supporting ex-
16 planation, the Federal lead agency, cooper-
17 ating agencies, and project sponsor, as ap-
18 plicable, that—

19 (I) the agency has not received
20 necessary information or approvals
21 from another entity in a manner that
22 affects the ability of the agency to
23 meet any requirements under Federal,
24 State, or local law;

1 (II) significant new information,
2 including from public comments, or
3 circumstances, including a major
4 modification to an aspect of the
5 project, requires additional analysis
6 for the agency to make a decision on
7 the project application; or

8 (III) the agency lacks the finan-
9 cial resources to complete the review
10 under the scheduled timeframe, in-
11 cluding a description of the number of
12 full-time employees required to com-
13 plete the review, the amount of fund-
14 ing required to complete the review,
15 and a justification as to why not
16 enough funding is available to com-
17 plete the review by the deadline.

18 (ii) LACK OF FINANCIAL RE-
19 SOURCES.—If the agency provides notice
20 under clause (i)(III), the Inspector General
21 of the agency shall—

22 (I) conduct a financial audit to
23 review the notice; and

24 (II) not later than 90 days after
25 the date on which the review described

1 in subclause (I) is completed, submit
2 to the Committee on Natural Re-
3 sources of the House of Representa-
4 tives and the Committee on Energy
5 and Natural Resources of the Senate
6 the results of the audit conducted
7 under subclause (I).

8 (F) LIMITATION.—The Federal agency
9 from which funds are transferred pursuant to
10 this paragraph shall not reprogram funds to the
11 office of the head of the agency, or equivalent
12 office, to reimburse that office for the loss of
13 the funds.

14 (G) EFFECT OF PARAGRAPH.—Nothing in
15 this paragraph affects or limits the application
16 of, or obligation to comply with, any Federal,
17 State, local, or tribal law.

18 (j) MEMORANDUM OF AGREEMENTS FOR EARLY CO-
19 ORDINATION.—

20 (1) SENSE OF CONGRESS.—It is the sense of
21 Congress that—

22 (A) the Secretary and other Federal agen-
23 cies with relevant jurisdiction in the environ-
24 mental review process should cooperate with
25 each other, State and local agencies, and Indian

1 tribes on environmental review and Bureau of
2 Reclamation project delivery activities at the
3 earliest practicable time to avoid delays and du-
4 plication of effort later in the process, prevent
5 potential conflicts, and ensure that planning
6 and project development decisions reflect envi-
7 ronmental values; and

8 (B) the cooperation referred to in subpara-
9 graph (A) should include the development of
10 policies and the designation of staff that advise
11 planning agencies and project sponsors of stud-
12 ies or other information foreseeably required for
13 later Federal action and early consultation with
14 appropriate State and local agencies and Indian
15 tribes.

16 (2) TECHNICAL ASSISTANCE.—If requested at
17 any time by a State or project sponsor, the Sec-
18 retary and other Federal agencies with relevant ju-
19 risdiction in the environmental review process, shall,
20 to the maximum extent practicable and appropriate,
21 as determined by the agencies, provide technical as-
22 sistance to the State or project sponsor in carrying
23 out early coordination activities.

24 (3) MEMORANDUM OF AGENCY AGREEMENT.—
25 If requested at any time by a State or project spon-

1 sor, the Federal lead agency, in consultation with
2 other Federal agencies with relevant jurisdiction in
3 the environmental review process, may establish
4 memoranda of agreement with the project sponsor,
5 Indian tribes, State and local governments, and
6 other appropriate entities to carry out the early co-
7 ordination activities, including providing technical
8 assistance in identifying potential impacts and miti-
9 gation issues in an integrated fashion.

10 (k) LIMITATIONS.—Nothing in this section preempts
11 or interferes with—

12 (1) any obligation to comply with the provisions
13 of any Federal law, including—

14 (A) the National Environmental Policy Act
15 of 1969 (42 U.S.C. 4321 et seq.); and

16 (B) any other Federal environmental law;

17 (2) the reviewability of any final Federal agency
18 action in a court of the United States or in the court
19 of any State;

20 (3) any requirement for seeking, considering, or
21 responding to public comment; or

22 (4) any power, jurisdiction, responsibility, duty,
23 or authority that a Federal, State, or local govern-
24 mental agency, Indian tribe, or project sponsor has

1 with respect to carrying out a project or any other
2 provision of law applicable to projects.

3 (l) TIMING OF CLAIMS.—

4 (1) TIMING.—

5 (A) IN GENERAL.—Notwithstanding any
6 other provision of law, a claim arising under
7 Federal law seeking judicial review of a permit,
8 license, or other approval issued by a Federal
9 agency for a project study shall be barred un-
10 less the claim is filed not later than 3 years
11 after publication of a notice in the Federal Reg-
12 ister announcing that the permit, license, or
13 other approval is final pursuant to the law
14 under which the agency action is taken, unless
15 a shorter time is specified in the Federal law
16 that allows judicial review.

17 (B) APPLICABILITY.—Nothing in this sub-
18 section creates a right to judicial review or
19 places any limit on filing a claim that a person
20 has violated the terms of a permit, license, or
21 other approval.

22 (2) NEW INFORMATION.—

23 (A) IN GENERAL.—The Secretary shall
24 consider new information received after the
25 close of a comment period if the information

1 satisfies the requirements for a supplemental
2 environmental impact statement under title 40,
3 Code of Federal Regulations (including suc-
4 cessor regulations).

5 (B) SEPARATE ACTION.—The preparation
6 of a supplemental environmental impact state-
7 ment or other environmental document, if re-
8 quired under this section, shall be considered a
9 separate final agency action and the deadline
10 for filing a claim for judicial review of the ac-
11 tion shall be 3 years after the date of publica-
12 tion of a notice in the Federal Register an-
13 nouncing the action relating to such supple-
14 mental environmental impact statement or
15 other environmental document.

16 (m) CATEGORICAL EXCLUSIONS.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of enactment of this Act, the Sec-
19 retary shall—

20 (A) survey the use by the Bureau of Rec-
21 lamation of categorical exclusions in projects
22 since 2005;

23 (B) publish a review of the survey that in-
24 cludes a description of—

1 (i) the types of actions that were cat-
2 egorically excluded or could be the basis
3 for developing a new categorical exclusion;
4 and

5 (ii) any requests previously received
6 by the Secretary for new categorical exclu-
7 sions; and

8 (C) solicit requests from other Federal
9 agencies and project sponsors for new categor-
10 ical exclusions.

11 (2) NEW CATEGORICAL EXCLUSIONS.—Not
12 later than 1 year after the date of enactment of this
13 Act, if the Secretary has identified a category of ac-
14 tivities that merit establishing a categorical exclusion
15 that did not exist on the day before the date of en-
16 actment this Act based on the review under para-
17 graph (1), the Secretary shall publish a notice of
18 proposed rulemaking to propose that new categorical
19 exclusion, to the extent that the categorical exclusion
20 meets the criteria for a categorical exclusion under
21 section 1508.4 of title 40, Code of Federal Regula-
22 tions (or successor regulation).

23 (n) REVIEW OF PROJECT ACCELERATION RE-
24 FORMS.—

1 (1) IN GENERAL.—The Comptroller General of
2 the United States shall—

3 (A) assess the reforms carried out under
4 this section; and

5 (B) not later than 5 years and not later
6 than 10 years after the date of enactment of
7 this Act, submit to the Committee on Natural
8 Resources of the House of Representatives and
9 the Committee on Energy and Natural Re-
10 sources of the Senate a report that describes
11 the results of the assessment.

12 (2) CONTENTS.—The reports under paragraph
13 (1) shall include an evaluation of impacts of the re-
14 forms carried out under this section on—

15 (A) project delivery;

16 (B) compliance with environmental laws;

17 and

18 (C) the environmental impact of projects.

19 (o) PERFORMANCE MEASUREMENT.—The Secretary
20 shall establish a program to measure and report on
21 progress made toward improving and expediting the plan-
22 ning and environmental review process.

23 (p) CATEGORICAL EXCLUSIONS IN EMERGENCIES.—
24 For the repair, reconstruction, or rehabilitation of a Bu-
25 reau of Reclamation surface water storage project that is

1 in operation or under construction when damaged by an
2 event or incident that results in a declaration by the Presi-
3 dent of a major disaster or emergency pursuant to the
4 Robert T. Stafford Disaster Relief and Emergency Assist-
5 ance Act (42 U.S.C. 5121 et seq.), the Secretary shall
6 treat such repair, reconstruction, or rehabilitation activity
7 as a class of action categorically excluded from the re-
8 quirements relating to environmental assessments or envi-
9 ronmental impact statements under section 1508.4 of title
10 40, Code of Federal Regulations (or successor regula-
11 tions), if the repair or reconstruction activity is—

12 (1) in the same location with the same capacity,
13 dimensions, and design as the original Bureau of
14 Reclamation surface water storage project as before
15 the declaration described in this section; and

16 (2) commenced within a 2-year period begin-
17 ning on the date of a declaration described in this
18 subsection.

19 **SEC. 606. ANNUAL REPORT TO CONGRESS.**

20 (a) IN GENERAL.—Not later than February 1 of each
21 year, the Secretary shall develop and submit to the Com-
22 mittee on Natural Resources of the House of Representa-
23 tives and the Committee on Energy and Natural Re-
24 sources of the Senate an annual report, to be entitled “Re-

1 port to Congress on Future Water Project Development”,
2 that identifies the following:

3 (1) PROJECT REPORTS.—Each project report
4 that meets the criteria established in subsection
5 (c)(1)(A).

6 (2) PROPOSED PROJECT STUDIES.—Any pro-
7 posed project study submitted to the Secretary by a
8 non-Federal interest pursuant to subsection (b) that
9 meets the criteria established in subsection
10 (c)(1)(A).

11 (3) PROPOSED MODIFICATIONS.—Any proposed
12 modification to an authorized water project or
13 project study that meets the criteria established in
14 subsection (c)(1)(A) that—

15 (A) is submitted to the Secretary by a non-
16 Federal interest pursuant to subsection (b); or

17 (B) is identified by the Secretary for au-
18 thorization.

19 (4) EXPEDITED COMPLETION OF REPORT AND
20 DETERMINATIONS.—Any project study that was ex-
21 pedited and any Secretarial determinations under
22 section 804.

23 (b) REQUESTS FOR PROPOSALS.—

24 (1) PUBLICATION.—Not later than May 1 of
25 each year, the Secretary shall publish in the Federal

1 Register a notice requesting proposals from non-
2 Federal interests for proposed project studies and
3 proposed modifications to authorized projects and
4 project studies to be included in the annual report.

5 (2) DEADLINE FOR REQUESTS.—The Secretary
6 shall include in each notice required by this sub-
7 section a requirement that non-Federal interests
8 submit to the Secretary any proposals described in
9 paragraph (1) by not later than 120 days after the
10 date of publication of the notice in the Federal Reg-
11 ister in order for the proposals to be considered for
12 inclusion in the annual report.

13 (3) NOTIFICATION.—On the date of publication
14 of each notice required by this subsection, the Sec-
15 retary shall—

16 (A) make the notice publicly available, in-
17 cluding on the Internet; and

18 (B) provide written notification of the pub-
19 lication to the Committee on Natural Resources
20 of the House of Representatives and the Com-
21 mittee on Energy and Natural Resources of the
22 Senate.

23 (c) CONTENTS.—

24 (1) PROJECT REPORTS, PROPOSED PROJECT
25 STUDIES, AND PROPOSED MODIFICATIONS.—

1 (A) CRITERIA FOR INCLUSION IN RE-
2 PORT.—The Secretary shall include in the an-
3 nual report only those project reports, proposed
4 project studies, and proposed modifications to
5 authorized projects and project studies that—

6 (i) are related to the missions and au-
7 thorities of the Bureau of Reclamation;

8 (ii) require specific congressional au-
9 thorization, including by an Act of Con-
10 gress;

11 (iii) have not been congressionally au-
12 thorized;

13 (iv) have not been included in any
14 previous annual report; and

15 (v) if authorized, could be carried out
16 by the Bureau of Reclamation.

17 (B) DESCRIPTION OF BENEFITS.—

18 (i) DESCRIPTION.—The Secretary
19 shall describe in the annual report, to the
20 extent applicable and practicable, for each
21 proposed project study and proposed modi-
22 fication to an authorized water resources
23 development project or project study in-
24 cluded in the annual report, the benefits,

1 as described in clause (ii), of each such
2 study or proposed modification.

3 (ii) BENEFITS.—The benefits (or ex-
4 pected benefits, in the case of a proposed
5 project study) described in this clause are
6 benefits to—

7 (I) the protection of human life
8 and property;

9 (II) improvement to domestic ir-
10 rigated water and power supplies;

11 (III) the national economy;

12 (IV) the environment; or

13 (V) the national security inter-
14 ests of the United States.

15 (C) IDENTIFICATION OF OTHER FAC-
16 TORS.—The Secretary shall identify in the an-
17 nual report, to the extent practicable—

18 (i) for each proposed project study in-
19 cluded in the annual report, the non-Fed-
20 eral interest that submitted the proposed
21 project study pursuant to subsection (b);
22 and

23 (ii) for each proposed project study
24 and proposed modification to a project or
25 project study included in the annual re-

port, whether the non-Federal interest has demonstrated—

(I) that local support exists for the proposed project study or proposed modification to an authorized project or project study (including the surface water storage development project that is the subject of the proposed feasibility study or the proposed modification to an authorized project study); and

(II) the financial ability to provide the required non-Federal cost share.

(2) TRANSPARENCY.—The Secretary shall include in the annual report, for each project report, proposed project study, and proposed modification to a project or project study included under paragraph (1)(A)—

(A) the name of the associated non-Federal interest, including the name of any non-Federal interest that has contributed, or is expected to contribute, a non-Federal share of the cost of—

(i) the project report;

- 1 (ii) the proposed project study;
- 2 (iii) the authorized project study for
- 3 which the modification is proposed; or
- 4 (iv) construction of—
 - 5 (I) the project that is the subject
 - 6 of—
 - 7 (aa) the water report;
 - 8 (bb) the proposed project
 - 9 study; or
 - 10 (cc) the authorized project
 - 11 study for which a modification is
 - 12 proposed; or
 - 13 (II) the proposed modification to
 - 14 a project;
 - 15 (B) a letter or statement of support for the
 - 16 water report, proposed project study, or pro-
 - 17 posed modification to a project or project study
 - 18 from each associated non-Federal interest;
 - 19 (C) the purpose of the feasibility report,
 - 20 proposed feasibility study, or proposed modi-
 - 21 fication to a project or project study;
 - 22 (D) an estimate, to the extent practicable,
 - 23 of the Federal, non-Federal, and total costs
 - 24 of—

1 (i) the proposed modification to an
2 authorized project study; and

3 (ii) construction of—

4 (I) the project that is the subject
5 of—

6 (aa) the project report; or

7 (bb) the authorized project
8 study for which a modification is
9 proposed, with respect to the
10 change in costs resulting from
11 such modification; or

12 (II) the proposed modification to
13 an authorized project; and

14 (E) an estimate, to the extent practicable,
15 of the monetary and nonmonetary benefits of—

16 (i) the project that is the subject of—

17 (I) the project report; or

18 (II) the authorized project study
19 for which a modification is proposed,
20 with respect to the benefits of such
21 modification; or

22 (ii) the proposed modification to an
23 authorized project.

24 (3) CERTIFICATION.—The Secretary shall in-
25 clude in the annual report a certification stating

1 that each feasibility report, proposed feasibility
2 study, and proposed modification to a project or
3 project study included in the annual report meets
4 the criteria established in paragraph (1)(A).

5 (4) APPENDIX.—The Secretary shall include in
6 the annual report an appendix listing the proposals
7 submitted under subsection (b) that were not in-
8 cluded in the annual report under paragraph (1)(A)
9 and a description of why the Secretary determined
10 that those proposals did not meet the criteria for in-
11 clusion under such paragraph.

12 (d) SPECIAL RULE FOR INITIAL ANNUAL REPORT.—

13 Notwithstanding any other deadlines required by this sec-
14 tion, the Secretary shall—

15 (1) not later than 60 days after the date of en-
16 actment of this Act, publish in the Federal Register
17 a notice required by subsection (b)(1); and

18 (2) include in such notice a requirement that
19 non-Federal interests submit to the Secretary any
20 proposals described in subsection (b)(1) by not later
21 than 120 days after the date of publication of such
22 notice in the Federal Register in order for such pro-
23 posals to be considered for inclusion in the first an-
24 nual report developed by the Secretary under this
25 section.

1 (e) PUBLICATION.—Upon submission of an annual
 2 report to Congress, the Secretary shall make the annual
 3 report publicly available, including through publication on
 4 the Internet.

5 (f) DEFINITION.—In this section, the term “project
 6 report” means a final feasibility report developed under
 7 the Reclamation Act of 1902 (32 Stat. 388), and all Acts
 8 amendatory thereof or supplementary thereto.

9 **TITLE VII—ACCELERATED REV-**
 10 **ENUE, REPAYMENT, AND SUR-**
 11 **FACE WATER STORAGE EN-**
 12 **HANCEMENT**

13 **SEC. 701. SHORT TITLE.**

14 This title may be cited as the “Accelerated Revenue,
 15 Repayment, and Surface Water Storage Enhancement
 16 Act”.

17 **SEC. 702. PREPAYMENT OF CERTAIN REPAYMENT CON-**
 18 **TRACTS BETWEEN THE UNITED STATES AND**
 19 **CONTRACTORS OF FEDERALLY DEVELOPED**
 20 **WATER SUPPLIES.**

21 (a) CONVERSION AND PREPAYMENT OF CON-
 22 TRACTS.—

23 (1) CONVERSION.—Upon request of the con-
 24 tractor, the Secretary of the Interior shall convert
 25 any water service contract in effect on the date of

1 enactment of this Act and between the United
2 States and a water users' association to allow for
3 prepayment of the repayment contract pursuant to
4 paragraph (2) under mutually agreeable terms and
5 conditions. The manner of conversion under this
6 paragraph shall be as follows:

7 (A) Water service contracts that were en-
8 tered into under section 9(e) of the Act of Au-
9 gust 4, 1939 (53 Stat. 1196), to be converted
10 under this section shall be converted to repay-
11 ment contracts under section 9(d) of that Act
12 (53 Stat. 1195).

13 (B) Water service contracts that were en-
14 tered under subsection (c)(2) of section 9 of the
15 Act of August 4, 1939 (53 Stat. 1194), to be
16 converted under this section shall be converted
17 to a contract under subsection (c)(1) of section
18 9 of that Act (53 Stat. 1195).

19 (2) PREPAYMENT.—Except for those repayment
20 contracts under which the contractor has previously
21 negotiated for prepayment, all repayment contracts
22 under section 9(d) of that Act (53 Stat. 1195) in ef-
23 fect on the date of enactment of this Act at the re-
24 quest of the contractor, and all contracts converted
25 pursuant to paragraph (1)(A) shall—

1 (A) provide for the repayment, either in
2 lump sum or by accelerated prepayment, of the
3 remaining construction costs identified in water
4 project specific irrigation rate repayment sched-
5 ules, as adjusted to reflect payment not re-
6 flected in such schedule, and properly assign-
7 able for ultimate return by the contractor, or if
8 made in approximately equal installments, no
9 later than 3 years after the effective date of the
10 repayment contract, such amount to be dis-
11 counted by $\frac{1}{2}$ the Treasury rate. An estimate
12 of the remaining construction costs, as ad-
13 justed, shall be provided by the Secretary to the
14 contractor no later than 90 days following re-
15 ceipt of request of the contractor;

16 (B) require that construction costs or
17 other capitalized costs incurred after the effec-
18 tive date of the contract or not reflected in the
19 rate schedule referenced in subparagraph (A),
20 and properly assignable to such contractor shall
21 be repaid in not more than 5 years after notifi-
22 cation of the allocation if such amount is a re-
23 sult of a collective annual allocation of capital
24 costs to the contractors exercising contract con-
25 versation under this subsection of less than

1 \$5,000,000. If such amount is \$5,000,000 or
2 greater, such cost shall be repaid as provided by
3 applicable reclamation law;

4 (C) provide that power revenues will not be
5 available to aid in repayment of construction
6 costs allocated to irrigation under the contract;
7 and

8 (D) continue so long as the contractor
9 pays applicable charges, consistent with section
10 9(d) of the Act of August 4, 1939 (53 Stat.
11 1195), and applicable law.

12 (3) CONTRACT REQUIREMENTS.—Except for
13 those repayment contracts under which the con-
14 tractor has previously negotiated for prepayment,
15 the following shall apply with regard to all repay-
16 ment contracts under subsection (c)(1) of section 9
17 of that Act (53 Stat. 1195) in effect on the date of
18 enactment of this Act at the request of the con-
19 tractor, and all contracts converted pursuant to
20 paragraph (1)(B):

21 (A) Provide for the repayment in lump
22 sum of the remaining construction costs identi-
23 fied in water project specific municipal and in-
24 dustrial rate repayment schedules, as adjusted
25 to reflect payments not reflected in such sched-

1 ule, and properly assignable for ultimate return
2 by the contractor. An estimate of the remaining
3 construction costs, as adjusted, shall be pro-
4 vided by the Secretary to the contractor no
5 later than 90 days after receipt of request of
6 contractor.

7 (B) The contract shall require that con-
8 struction costs or other capitalized costs in-
9 curred after the effective date of the contract or
10 not reflected in the rate schedule referenced in
11 subparagraph (A), and properly assignable to
12 such contractor, shall be repaid in not more
13 than 5 years after notification of the allocation
14 if such amount is a result of a collective annual
15 allocation of capital costs to the contractors ex-
16 ercising contract conversation under this sub-
17 section of less than \$5,000,000. If such amount
18 is \$5,000,000 or greater, such cost shall be re-
19 paid as provided by applicable reclamation law.

20 (C) Continue so long as the contractor
21 pays applicable charges, consistent with section
22 9(c)(1) of the Act of August 4, 1939 (53 Stat.
23 1195), and applicable law.

24 (4) CONDITIONS.—All contracts entered into
25 pursuant to paragraphs (1), (2), and (3) shall—

1 (A) not be adjusted on the basis of the
2 type of prepayment financing used by the water
3 users' association;

4 (B) conform to any other agreements, such
5 as applicable settlement agreements and new
6 constructed appurtenant facilities; and

7 (C) not modify other water service, repay-
8 ment, exchange and transfer contractual rights
9 between the water users' association, and the
10 Bureau of Reclamation, or any rights, obliga-
11 tions, or relationships of the water users' asso-
12 ciation and their landowners as provided under
13 State law.

14 (b) ACCOUNTING.—The amounts paid pursuant to
15 subsection (a) shall be subject to adjustment following a
16 final cost allocation by the Secretary of the Interior. In
17 the event that the final cost allocation indicates that the
18 costs properly assignable to the contractor are greater
19 than what has been paid by the contractor, the contractor
20 shall be obligated to pay the remaining allocated costs.
21 The term of such additional repayment contract shall be
22 not less than one year and not more than 10 years, how-
23 ever, mutually agreeable provisions regarding the rate of
24 repayment of such amount may be developed by the par-
25 ties. In the event that the final cost allocation indicates

1 that the costs properly assignable to the contractor are
2 less than what the contractor has paid, the Secretary shall
3 credit such overpayment as an offset against any out-
4 standing or future obligation of the contractor.

5 (c) APPLICABILITY OF CERTAIN PROVISIONS.—

6 (1) EFFECT OF EXISTING LAW.—Upon a con-
7 tractor's compliance with and discharge of the obli-
8 gation of repayment of the construction costs pursu-
9 ant to a contract entered into pursuant to subsection
10 (a)(2)(A), subsections (a) and (b) of section 213 of
11 the Reclamation Reform Act of 1982 (96 Stat.
12 1269) shall apply to affected lands.

13 (2) EFFECT OF OTHER OBLIGATIONS.—The ob-
14 ligation of a contractor to repay construction costs
15 or other capitalized costs described in subsection
16 (a)(2)(B), (a)(3)(B), or (b) shall not affect a con-
17 tractor's status as having repaid all of the construc-
18 tion costs assignable to the contractor or the appli-
19 cability of subsections (a) and (b) of section 213 of
20 the Reclamation Reform Act of 1982 (96 Stat.
21 1269) once the amount required to be paid by the
22 contractor under the repayment contract entered
23 into pursuant to subsection (a)(2)(A) have been
24 paid.

1 (d) EFFECT ON EXISTING LAW NOT ALTERED.—Im-
2 plementation of the provisions of this title shall not alter—

3 (1) the repayment obligation of any water serv-
4 ice or repayment contractor receiving water from the
5 same water project, or shift any costs that would
6 otherwise have been properly assignable to the water
7 users' association identified in subsections (a)(1),
8 (a)(2), and (a)(3) absent this section, including op-
9 eration and maintenance costs, construction costs, or
10 other capitalized costs incurred after the date of the
11 enactment of this Act, or to other contractors; and

12 (2) specific requirements for the disposition of
13 amounts received as repayments by the Secretary
14 under the Act of June 17, 1902 (32 Stat. 388, chap-
15 ter 1093), and Acts supplemental to and amend-
16 atory of that Act (43 U.S.C. 371 et seq.).

17 (e) SURFACE WATER STORAGE ENHANCEMENT PRO-
18 GRAM.—

19 (1) IN GENERAL.—Except as provided in sub-
20 section (d)(2), three years following the date of en-
21 actment of this Act, 50 percent of receipts generated
22 from prepayment of contracts under this section be-
23 yond amounts necessary to cover the amount of re-
24 ceipts forgone from scheduled payments under cur-
25 rent law for the 10-year period following the date of

1 enactment of this Act shall be directed to the Rec-
2 lamation Surface Water Storage Account under
3 paragraph (2).

4 (2) SURFACE STORAGE ACCOUNT.—The Sec-
5 retary shall allocate amounts collected under para-
6 graph (1) into the “Reclamation Surface Storage
7 Account” to fund the construction of surface water
8 storage. The Secretary may also enter into coopera-
9 tive agreements with water users’ associations for
10 the construction of surface water storage and
11 amounts within the Surface Storage Account may be
12 used to fund such construction. Surface water stor-
13 age projects that are otherwise not federally author-
14 ized shall not be considered Federal facilities as a
15 result of any amounts allocated from the Surface
16 Storage Account for part or all of such facilities.

17 (3) REPAYMENT.—Amounts used for surface
18 water storage construction from the Account shall be
19 fully reimbursed to the Account consistent with the
20 requirements under Federal reclamation law (the
21 law (the Act of June 17, 1902 (32 Stat. 388, chap-
22 ter 1093))) and Acts supplemental to and amend-
23 atory of that Act (43 U.S.C. 371 et seq.) except that
24 all funds reimbursed shall be deposited in the Ac-
25 count established under paragraph (2).

1 (4) AVAILABILITY OF AMOUNTS.—Amounts de-
2 posited in the Account under this subsection shall—

3 (A) be made available in accordance with
4 this section, subject to appropriation; and

5 (B) be in addition to amounts appropriated
6 for such purposes under any other provision of
7 law.

8 (5) PURPOSES OF SURFACE WATER STORAGE.—
9 Construction of surface water storage under this sec-
10 tion shall be made for the following purposes:

11 (A) Increased municipal and industrial
12 water supply.

13 (B) Agricultural floodwater, erosion, and
14 sedimentation reduction.

15 (C) Agricultural drainage improvements.

16 (D) Agricultural irrigation.

17 (E) Increased recreation opportunities.

18 (F) Reduced adverse impacts to fish and
19 wildlife from water storage or diversion projects
20 within watersheds associated with water storage
21 projects funded under this section.

22 (G) Any other purposes consistent with
23 reclamation laws or other Federal law.

24 (f) DEFINITIONS.—For the purposes of this title, the
25 following definitions apply:

1 (1) ACCOUNT.—The term “Account” means the
2 Reclamation Surface Water Storage Account estab-
3 lished under subsection (e)(2).

4 (2) CONSTRUCTION.—The term “construction”
5 means the designing, materials engineering and test-
6 ing, surveying, and building of surface water storage
7 including additions to existing surface water storage
8 and construction of new surface water storage facili-
9 ties, exclusive of any Federal statutory or regulatory
10 obligations relating to any permit, review, approval,
11 or other such requirement.

12 (3) SURFACE WATER STORAGE.—The term
13 “surface water storage” means any federally owned
14 facility under the jurisdiction of the Bureau of Rec-
15 lamation or any non-Federal facility used for the
16 surface storage and supply of water resources.

17 (4) TREASURY RATE.—The term “Treasury
18 rate” means the 20-year Constant Maturity Treas-
19 ury (CMT) rate published by the United States De-
20 partment of the Treasury existing on the effective
21 date of the contract.

22 (5) WATER USERS’ ASSOCIATION.—The term
23 “water users’ association” means—

24 (A) an entity organized and recognized
25 under State laws that is eligible to enter into

contracts with reclamation to receive contract water for delivery to and users of the water and to pay applicable charges; and

(B) includes a variety of entities with different names and differing functions, such as associations, conservatory district, irrigation district, municipality, and water project contract unit.

TITLE VIII—SAFETY OF DAMS

SEC. 801. AUTHORIZATION OF ADDITIONAL PROJECT BENEFITS.

The Reclamation Safety of Dams Act of 1978 is amended—

(1) in section 3, by striking “Construction” and inserting “Except as provided in section 5B, construction”; and

(2) by inserting after section 5A (43 U.S.C. 509) the following:

“SEC. 5B. AUTHORIZATION OF ADDITIONAL PROJECT BENEFITS.

“Notwithstanding section 3, if the Secretary determines that additional project benefits, including but not limited to additional conservation storage capacity, are feasible and not inconsistent with the purposes of this Act, the Secretary is authorized to develop additional project

1 benefits through the construction of new or supplementary
2 works on a project in conjunction with the Secretary's ac-
3 tivities under section 2 and subject to the conditions de-
4 scribed in the feasibility study, provided—

5 “(1) the Secretary determines that developing
6 additional project benefits through the construction
7 of new or supplementary works on a project will pro-
8 mote more efficient management of water and
9 water-related facilities;

10 “(2) the feasibility study pertaining to addi-
11 tional project benefits has been authorized pursuant
12 to section 8 of the Federal Water Project Recreation
13 Act of 1965 (16 U.S.C. 4601–18); and

14 “(3) the costs associated with developing the
15 additional project benefits are agreed to in writing
16 between the Secretary and project proponents and
17 shall be allocated to the authorized purposes of the
18 structure and repaid consistent with all provisions of
19 Federal Reclamation law (the Act of June 17, 1902,
20 43 U.S.C. 371 et seq.) and Acts supplemental to
21 and amendatory of that Act.”.

1 **TITLE IX—WATER RIGHTS**
2 **PROTECTION**

3 **SEC. 901. SHORT TITLE.**

4 This title may be cited as the “Water Rights Protec-
5 tion Act”.

6 **SEC. 902. DEFINITION OF WATER RIGHT.**

7 In this title, the term “water right” means any sur-
8 face or groundwater right filed, permitted, certified, con-
9 firmed, decreed, adjudicated, or otherwise recognized by
10 a judicial proceeding or by the State in which the user
11 acquires possession of the water or puts the water to bene-
12 ficial use, including water rights for federally recognized
13 Indian tribes.

14 **SEC. 903. TREATMENT OF WATER RIGHTS.**

15 The Secretary of the Interior and the Secretary of
16 Agriculture shall not—

17 (1) condition or withhold, in whole or in part,
18 the issuance, renewal, amendment, or extension of
19 any permit, approval, license, lease, allotment, ease-
20 ment, right-of-way, or other land use or occupancy
21 agreement on—

22 (A) limitation or encumbrance of any
23 water right, or the transfer of any water right
24 (including joint and sole ownership), directly or

1 indirectly to the United States or any other des-
2 ignee; or

3 (B) any other impairment of any water
4 right, in whole or in part, granted or otherwise
5 recognized under State law, by Federal or State
6 adjudication, decree, or other judgment, or pur-
7 suant to any interstate water compact;

8 (2) require any water user (including any feder-
9 ally recognized Indian tribe) to apply for or acquire
10 a water right in the name of the United States
11 under State law as a condition of the issuance, re-
12 newal, amendment, or extension of any permit, ap-
13 proval, license, lease, allotment, easement, right-of-
14 way, or other land use or occupancy agreement;

15 (3) assert jurisdiction over groundwater with-
16 drawals or impacts on groundwater resources, unless
17 jurisdiction is asserted, and any regulatory or policy
18 actions taken pursuant to such assertion are, con-
19 sistent with, and impose no greater restrictions or
20 regulatory requirements than, applicable State laws
21 (including regulations) and policies governing the
22 protection and use of groundwater resources; or

23 (4) infringe on the rights and obligations of a
24 State in evaluating, allocating, and adjudicating the
25 waters of the State originating on or under, or flow-

1 ing from, land owned or managed by the Federal
2 Government.

3 **SEC. 904. RECOGNITION OF STATE AUTHORITY.**

4 (a) IN GENERAL.—In carrying out section 903, the
5 Secretary of the Interior and the Secretary of Agriculture
6 shall—

7 (1) recognize the longstanding authority of the
8 States relating to evaluating, protecting, allocating,
9 regulating, and adjudicating groundwater by any
10 means, including a rulemaking, permitting, directive,
11 water court adjudication, resource management
12 planning, regional authority, or other policy; and

13 (2) coordinate with the States in the adoption
14 and implementation by the Secretary of the Interior
15 or the Secretary of Agriculture of any rulemaking,
16 policy, directive, management plan, or other similar
17 Federal action so as to ensure that such actions are
18 consistent with, and impose no greater restrictions
19 or regulatory requirements than, State groundwater
20 laws and programs.

21 (b) EFFECT ON STATE WATER RIGHTS.—In carrying
22 out this title, the Secretary of the Interior and the Sec-
23 retary of Agriculture shall not take any action that ad-
24 versely affects—

25 (1) any water rights granted by a State;

1 (2) the authority of a State in adjudicating
2 water rights;

3 (3) definitions established by a State with re-
4 spect to the term “beneficial use”, “priority of water
5 rights”, or “terms of use”;

6 (4) terms and conditions of groundwater with-
7 drawal, guidance and reporting procedures, and con-
8 servation and source protection measures established
9 by a State;

10 (5) the use of groundwater in accordance with
11 State law; or

12 (6) any other rights and obligations of a State
13 established under State law.

14 **SEC. 905. EFFECT OF TITLE.**

15 (a) EFFECT ON EXISTING AUTHORITY.—Nothing in
16 this title limits or expands any existing legally recognized
17 authority of the Secretary of the Interior or the Secretary
18 of Agriculture to issue, grant, or condition any permit, ap-
19 proval, license, lease, allotment, easement, right-of-way, or
20 other land use or occupancy agreement on Federal land
21 subject to the jurisdiction of the Secretary of the Interior
22 or the Secretary of Agriculture, respectively.

23 (b) EFFECT ON RECLAMATION CONTRACTS.—Noth-
24 ing in this title interferes with Bureau of Reclamation con-
25 tracts entered into pursuant to the reclamation laws.

1 (c) EFFECT ON ENDANGERED SPECIES ACT.—Noth-
2 ing in this title affects the implementation of the Endan-
3 gered Species Act of 1973 (16 U.S.C. 1531 et seq.).

4 (d) EFFECT ON FEDERAL RESERVED WATER
5 RIGHTS.—Nothing in this title limits or expands any exist-
6 ing or claimed reserved water rights of the Federal Gov-
7 ernment on land administered by the Secretary of the In-
8 terior or the Secretary of Agriculture.

9 (e) EFFECT ON FEDERAL POWER ACT.—Nothing in
10 this title limits or expands authorities under sections 4(e),
11 10(j), or 18 of the Federal Power Act (16 U.S.C. 797(e),
12 803(j), 811).

13 (f) EFFECT ON INDIAN WATER RIGHTS.—Nothing in
14 this title limits or expands any water right or treaty right
15 of any federally recognized Indian tribe.

○



CITY COUNCIL AGENDA – JANUARY 17, 2017

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 December 20th, 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 as drought conditions continue. 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 has begun a significant City waterline extension project 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 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.

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.

In regards to the status of the new well's development and connection to the

City's water distribution system, the Board of Supervisors awarded the contract for equipping and connecting the new well at their meeting of August 16th, and construction activities commenced the week of October 10th. County staff had previously indicated that the well would be in service and connected to the City's system no later than December 2016, however, the contractor is now reporting that the well will likely be completed no sooner than mid-January 2017. Given the delay in the well's completion and connection, DWR requested that the City Council consider allowing the connection of residences as they become prepared for connection, to which the Council was receptive, and a Draft MOU Amendment was approved by the Council at its December 6th meeting and subsequently approved by the Board of Supervisors at its meeting on December 20th.

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, DDW would need to either pay appropriate fees and/or develop a capacity development project. The Council is aware that the Del Oro Grandview Gardens water system (north of W. North Grand Avenue) is also experiencing significant issues, and DDW may seek their future consolidation with the City's water system as well.

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
 5. Memorandum of Understanding Draft Amendment

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

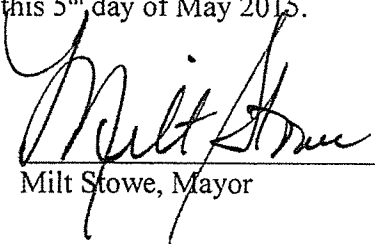
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

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

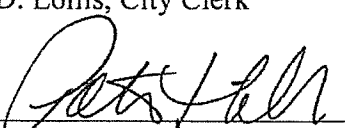
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance,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

Approved as to Form
County Counsel

By M. G. [Signature] for LMT
Deputy 20151902

CITY OF PORTERVILLE

BY Milt Stowe
Milt Stowe, Mayor

ATTEST:
City Clerk of the City of Porterville

BY J. N. Lolis
John Lolis, City Manager

Approved as to Form

BY [Signature]
City Attorney

EXHIBIT 'A'

East Porterville Project Boundary

Legend

-  East Porterville Project Boundary
 Parcels Within Project Boundary Area (1,776)
 City Limits
 UDB

EXHIBIT 'B'

RESOLUTION NO. 74 -2014

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

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

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

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

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

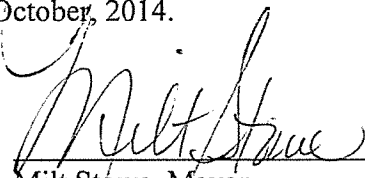
1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city,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

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

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

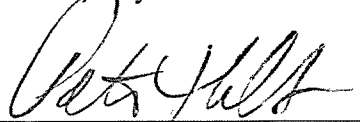
2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville,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

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


Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: 
Patrice Hildreth, Chief Deputy City Clerk

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

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

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

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

JOHN D. LOLLIS, City Clerk


By: Luisa M. Zavala, Deputy City Clerk

RESOLUTION 19-2016

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

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

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

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

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



Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

BY 

Luisa Zavala, Deputy City Clerk

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

ANNEXATION APPLICATION PROCEDURE

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

ANNEXATION EXEMPTION PROCEDURE

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

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

EXTRATERRITORIAL SERVICES APPLICATION PROCEDURE

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

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

Within the Urban Development Boundary:

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

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

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

Within the Urban Area Boundary:

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

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

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

EXEMPTIONS AND EXCEPTIONS

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

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

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

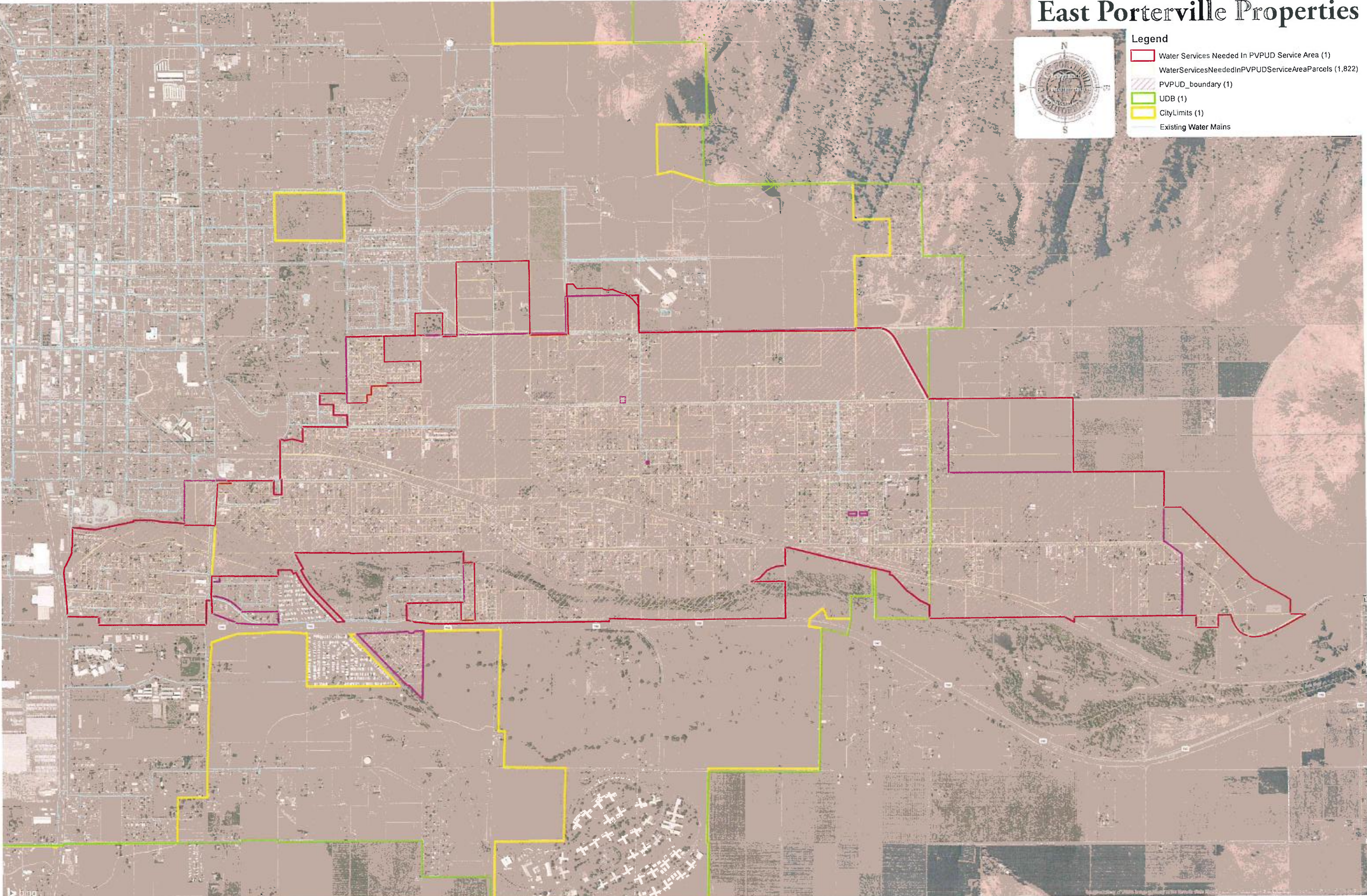
3. PROPERTIES WITHIN THE EAST PORTERVILLE FEASIBILITY STUDY PROJECT AREA: The California State Water Resources Control Board, in coordination with the Department of Water Resources Drought Task Force, is charged with preparing a feasibility study to define a long-term solution to the water related issues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

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

East Porterville Properties



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



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

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

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

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

JOHN D. LOLLIS, City Clerk

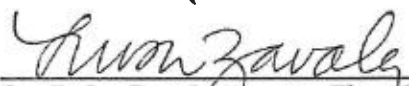

By: Luisa Zavala, Deputy City Clerk

EXHIBIT 'C'



EXHIBIT 'D'

Scope of Work

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

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

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

Discussion Draft

Subject to Additional Review and Modification by the Parties

Porterville MOU
Draft 2
June 15, 2016
PortervilleEmergencyMOU061516



Memorandum of Understanding (MOU)

Regarding the Provisions of Emergency Water Supplies to East Porterville

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

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

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

which are collectively known as the “Parties”

Recitals

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

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

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

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

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

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

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

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

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

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

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

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

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

Understanding

A. Description of Emergency Project and Long-Term Plan

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

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

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

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

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

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

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

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

B. Project Contributions of the Parties

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

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

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

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

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

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

C. General Provisions

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

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

[Signatures on following page]

This MOU has been executed by:

California Department of Water Resources

State Water Resources Control Board

California Office of Emergency Services

County of Tulare

City of Porterville

List of Exhibits

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



Amendment No. 1

To the East Porterville Water Supply Project

Memorandum of Understanding (MOU)

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

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

Recitals

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This MOU has been executed by:

California Department of Water Resources

State Water Resources Control Board

California Office of Emergency Services

City of Porterville

County of Tulare



CITY COUNCIL AGENDA – JANUARY 17, 2017

SUBJECT: Successor Agency Minutes of October 18, 2016

SOURCE: Administrative Services

COMMENT: Staff has prepared the draft Minutes of October 18, 2016, for the Successor Agency's review and consideration.

RECOMMENDATION: That the Successor Agency approve the draft Minutes of October 18, 2016.

ATTACHMENTS: 1. Draft Minutes

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: Patrice Hildreth, Administrative Services Dir

**SPECIAL MEETING
SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
OCTOBER 18, 2016, 7:30 PM**

Called to Order at 8:26 p.m.

Roll Call: Agency Member Reyes, Agency Member Ward, Agency Member Gurrola, Agency Vice Chair Hamilton, Agency Chair Stowe

ORAL COMMUNICATIONS

- Barry Caplan stated that he received notice of the meeting the prior evening, and questioned whether the noticing and urgency were in compliance with The Brown Act.

SCHEDULED MATTERS

1. REFINANCING OF THE 2008 REDEVELOPMENT BOND ISSUE

Recommendation: That the Successor Agency to the former Porterville Redevelopment Agency adopt the draft resolution approving and authorizing distribution of a Preliminary Official Statement and approving the form and authorizing the execution of a Bond Purchase Agreement in connection with the offering and sale of tax allocation bonds to refinance Redevelopment activities of the former Porterville Redevelopment Agency and approving related documents and actions; and should any modification be required to the documents, the Executive Director and/or the Finance Director shall be authorized to make any augmentation, modification, additions or revisions as may be necessary to conform to the requirements.

City Manager Lollis introduced the item. He addressed comments made in Oral Communications by stating that proper notice was given pursuant to The Brown Act, and explained the need to bring the item forward pertained to the current market on bond rates and the opportunity for savings. Mr. Lollis then presented the staff report.

City Attorney Lew advised that a special meeting required 24 hour notice, which was properly given; and added that a condition of urgency was not required by law for special meetings.

A motion and second was made to adopt the draft resolution, and Community Development Director Jenni Byers clarified that staff was also requesting authorization to modify the documents if necessary to achieve conformance with the requirements. The motion was amended to include said authorization.

AGENCY ACTION: MOVED by Vice Chair Hamilton, SECONDED by Agency Member Ward that the Successor Agency to the former Porterville Redevelopment Agency adopt the draft resolution approving and authorizing distribution of a Preliminary Official Statement and

approving the form and authorizing the execution of a Bond Purchase Agreement in connection with the offering and sale of tax allocation bonds to refinance Redevelopment activities of the former Porterville Redevelopment Agency and approving related documents and actions; and should any modification be required to the documents, the Executive Director and/or the Finance Director shall be authorized to make any augmentation, modification, additions or revisions as may be necessary to conform to the requirements. The motion carried unanimously.

Documentation: Successor Agency Resolution 2016-06

Disposition: Approved.

ADJOURNMENT

The Successor Agency adjourned at 8:32 p.m.

SEAL

Luisa M. Zavala, Deputy Secretary

Milt Stowe, Agency Chair



CITY COUNCIL AGENDA – JANUARY 17, 2017

SUBJECT: Appointment of a New Member to the Oversight Board

SOURCE: Community Development

COMMENT: As the Successor Agency is aware, AB1X26 requires the dissolution of all redevelopment agencies and replaces them with a successor agency. Each Successor Agency shall have an Oversight Board composed of seven members from specific fields, as identified in Health and Safety Code §35179(a). Board member Fernando Rios is no longer employed by the City of Porterville, which necessitates his replacement on the Oversight Board.

The staff appointment was previously appointed by the mayor; however, Senate Bill 107 modified §35179(a)(7) to read, "In the case where city or county employees performed administrative duties of the former redevelopment agency, the appointment shall be made from the recognized employee organization representing those employees" rather than appointment by the mayor.

The recognized employee organization representing the employees of the former Porterville Redevelopment Agency is the Management Confidential Group. Staff recommended and Ms. Sarah Weaver (president of Management Confidential Series) approved the recommendation to appoint Ms. Julie Phillips as Mr. Fernando Rios' replacement to the Oversight Board.

RECOMMENDATION: Information item only. No action required.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – JANUARY 17, 2017

SUBJECT: Review and Approval of Proposed Administrative Budget

SOURCE: Community Development

COMMENT: Health & Safety Code Section 34177(j), as modified by AB 1484, and further amended by Senate 107, requires the Successor Agency to the Porterville Redevelopment Agency (“Successor Agency”) to prepare a proposed Administrative Budget covering the upcoming one-year fiscal period instead of the previously required six-month period, which will be July 1, 2017 through June 30, 2018 (i.e., concurrent with the Recognized Obligation Payment Schedule {“ROPS”} 17-18) and submit it to the Oversight Board for approval. To date, the Successor Agency previously prepared and approved, and the Oversight Board reviewed and approved, Administrative Budgets through June 30, 2016.

Pursuant to the Dissolution Act (Parts 1.8 and 1.85 of Division 24 of the Health & Safety Code), each ROPS includes a line item for the Successor Agency’s Administrative Budget for the applicable period. SB 107, which amended AB 1484 and the Dissolution Act on September 22, 2015, required that the ROPS 17-18 for the period July 1, 2017, through June 30, 2018, shall be approved by the Successor Agency and Oversight Board and submitted to the Department of Finance (“DOF”) by February 1, 2017.

Under Section 34177(k) of the Dissolution Act, upon approval of the Administrative Budget by the Oversight Board, the Successor Agency will provide to the County of Tulare Auditor Controller the administrative cost estimates from the approved Administrative Budget that are to be paid from property tax revenues deposited into the Redevelopment Property Tax Trust Fund (RPTTF) for such period.

Pursuant to Section 34179(h) of the Dissolution Act, as amended by AB 1484, written notice and information about all actions taken by the Oversight Board must be provided to the DOF by electronic means and in a manner of DOF’s choosing.

An Oversight Board’s action shall become effective five business days after notice in the manner specified by the DOF, unless the DOF requests a review; provided, however, pursuant to Section 34177(m) as to each ROPS submitted to the DOF of which an Administrative Budget is a part, the DOF shall make its determination of the enforceable obligations and the amounts and funding sources of the enforceable obligations on each ROPS submitted no later than 45

days after submittal.

RECOMMENDATION: That the Successor Agency adopt the draft Resolution approving the Administrative Budget for the period of July 1, 2017, through June 30, 2018, and direct Successor Agency staff to submit the Administrative Budget to the Oversight Board.

ATTACHMENTS: 1. Draft Administrative Budget
 2. Draft Resolution

Appropriated/Funded: MB

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

OBJECT #	ACCOUNT DESCRIPTION	2017-18 BUDGET
PERSONAL SERVICES		
-01	SALARIES, REGULAR	\$10,000
-02	SALARIES, PART TIME	\$0
-03	SALARIES, OVERTIME	\$0
-09	BENEFITS	\$3,500
SUB-TOTAL		\$13,500
MATERIALS, SUPPLIES & SERVICES		
-12	BUILDINGS/GROUNDS MAINTENANCE	\$0
-21	ADVERTISING	\$125
-22	PRINTING	\$500
-23	PROFESSIONAL SERVICES	\$20,000
-24	COLLECTION COSTS	\$0
-28	ADMINISTRATIVE SERVICES	\$0
-32	OFFICE AND COMPUTER SUPPLIES	\$1,000
-34	MAINTENANCE & REPAIR MATERIALS	\$0
-41	MEETING EXPENSE	\$100
-42	UTILITIES	\$0
-43	UNIFORM ALLOWANCE	\$0
-44	TRAINING EXPENSE	\$0
-45	PUBLICATION AND DUES	\$0
-46	POSTAGE	\$100
-52	INSURANCE, LIABILITY	\$0
-62	DEBT REDEMPTION	\$0
-64	AMORTIZATION	\$0
-65	DEPRECIATION EXPENSE	\$0
-66	OTHER EXPENSES	\$4,675
SUB -TOTAL		\$26,500
TOTAL		<u><u>\$40,000</u></u>

SUCCESSOR AGENCY RESOLUTION NO. ____-2017

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY APPROVING THE ADMINISTRATIVE
BUDGET PURSUANT TO HEALTH & SAFETY CODE SECTION 34177 AND DIRECTING
TRANSMITTAL OF THE ADMINISTRATIVE BUDGET TO THE OVERSIGHT BOARD

WHEREAS, the Porterville Redevelopment Agency (“Agency”) was established as a redevelopment agency, organized and existing under the California Community Redevelopment Law, Health & Safety Code Section 33000, *et seq.* (“CRL”), and was authorized to transact business and exercise powers of a redevelopment agency pursuant to action of the City Council of the City of Porterville (“City”); and

WHEREAS, Assembly Bill 1X 26 added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code (“Dissolution Act”), pursuant to which (1) all redevelopment agencies in California were dissolved on February 1, 2012, and (2) successor agencies were formed for the purpose of winding down the affairs of the former redevelopment agencies; and

WHEREAS, the Agency is now a dissolved redevelopment agency pursuant to the Dissolution Act; and

WHEREAS, by a resolution considered and approved by the City Council of the City at an open public meeting, the City Council chose to serve as the governing body of the Successor Agency to the dissolved Agency, a separate legal entity, under the Dissolution Act; and

WHEREAS, as of and on and after February 1, 2012, the City of Porterville serves and acts as the Successor Agency and the City will perform the functions of the Successor Agency under the Dissolution Act to administer the enforceable obligations of the former Agency and, otherwise, unwind the Agency’s affairs, all subject to the review and approval by a seven-member Oversight Board (“Oversight Board”); and

WHEREAS, Section 34177(j) requires the Successor Agency to prepare a proposed administrative budget covering the upcoming one-year fiscal period, and submit it to the Oversight Board for approval; and

WHEREAS, the Administrative Budget, as approved by the Oversight Board, will be provided to the County of Tulare Auditor-Controller pursuant to Section 34177(k) so that the Successor Agency’s estimated administrative costs in the approved Administrative Budget will be paid from property tax revenues deposited into the Redevelopment Property Tax Trust Fund for the applicable one-year period.

NOW, THEREFORE, BE IT RESOLVED BY THE SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY:

1. The above recitals are true and correct, are a substantive part of this Resolution, and are adopted as the findings of the Successor Agency.

2. Pursuant to the Dissolution Act, the Successor Agency hereby approves the proposed Administrative Budget in the form attached hereto as Exhibit A and incorporated herein by this reference. The City Manager and Successor Agency legal counsel are authorized to make such revisions to the Administrative Budget, as they deem appropriate, in order to ensure the proper and effective operation of the Successor Agency pursuant to the Dissolution Act.

3. The City Manager, or his authorized designees, are hereby authorized to transmit the Administrative Budget to the Oversight Board for approval.

4. Upon approval of the Administrative Budget by the Oversight Board, the City Manager, or his authorized designees, shall provide written notice and information about the Oversight Board's approval of the Administrative Budget to the State of California Department of Finance by electronic means, as directed by the Department of Finance, pursuant to Section 34179(h) and shall post the Administrative Budget on the Successor Agency's website.

5. This Resolution shall be effective immediately upon adoption.

6. The City Clerk on behalf of the Successor Agency shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 17th day of January, 2017.

By: _____
Milt Stowe, Chair

ATTEST:
John D. Lollis, Agency Secretary

Patrice Hildreth, Chief Deputy Agency Secretary

SUCCESSOR AGENCY AND HOUSING AUTHORITY SUCCESSOR AGENCY BUDGET
JULY 1, 2017, THROUGH JUNE 30, 2018

OBJECT		2017-18
#	ACCOUNT DESCRIPTION	BUDGET
	PERSONAL SERVICES	
-01	SALARIES, REGULAR	\$10,000
-02	SALARIES, PART TIME	\$0
-03	SALARIES, OVERTIME	\$0
-09	BENEFITS	\$3,500
	SUB-TOTAL	\$13,500
	MATERIALS, SUPPLIES & SERVICES	
-12	BUILDINGS/GROUNDS MAINTENANCE	\$0
-21	ADVERTISING	\$125
-22	PRINTING	\$500
-23	PROFESSIONAL SERVICES	\$20,000
-24	COLLECTION COSTS	\$0
-28	ADMINISTRATIVE SERVICES	\$0
-32	OFFICE AND COMPUTER SUPPLIES	\$1,000
-34	MAINTENANCE & REPAIR MATERIALS	\$0
-41	MEETING EXPENSE	\$100
-42	UTILITIES	\$0
-43	UNIFORM ALLOWANCE	\$0
-44	TRAINING EXPENSE	\$0
-45	PUBLICATION AND DUES	\$0
-46	POSTAGE	\$100
-52	INSURANCE, LIABILITY	\$0
-62	DEBT REDEMPTION	\$0
-64	AMORTIZATION	\$0
-65	DEPRECIATION EXPENSE	\$0
-66	OTHER EXPENSES	\$4,675
	SUB -TOTAL	\$26,500
	TOTAL	\$40,000



CITY COUNCIL AGENDA – JANUARY 17, 2017

SUBJECT: Review and Approval of Draft Recognized Obligation Payment Schedule for Fiscal Year 2017-18

SOURCE: Community Development

COMMENT: As of February 1, 2012, the Porterville Redevelopment Agency (“Agency”) was dissolved and the City Council assumed the responsibility of acting and serving as the governing body of the "Successor Agency," a separate legal entity from the City, pursuant to Parts 1.8 and 1.85 of Division 24 of the Health & Safety Code (“Dissolution Act”). The Dissolution Act requires the Successor Agency to administer the enforceable obligations of the former Agency and otherwise unwind the Agency's affairs subject, where applicable, to the review and approval by the seven-member Oversight Board.

On September 22, 2015, the Governor signed Senate Bill 107. The primary purpose of SB 107 is to make technical and substantive amendments to the Existing Dissolution Law.

Pursuant to Section 34177(l)(1) of the Dissolution Act, for each recognized obligation, the Recognized Obligation Payment Schedule (“ROPS”) for fiscal year 2017-18 shall identify one or more of the following sources of payment:

- (A) Low and Moderate Income Housing Fund.
- (B) Bond proceeds.
- (C) Reserve balances.
- (D) Administrative cost allowance.
- (E) The Redevelopment Property Tax Trust Fund (RPTTF) distribution, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation.
- (F) Other revenue sources, including rents, concessions, asset sale proceeds, interest earnings, and any other revenues derived from the former redevelopment agency, as approved by the Oversight Board.

The draft ROPS 17-18, included as Attachment No. 1, includes comparable listings of Enforceable Obligations as were set forth in the DOF-approved ROPS consistent with Section 34177(m). The DOF approved the Finding of

Completion for the Successor Agency. With this approval, the Successor Agency was allowed to place loan agreements between the former redevelopment agency and the City on the ROPS as an enforceable obligation pursuant to the criteria in Health and Safety Code Section 34191.4. The Finding of Completion also allowed the Successor Agency to utilize remaining bond proceeds.

Section 34177(l)(2)(B) of the Dissolution Act requires the Successor Agency to submit the ROPS 17-18 to the Oversight Board for approval, and concurrently with the submission of the ROPS to the Oversight Board, the Successor Agency is required to transmit the ROPS 17-18 to the County Administrative Officer, the County Auditor-Controller, and the DOF. Section 34177(l)(2)(C) requires that, once the Oversight Board has approved the ROPS 17-18, the ROPS 17-18 be sent to the County Auditor-Controller, the State Controller's Office, the DOF, and that the ROPS 17-18 be posted on the Successor Agency's website.

Senate Bill 107 added Section 34177(o) of the Dissolution Act to require the Successor Agency, commencing with the ROPS covering the period from July 1, 2017, to June 30, 2018 and for each period thereafter, to complete the ROPS in the manner directed by the DOF. The DOF provides a pre-populated ROPS template and instructions for the ROPS 17-18. Staff recommends that the Successor Agency review and approve the ROPS 17-18 as provided and authorize the Successor Agency's Executive Director, and/or the Finance Director, or their authorized designees, to also augment, modify, add or revise the ROPS 17-18 as may be necessary to comply with requirements imposed by the DOF.

RECOMMENDATION: That the Successor Agency adopt a Resolution approving the Recognized Obligation Payment Schedule 17-18 for the period of July 1, 2017, through June 30, 2018, provided that should any modification be required to the ROPS 17-18 by the DOF, the Executive Director and/or the Finance Director shall be authorized to make any augmentation, modification, additions or revisions as may be necessary to conform the ROPS 17-18 to requirements imposed by the DOF and direct Successor Agency staff to submit the ROPS 17-18 to the Oversight Board.

ATTACHMENTS: 1. ROPS 17-18
 2. Draft Resolution

Appropriated/Funded: MB

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

Recognized Obligation Payment Schedule (ROPS 17-18) - Summary
Filed for the July 1, 2017 through June 30, 2018 Period

Successor Agency: Porterville
County: Tulare

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)		17-18A Total (July - December)	17-18B Total (January - June)	ROPS 17-18 Total
A	Enforceable Obligations Funded as Follows (B+C+D):	\$ -	\$ -	\$ -
B	Bond Proceeds	-	-	-
C	Reserve Balance	-	-	-
D	Other Funds	-	-	-
E	Redevelopment Property Tax Trust Fund (RPTTF) (F+G):	\$ 367,743	\$ 361,743	\$ 729,486
F	RPTTF	347,743	341,743	689,486
G	Administrative RPTTF	20,000	20,000	40,000
H	Current Period Enforceable Obligations (A+E):	\$ 367,743	\$ 361,743	\$ 729,486

Certification of Oversight Board Chairman:
Pursuant to Section 34177 (o) of the Health and Safety code, I
hereby certify that the above is a true and accurate Recognized
Obligation Payment Schedule for the above named successor
agency.

Name Title
/s/ Signature Date

Porterville Recognized Obligation Payment Schedule (ROPS 17-18) - ROPS Detail July 1, 2017 through June 30, 2018 (Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W
Item #	Project Name/Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	ROPS 17-18 Total	17-18A (July - December)					17-18A Total	17-18B (January - June)					17-18B Total
											Fund Sources						Fund Sources					
											Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF	
								\$ 13,855,563		\$ 729,486	\$ -	\$ -	\$ -	\$ 347,743	\$ 20,000	\$ 367,743	\$ -	\$ -	\$ -	\$ 341,743	\$ 20,000	\$ 361,743
1	2008 Tax Allocation Bonds Series	Bonds Issued On or Before	9/16/2008	6/1/2040	US Bank	Issuance of the Agency's Tax			Y	\$ -						\$ -						\$ -
2	2008 Tax Allocation Bonds Series B	Bonds Issued On or Before 12/31/10	9/16/2008	6/1/2040	US Bank	Issuance of the Agency's Taxable Tax Allocation Refunding Bonds			Y	\$ -						\$ -						\$ -
3	2008 Tax Allocation Bonds Series C	Bonds Issued On or Before 12/31/10	9/16/2008	6/1/2040	US Bank	Issuance of the Agency's Tax Allocation Refunding Bonds.			Y	\$ -						\$ -						\$ -
4	2008 Tax Allocation Bonds Series D	Bonds Issued On or Before 12/31/10	9/16/2008	6/1/2040	US Bank	Issuance of the Agency's Taxable Tax Allocation Refunding Bonds			Y	\$ -						\$ -						\$
5	2008 Tax Allocation Bond Reserves	Reserves	9/16/2008	6/1/2040	Funded	Reserve account for the 2008 Bonds required by bond indenture			Y	\$ -						\$ -						\$ -
6	2008 Tax Allocation Bond Admin.	Fees	9/16/2008	6/1/2040	US Bank	Administration fees from US Bank - Trustee			Y	\$ -						\$ -						\$ -
7	2008 Tax Allocation Bond Arbitrage	Fees	9/16/2008	6/1/2040	Arbitrage Compliance Specialist	Professional fees to be paid for arbitrage calculation			Y	\$ -						\$ -						\$ -
8	Rural Eco. Dev. Infrastructure Project Reserve	Third-Party Loans	11/13/1991	12/31/2016	St. of Ca. Dept. of Commerce	Loan from St. of Ca. for Porterville Enterprise Zone Infrastructure Project.			Y	\$ -						\$ -						\$ -
9	Rural Eco. Dev. Infrastructure Project Reserve	Reserves	11/13/1991	12/31/2016	Funded	Required by the St of Ca. and serves as insurance for the loan.			Y	\$ -						\$ -						\$ -
10	Loan for Formation of Area	City/County Loan (Prior 06/28/11), Cash exchange	4/7/1981	6/30/2019	City of Porterville	Loan repayment pursuant to HSC section 34191.4 (b).		284,045	N	192,112				96,056		96,056				96,056		96,056
11	Loan for Repayment to County	City/County Loan (Prior 06/28/11), Cash exchange	5/1/2007	6/30/2040	City of Porterville	Loan repayment pursuant to HSC section 34191.4 (b).		84,459	N													
12	Loan for Parking Lot Improvements - Storm Drain	City/County Loan (Prior 06/28/11), 3rd party agmt-infrastructure	11/12/1997	6/30/2040	Risk Management	Loan repayment pursuant to HSC section 34191.4 (b).		121,844	N													
13	Loan for Reconstruction of Parking Lot - Hockett Street	City/County Loan (Prior 06/28/11), 3rd party agmt-infrastructure	6/19/2007	6/30/2040	Risk Management	Loan repayment pursuant to HSC section 34191.4 (b).		537,172	N													
14	Loan for Amendment of the Boundaries of Project Area No. 1	City/County Loan (Prior 06/28/11), Cash exchange	8/17/2010	6/30/2040	City of Porterville	Loan repayment pursuant to HSC section 34191.4 (b).		216,141	N													
15	Successor Agency Administration	Admin Costs	1/1/2015	6/30/2040	City of Porterville	Agency Administration cost.		920,000	N	\$ 40,000					20,000	\$ 20,000					20,000	\$ 20,000
16	Porterville Hotel Project	OPA/DDA/Construction	9/16/2008	6/30/2018	various	Acquisition of property and demolition and clearing of the site			N	\$ -						\$ -						\$ -
19	RPTTF shortfall - ROPS 14-15B	RPTTF Shortfall	1/1/2015	6/30/2015	Successor Agency	RPTTF shortfall on ROPS 14-15B			Y	\$ -						\$ -						\$ -
21	Tax Allocation Refunding Bonds, Series 2016A	Refunding Bonds Issued After 6/27/12	12/1/2016	6/1/2040	U.S. Bank National Association	Issuance of tax allocation refunding bonds to refund the 2008 bonds		7,565,594	N	\$ 320,262				160,131		\$ 160,131				160,131		\$ 160,131
22	Taxable Tax Allocation Refunding Bonds, Series 2016B	Refunding Bonds Issued After 6/27/12	12/1/2016	6/1/2040	U.S. Bank National Association	Issuance of taxable tax allocation refunding bonds to refund the 2008 bonds		3,963,308	N	\$ 166,112				83,056		\$ 83,056				83,056		\$ 83,056
23	Trustee Fees	Fees	12/1/2016	6/30/2040	U.S. Bank National Association	Trustee fees in relation to the Series 2016A and 2016B bonds		80,500	N	\$ 3,500				3,500		\$ 3,500						\$ -
24	Continuing Disclosure Services and Dissemination Agent Fees	Fees	12/1/2016	6/30/2040	Willdan Financial Services	Professional fees in connection with continuing disclosure services and dissemination of information required by the Indenture of Trust		57,500	N	\$ 2,500						\$ -				2,500		\$ 2,500
25	Arbitage Fees	Fees	12/1/2016	6/30/2040	Arbitrage Compliance Specialists, Inc	Professional fees for the calculation of arbitrage in relation to the Series 2016A bonds		25,000	N	\$ 5,000				5,000		\$ 5,000						\$ -
26									N	\$ -						\$ -						\$ -
27									N	\$ -						\$ -						\$ -
28									N	\$ -						\$ -						\$ -
29									N	\$ -						\$ -						\$ -
30									N	\$ -						\$ -						\$ -
31									N	\$ -						\$ -						\$ -
32									N	\$ -						\$ -						\$ -
33									N	\$ -						\$ -						\$ -
34									N	\$ -						\$ -						\$ -
35									N	\$ -						\$ -						\$ -
36									N	\$ -						\$ -						\$ -
37									N	\$ -						\$ -						\$ -
38									N	\$ -						\$ -						\$ -
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Porterville Recognized Obligation Payment Schedule (ROPS 17-18) - ROPS Detail July 1, 2017 through June 30, 2018 (Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W
Item #	Project Name/Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	ROPS 17-18 Total	17-18A (July - December)					17-18A Total	17-18B (January - June)					17-18B Total
											Fund Sources						Fund Sources					
											Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF	
58									N	\$ -						\$ -						\$ -
59									N	\$ -						\$ -						\$ -
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83									N	\$ -						\$ -						\$ -
84									N	\$ -						\$ -						\$ -

Porterville Recognized Obligation Payment Schedule (ROPS 17-18) - Report of Cash Balances
(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation. For tips on how to complete the Report of Cash Balances Form, [see Cash Balance Tips Sheet](#).

A	B	C	D	E	F	G	H	I
	Cash Balance Information by ROPS Period	Fund Sources						Comments
		Bond Proceeds		Reserve Balance		Other	RPTTF	
		Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Prior ROPS period balances and DDR RPTTF balances retained	Prior ROPS RPTTF distributed as reserve for future period(s)	Rent, grants, interest, etc.	Non-Admin and Admin	
ROPS 15-16B Actuals (01/01/16 - 06/30/16)								
1	Beginning Available Cash Balance (Actual 01/01/16)	946,257				2,775	(99,560)	
2	Revenue/Income (Actual 06/30/16) RPTTF amounts should tie to the ROPS 15-16B distribution from the County Auditor-Controller during January 2016	5,830				36,973	526,437	G2 includes the balance of the REDIP reserve account transferred into 'Other' fund. The REDIP loan was paid off in June 2016.
3	Expenditures for ROPS 15-16B Enforceable Obligations (Actual 06/30/16)	176,351				29,178	379,790	C3 includes the balance of the REDIP reserve account transferred into 'Other' fund and was used to pay the final payment on the REDIP loan and to pay for the admin expenditures for the period (G3).
4	Retention of Available Cash Balance (Actual 06/30/16) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)	647,650						
5	ROPS 15-16B RPTTF Balances Remaining	No entry required					47,087	
6	Ending Actual Available Cash Balance C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)	\$ 128,086	\$ -	\$ -	\$ -	\$ 10,570	\$ -	The balance of \$10,570 in the 'Other' fund will be used to pay for a portion of the admin fees for the period July 1, 2016 through December 31, 2016.

Porterville Recognized Obligation Payment Schedule (ROPS 17-18) - Notes July 1, 2017 through June 30, 2018

[illegible]

SUCCESSOR AGENCY RESOLUTION NO. ____-2017

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 17-18) FOR THE PERIOD JULY 1, 2017, TO JUNE 30, 2018, SUBJECT TO SUBMITTAL TO, AND REVIEW AND APPROVAL BY, THE OVERSIGHT BOARD AND CALIFORNIA DEPARTMENT OF FINANCE PURSUANT TO CALIFORNIA HEALTH & SAFETY CODE, DIVISION 24, PART 1.85, AS AMENDED BY ASSEMBLY BILL 1484 AND SUBSEQUENTLY BY SENATE BILL 107; AND AUTHORIZING POSTING AND TRANSMITTAL THEREOF

WHEREAS, the Porterville Redevelopment Agency ("Agency") was established as a redevelopment agency, organized and existing under the California Community Redevelopment Law, Health & Safety Code Section 33000, et seq. ("CRL"), and was authorized to transact business and exercise powers of a redevelopment agency pursuant to action of the City Council of the City of Porterville ("City"); and

WHEREAS, Assembly Bill 1X 26 added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code ("Dissolution Act"), pursuant to which (1) all redevelopment agencies in California were dissolved on February 1, 2012, and (2) successor agencies were formed for the purpose of winding down the affairs of the former redevelopment agencies; and

WHEREAS, the Agency is now a dissolved redevelopment agency pursuant to the Dissolution Act; and

WHEREAS, by a resolution considered and approved by the City Council of the City at an open public meeting, the City Council chose to serve as the governing body of the Successor Agency to the dissolved Agency, a separate legal entity, under the Dissolution Act; and

WHEREAS, as of and on and after February 1, 2012, the City serves and acts as the Successor Agency and the City will perform the functions of the Successor Agency under the Dissolution Act to administer the enforceable obligations of the former Agency and otherwise unwind the Agency's affairs, all subject to the review and approval by a seven-member Oversight Board ("Oversight Board"); and

WHEREAS, pursuant to Section 34171(h) of the Dissolution Act, a "Recognized Obligation Payment Schedule" means the document setting forth the minimum payment amounts and due dates of payments required by enforceable obligations for each one-year fiscal period as provided in subdivisions (l) and (o) of Section 34177 of the Dissolution Act; and

WHEREAS, pursuant to subdivisions (l) and (o) of Section 34177 of the Dissolution Act, the City, acting as Successor Agency to the Agency, has prepared its Recognized Obligation Payment Schedule ("ROPS") for the period covering July 1, 2017, through June 30, 2018, in the form attached to this Resolution as Exhibit A and incorporated herein by this reference; and

WHEREAS, pursuant to Section 34191.4 of the Health and Safety Code that with the Department of Finance's approval of the Finding of Completion, the Successor Agency has placed loan agreements between the former redevelopment agency and the City on the ROPS as an enforceable

obligation pursuant to the criteria in Health and Safety Code Section 34191.4 as well as allowing the Successor Agency to utilize remaining bond proceeds for projects; and

WHEREAS, by this Resolution, pursuant to Section 34177(l)(2)(B) of the Dissolution Act, as amended by AB 1484, the City Council, serving as and on behalf of the Successor Agency, approves the ROPS and authorizes the transmittal of the ROPS to the Oversight Board and concurrently to the County Administrative Officer, the County Auditor-Controller, and the State Department of Finance; and

WHEREAS, pursuant to Section 34177(l)(2)(C) of the Dissolution Act, a copy of the ROPS shall be submitted to the County Auditor-Controller, the State Controller's Office, the State Department of Finance and shall be posted on the City's/Successor Agency's website promptly upon approval thereof by the Oversight Board.

NOW, THEREFORE, BE IT RESOLVED BY THE SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY:

1. The above recitals are true and correct, are a substantive part of this Resolution, and are adopted as the findings of the Successor Agency.
2. The Successor Agency hereby approves the ROPS in the format provided by the State Department of Finance attached hereto as Exhibit A.
3. The City Manager or his authorized designees on behalf of the Successor Agency shall cause the ROPS to be transmitted concurrently to the Oversight Board, the County Administrative Officer, the County Auditor-Controller, and the State Department of Finance.
4. The City Manager or his authorized designees on behalf of the Successor Agency shall, upon approval of the ROPS by the Oversight Board, transmit the approved ROPS to the County Auditor Controller, the State Controller's Office, and the State Department of Finance, and shall cause the approved ROPS to be posted on the City's website.
5. This Resolution shall be effective immediately upon adoption.
6. The City Clerk, on behalf of the Successor Agency, shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 17th day of January, 2017.

By: _____
Milt Stowe, Chair

ATTEST:
John D. Lollis, Agency Secretary

Patrice Hildreth, Chief Deputy Agency Secretary

EXHIBIT 'A'

Recognized Obligation Payment Schedule (ROPS 17-18) - Summary
Filed for the July 1, 2017 through June 30, 2018 Period

Successor Agency:	Porterville
County:	Tulare

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)		17-18A Total (July - December)	17-18B Total (January - June)	ROPS 17-18 Total
A	Enforceable Obligations Funded as Follows (B+C+D):	\$ -	\$ -	\$ -
B	Bond Proceeds	-	-	-
C	Reserve Balance	-	-	-
D	Other Funds	-	-	-
E	Redevelopment Property Tax Trust Fund (RPTTF) (F+G):	\$ 367,743	\$ 361,743	\$ 729,486
F	RPTTF	347,743	341,743	689,486
G	Administrative RPTTF	20,000	20,000	40,000
H	Current Period Enforceable Obligations (A+E):	\$ 367,743	\$ 361,743	\$ 729,486

Certification of Oversight Board Chairman:
Pursuant to Section 34177 (o) of the Health and Safety code, I hereby
certify that the above is a true and accurate Recognized Obligation
Payment Schedule for the above named successor agency.

Name	Title
/s/	
Signature	Date

Porterville Recognized Obligation Payment Schedule (ROPS 17-18) - ROPS Detail
July 1, 2017 through June 30, 2018
(Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W
Item #	Project Name/Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	ROPS 17-18 Total	17-18A (July - December)					17-18A Total	17-18B (January - June)					17-18B Total
											Fund Sources						Fund Sources					
											Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF	
								\$ 13,855,563		\$ 729,486	\$ -	\$ -	\$ -	\$ 347,743	\$ 20,000	\$ 367,743	\$ -	\$ -	\$ -	\$ 341,743	\$ 20,000	\$ 361,743
1	2008 Tax Allocation Bonds Series A	Bonds Issued On or Before	9/16/2008	6/1/2040	US Bank	Issuance of the Agency's Tax Allocation			Y	\$ -						\$ -						\$ -
2	2008 Tax Allocation Bonds Series B	Bonds Issued On or Before 12/31/10	9/16/2008	6/1/2040	US Bank	Issuance of the Agency's Taxable Tax Allocation Refunding Bonds			Y	\$ -						\$ -						\$ -
3	2008 Tax Allocation Bonds Series C	Bonds Issued On or Before 12/31/10	9/16/2008	6/1/2040	US Bank	Issuance of the Agency's Tax Allocation Refunding Bonds.			Y	\$ -						\$ -						\$ -
4	2008 Tax Allocation Bonds Series D	Bonds Issued On or Before 12/31/10	9/16/2008	6/1/2040	US Bank	Issuance of the Agency's Taxable Tax Allocation Refunding Bonds			Y	\$ -						\$ -						\$ -
5	2008 Tax Allocation Bond Reserves	Reserves	9/16/2008	6/1/2040	Funded	Reserve account for the 2008 Bonds required by bond indenture			Y	\$ -						\$ -						\$ -
6	2008 Tax Allocation Bond Admin.	Fees	9/16/2008	6/1/2040	US Bank	Administration fees from US Bank - Trustee			Y	\$ -						\$ -						\$ -
7	2008 Tax Allocation Bond Arbitrage	Fees	9/16/2008	6/1/2040	Arbitrage Compliance Specialist	Professional fees to be paid for arbitrage calculation			Y	\$ -						\$ -						\$ -
8	Rural Eco. Dev. Infrastructure Project Reserve	Third-Party Loans	11/13/1991	12/31/2016	St. of Ca. Dept. of Commerce	Loan from St. of Ca. for Porterville Enterprise Zone Infrastructure Project.			Y	\$ -						\$ -						\$ -
9	Rural Eco. Dev. Infrastructure Project Reserve	Reserves	11/13/1991	12/31/2016	Funded	Required by the St of Ca. and serves as insurance for the loan.			Y	\$ -						\$ -						\$ -
10	Loan for Formation of Area	City/County Loan (Prior 06/28/11), Cash exchange	4/7/1981	6/30/2019	City of Porterville	Loan repayment pursuant to HSC section 34191.4 (b).		284,045	N	192,112				96,056		96,056				96,056		96,056
11	Loan for Repayment to County	City/County Loan (Prior 06/28/11), Cash exchange	5/1/2007	6/30/2040	City of Porterville	Loan repayment pursuant to HSC section 34191.4 (b).		84,459	N													
12	Loan for Parking Lot Improvements - Storm Drain	City/County Loan (Prior 06/28/11), 3rd party agmt- infrastructure	11/12/1997	6/30/2040	Risk Management	Loan repayment pursuant to HSC section 34191.4 (b).		121,844	N													
13	Loan for Reconstruction of Parking Lot - Hockett Street	City/County Loan (Prior 06/28/11), 3rd party agmt- infrastructure	6/19/2007	6/30/2040	Risk Management	Loan repayment pursuant to HSC section 34191.4 (b).		537,172	N													
14	Loan for Amendment of the Boundaries of Project Area No. 1	City/County Loan (Prior 06/28/11), Cash exchange	8/17/2010	6/30/2040	City of Porterville	Loan repayment pursuant to HSC section 34191.4 (b).		216,141	N													
15	Successor Agency Administration	Admin Costs	1/1/2015	6/30/2040	City of Porterville	Agency Administration cost.		920,000	N	\$ 40,000					20,000	\$ 20,000					20,000	\$ 20,000
16	Porterville Hotel Project	OPA/DDA/Construction	9/16/2008	6/30/2018	various	Acquisition of property and demolition and clearing of the site			N	\$ -						\$ -						\$ -
19	RPTTF shortfall - ROPS 14-15B	RPTTF Shortfall	1/1/2015	6/30/2015	Successor Agency	RPTTF shortfall on ROPS 14-15B			Y	\$ -						\$ -						\$ -
21	Tax Allocation Refunding Bonds, Series 2016A	Refunding Bonds Issued After 6/27/12	12/1/2016	6/1/2040	U.S. Bank National Association	Issuance of tax allocation refunding bonds to refund the 2008 bonds		7,565,594	N	\$ 320,262				160,131		\$ 160,131				160,131		\$ 160,131
22	Taxable Tax Allocation Refunding Bonds, Series 2016B	Refunding Bonds Issued After 6/27/12	12/1/2016	6/1/2040	U.S. Bank National Association	Issuance of taxable tax allocation refunding bonds to refund the 2008 bonds		3,963,308	N	\$ 166,112				83,056		\$ 83,056				83,056		\$ 83,056
23	Trustee Fees	Fees	12/1/2016	6/30/2040	U.S. Bank National Association	Trustee fees in relation to the Series 2016A and 2016B bonds		80,500	N	\$ 3,500				3,500		\$ 3,500						\$ -
24	Continuing Disclosure Services and Dissemination Agent Fees	Fees	12/1/2016	6/30/2040	Willdan Financial Services	Professional fees in connection with continuing disclosure services and dissemination of information required by the Indenture of Trust		57,500	N	\$ 2,500						\$ -				2,500		\$ 2,500
25	Arbitrage Fees	Fees	12/1/2016	6/30/2040	Arbitrage Compliance Specialists, Inc	Professional fees for the calculation of arbitrage in relation to the Series 2016A bonds		25,000	N	\$ 5,000				5,000		\$ 5,000						\$ -
26									N	\$ -						\$ -						\$ -
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Porterville Recognized Obligation Payment Schedule (ROPS 17-18) - Report of Cash Balances
(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment

A	B	C	D	E	F	G	H	I
		Fund Sources						
		Bond Proceeds		Reserve Balance		Other	RPTTF	
		Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Prior ROPS period balances and DDR RPTTF balances retained	Prior ROPS RPTTF distributed as reserve for future period(s)	Rent, grants, interest, etc.	Non-Admin and Admin	
		Cash Balance Information by ROPS Period						
ROPS 15-16B Actuals (01/01/16 - 06/30/16)								
1	Beginning Available Cash Balance (Actual 01/01/16)	946,257				2,775	(99,560)	
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3	Expenditures for ROPS 15-16B Enforceable Obligations (Actual 06/30/16)	176,351				29,178	379,790	C3 includes the balance of the REDIP reserve account transferred into 'Other' fund and was used to pay the final payment on the REDIP loan and to pay for the admin expenditures for the period (G3).
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5	ROPS 15-16B RPTTF Balances Remaining	No entry required					47,087	
6	Ending Actual Available Cash Balance C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)	\$ 128,086	\$ -	\$ -	\$ -	\$ 10,570	\$ -	The balance of \$10,570 in the 'Other' fund will be used to pay for a portion of the admin fees for the period July 1, 2016 through December 31, 2016.

Porterville Recognized Obligation Payment Schedule (ROPS 17-18) - Notes July 1, 2017 through June 30, 2018

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