Roll Call
Pledge of Allegiance
Invocation

Adjourn to a Meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Agency Members

ORAL COMMUNICATIONS
This is the opportunity to address the Redevelopment Agency on any matter of interest.

REDEVELOPMENT AGENCY SCHEDULED MATTER:
PRA-1. Redevelopment Bond Issue Refinancing
Re: Consideration of options for the refinancing of the existing Redevelopment 2002 Bond Issue to provide additional funding for the Porterville Hotel project.

Adjourn the Redevelopment Agency meeting to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS
This is the opportunity to address the City Council on any matter of interest, whether on the Agenda or not. Please address all items not scheduled for public hearing at this time.

CONSENT CALENDAR
1. Approval for Community Civic Event – Porterville Unified School District –Central Valley Hot Summer Daze Car and Bike Show and Music Festival
Re: Considering approval of event to take place on Main Street in Downtown Porterville on August 9, 2008 from 10:00 a.m. to 7:00 p.m.

2. Draft Letter to California Public Utilities Commission Regarding Southern California Edison San Joaquin Cross Valley Loop Application
Re: Consideration of approval of draft letter to CPUC pursuant to City Council direction at its meeting of June 17, 2008.

PUBLIC HEARINGS
Consideration of approval of vacation of a 25 foot emergency access easement which is no longer necessary due to the completion of Vandalia Avenue.
SCHEDULED MATTERS

4. Resolution Approving Articles of Incorporation and Bylaws – Porterville Airport Area Development Corporation
   Re: Consideration of a resolution approving articles and bylaws for a proposed nonprofit corporation (the “Porterville Airport Area Development Corporation”) to aid in the financing and administering of funds for the public works projects and improvements associated with development on the Tribal owned land at the Porterville Airport.

COUNCIL REORGANIZATION

6. Comments by Mayor and Members of the City Council
7. Presentation of Service Award to Retiring Council Member by the Mayor
8. Administration of Oath to New Council Members; Presentation of Certificate of Election by Judge Glade Roper; Seating of New City Council
9. Selection of Mayor
10. Selection of Mayor Pro Tem
11. Comments by the Mayor, Mayor Pro Tem, and Members of the City Council

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS

ADJOURNMENT - to the meeting of July 1, 2008 at 6:00 p.m.

It shall be the policy of the City Council to complete meetings, including closed sessions, by 11:00 p.m. unless, upon consensus, Council elects to continue past the adjournment hour.

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 Chief Deputy City Clerk at (559) 782-7442. 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 at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, during normal business hours.
SUBJECT: REDEVELOPMENT BOND ISSUE REFINANCING

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: As the Redevelopment Agency is aware, the City Council and the Agency have authorized staff to proceed with due diligence on the Porterville Hotel project. In an effort to accomplish the desired outcome of demolishing the existing hotel building(s) and assisting a developer in constructing replacement housing for the units lost at the Porterville Hotel, staff has been researching the possibility of refinancing the existing Redevelopment 2002 Bond Issue which is divided between the general redevelopment fund and the required 20% in the low-moderate housing fund. Several options have been developed that will refinance the current debt and provide additional funding for this project.

In discussions with the bond counsel, it became clear that a combination of taxable and tax exempt bonds would be most desirable due to the private activity test limitations of pure tax exempt bonds. In a tax exempt issuance, only 5% of the proceeds may be used for private activity with for profit entities, such as developers. Whereas, taxable bonds do not carry the constraint of staying within the 5%. In other words, when the property is cleared and leveled for development, the Agency would be able to sell the property at fair market value to a developer if taxable bonds are issued. However, if the tax exempt bonds were expended for the project, the Agency would be required to grant most of the property to a developer which in turn could create the trigger for prevailing wages to be paid on the construction project. This would likely make such a future project infeasible.

The attached three options (Attachment 1) have been developed between staff and bond counsel to be the most desirable alternatives. The difference in the options is the total amount of additional bond proceeds, the division of the bonds between taxable and tax exempt, and the amount of debt service from each fund. Current debt service on the 2002 bond issue is approximately $495,000 annually.

Interest rates on the tax exempt issuance over the 30 year period range from 2.4% to 4.85% and the interest rate on the taxable portion remains constant at 7.25%. All figures presented are preliminary and are subject to change by bond closing date. However, these figures are intended to represent the magnitude of the bond refinance. Staff is intending on presenting the final approval of the refinance at the July 15, 2008 meeting as per the attached schedule (Attachment 2).
RECOMMENDATION: That the Redevelopment Agency authorize staff to proceed with the refinance of the 2002 bond issue utilizing Option 1, provided that the numbers don’t substantially change.

Attachment: 1. Refinancing Options
              2. Financing Schedule
# REDEVELOPMENT BOND ISSUE REFINANCING OPTIONS

<table>
<thead>
<tr>
<th>OPTION 1</th>
<th>OPTION 2</th>
<th>OPTION 3</th>
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<tbody>
<tr>
<td>(tax exempt)</td>
<td>(tax exempt)</td>
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<tr>
<td>Proceeds from refinance for projects:</td>
<td>Proceeds from refinance for projects:</td>
<td>Proceeds from refinance for projects:</td>
</tr>
<tr>
<td>(taxable)</td>
<td>(tax exempt)</td>
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<tr>
<td>Proceeds from refinance for housing:</td>
<td>Proceeds from refinance for housing:</td>
<td>Proceeds from refinance for housing:</td>
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<tr>
<td>(taxable)</td>
<td>(tax exempt)</td>
<td>(tax exempt)</td>
</tr>
<tr>
<td>Total Debt Service</td>
<td>Total Debt Service</td>
<td>Total Debt Service</td>
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<td>$5,025,875</td>
<td>$5,025,875</td>
<td>$5,025,875</td>
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<tr>
<td>$2,162,950</td>
<td>$2,000,000</td>
<td>$2,160,000</td>
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<tr>
<td>$544,850</td>
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<td>$562,000</td>
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<tr>
<th>OPTION 1</th>
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<th>OPTION 3</th>
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<tr>
<td><strong>Pros</strong></td>
<td><strong>Pros</strong></td>
<td><strong>Pros</strong></td>
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<tr>
<td>$67,000 in additional annual debt service will be funded from tax increment</td>
<td>Proceeds exclude funds available for contingencies</td>
<td>Proceeds limit funds available for contingencies</td>
</tr>
<tr>
<td>Provides the greatest flexibility for structuring future project deals</td>
<td>Taxable bonds for the Housing don't trigger private activity rules (5%)</td>
<td>Bond issuance cost is mid point: ($544,125)</td>
</tr>
<tr>
<td>Taxable bonds don't trigger private activity rules (5%)</td>
<td>Reduces interest rate from that of Option 1</td>
<td>Reduces interest rate from that of Option 1</td>
</tr>
<tr>
<td>Project property can be sold to developer at market value</td>
<td>Only $4,000 increase in debt service</td>
<td>Only $14,500 increase in debt service</td>
</tr>
<tr>
<td>Prevailing wage would likely not be required on commercial construction</td>
<td>Housing assistance can be structured as a loan so that debt service can be used for repayment of other Agency debts</td>
<td>Housing assistance will be required on construction of new commercial building</td>
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<td>Housing assistance can be structured as a loan so that debt service can be used for repayment of other Agency debts</td>
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<td>DATE</td>
<td>ACTIVITY</td>
<td>PARTY</td>
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<tr>
<td>2/19/08</td>
<td>Agency approves resolution of intention to issue 2008 Tax Allocation Bonds</td>
<td>Complete</td>
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<td></td>
<td>(Bonds) and appointing bond and disclosure counsel and underwriter</td>
<td></td>
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<tr>
<td>3/20/08</td>
<td>Agency selects Fiscal Consultant, Rosenow Sevacek Group, Inc.</td>
<td>Complete</td>
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<tr>
<td>3/28/08</td>
<td>Fiscal Consultant authorized to begin Fiscal Consultant Report</td>
<td>Complete</td>
</tr>
<tr>
<td>5/09/08</td>
<td>First draft of Fiscal Consultant Report distributed</td>
<td>Complete</td>
</tr>
<tr>
<td>5/23/08</td>
<td>Final draft of Fiscal Consultant Report distributed</td>
<td>Complete</td>
</tr>
<tr>
<td>6/17/08</td>
<td>Council session to select financing alternative</td>
<td>Agency</td>
</tr>
<tr>
<td>6/18/08</td>
<td>Financing structure given go-ahead</td>
<td>Agency</td>
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<tr>
<td>6/23/08</td>
<td>Distribute first draft POS and legal documents</td>
<td>BC/DC, UC</td>
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<tr>
<td>6/25-26/08</td>
<td>Conference call to review draft POS and legal documents</td>
<td>All</td>
</tr>
<tr>
<td>7/03/08</td>
<td>Distribute second draft POS and legal documents to Agency staff</td>
<td>BC/DC, UC</td>
</tr>
<tr>
<td>7/09/08</td>
<td>Distribute final draft of legal documents and POS to City Clerk for</td>
<td>BC/DC, UC, U</td>
</tr>
<tr>
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<td>July 15th agenda, including to rating agency and bond insurers</td>
<td></td>
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<tr>
<td>7/15/08</td>
<td>Agency approves Bond issue and authorized distribution of POS and</td>
<td>Agency</td>
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<tr>
<td></td>
<td>Executive Director to sign the Bond Purchase Agreement</td>
<td></td>
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<tr>
<td>7/17/08</td>
<td>Print and mail POS</td>
<td>BC/DC, UC, U</td>
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<tr>
<td>7/21/08</td>
<td>Receive rating and select bond insurer</td>
<td>U</td>
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<tr>
<td>7/29/08</td>
<td>Price Bond issue</td>
<td>U</td>
</tr>
<tr>
<td>7/30/08</td>
<td>Sign Bond Purchase Agreement</td>
<td>Agency, U</td>
</tr>
<tr>
<td>8/11/08</td>
<td>Pre-closing</td>
<td>All</td>
</tr>
<tr>
<td>8/12/08</td>
<td>Closing and Agency receives proceeds</td>
<td>BC/DC, UC, U, Agency</td>
</tr>
</tbody>
</table>

Council meets 1st and 3rd Tuesdays

**PARTIES**

<table>
<thead>
<tr>
<th>Agency</th>
<th>Porterville Redevelopment Agency (Issuer)</th>
</tr>
</thead>
<tbody>
<tr>
<td>BC/DC</td>
<td>Raymond M. Haight, Attorney at Law (Bond and Disclosure Counsel)</td>
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<tr>
<td>U</td>
<td>Wulff, Hansen &amp; Co. (Underwriter)</td>
</tr>
<tr>
<td>UC</td>
<td>Quint &amp; Thimmig LLP (Underwriter’s Counsel)</td>
</tr>
<tr>
<td>FC</td>
<td>Rosenow Sevacek Group, Inc. (Fiscal Consultant)</td>
</tr>
</tbody>
</table>
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
PORTERVILLE UNIFIED SCHOOL DISTRICT – CENTRAL VALLEY HOT SUMMER DAZE CAR AND BIKE SHOW AND MUSIC FESTIVAL
AUGUST 9, 2008

SOURCE: Administrative Services Department, Finance Division

COMMENT: Porterville Unified School District is requesting approval to hold a car and bike show along with a music festival in downtown Porterville, on Saturday, August 9, 2008, from 10:00 a.m. to 7:00 p.m. The following is the list of requested street and park reservations:

STREETS AND SIDEWALKS:
Main Street from Thurman Avenue to Oak Avenue; and
Putnam Avenue from Main Street to Hockett Street.

PARK:
Centennial Park, Downtown Porterville

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 a map indicating the desired closures is included.

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Porterville Unified School District, subject to the stated requirements contained in Application, Agreement and Exhibit “A.”

ATTACHMENT: Community Civic Event Application and Agreement, Exhibit “A,” vendor list, closure requests, map and outside amplifier permit.

DD ______ Appropriated/Funded _____ CM _____ 

Item No. 1
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 10/2/08    Event date: 8/9/08

Central Valley
Name of Event: HOT SUMMER DAZE FESTIVA
Bike Show 2008 + Music Festival

Sponsoring organization: Porterville Unified PHONE # 559-713-2240
Address: 1899 W Santa Maria

Authorized representative: Clyde Tillery PHONE # 559-680-7855
Address: 1899 W Santa Maria

Event chairperson: Rachelle Kupat PHONE # 559-359-0899

Location of event (Location map must be attached):

Type of event: Music Festival, Car and Bike Show, Vendor booths

Nonprofit status determination: 77-0562920

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

Barricades (quantity): 1
Police protection Yes No
Other:________________________

Street sweeping Yes No
Refuse pickup Yes No

Parks facility application required: Yes No
Assembly permit required: Yes No

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

Approve Deny

Bus Lic Spvr Pub Works Dir
Comm Dev Dir Field Svcs Mgr
Fire Chief Parks Dir
Police Chief Deputy City Mgr
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER
ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?
A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public
property. Most of the time, Community Civic Events require street or sidewalk closures.

Authorization: This permit must be submitted NO LESS THAN 30 days PRIOR to the date of the event in
order to obtain City Council approval.

City Code requirements:
At least 48" must remain clear on sidewalks for pedestrian traffic.
Do not block any entrance to or exit from buildings.
Area must be accessible to emergency and safety personnel and vehicles.
Electrical cords must be approved and installation checked by the Fire Department.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the
term of this permit a policy of liability and property damage insurance against liability for personal injury,
including accidental death, as well as liability for property damage which may arise in any way during the
term of this permit. The City of Porterville shall be named as additional insured. The amounts of such
insurance and any additional requirements are listed in Exhibit "A." This original certificate shall be
submitted prior to the event.

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 permittee, 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 health permit(s)
from the County of Tulare Department of Health if any food is to be served in connection with this
Community Civic Event. To contact the Tulare County Environmental Health Department call 559.788.1199,
or fax information to, 559.788.1313.

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.

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community
Civic Event Ordinance 1326, as amended, and the terms and conditions set forth by City Council and stated
in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and
hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any
kind or character arising out of, relating to, or in any way connected with his/her performance of this permit.
Said agreement to hold harmless shall include and extend to any injury to any person or persons, or
property of any kind whatsoever and to whomever belonging, including, but not limited to, said
organization/applicant, and shall not be liable to the City for any injury to persons or property which may
result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

Porterville Unified School District

(Name of organization)  

(Signature)  

(Date)
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
PORTERVILLE UNIFIED SCHOOL DISTRICT
CENTRAL VALLEY HOT SUMMER DAZE CAR AND BIKE SHOW AND MUSIC FESTIVAL
AUGUST 9, 2008

Business License Supervisor:  
S. Perkins

Vendor list required prior to event.

Public Works Director:  
B. Rodriguez

Community Development Director:  
B. Dunlap

Field Services Manager:  
B. Styles

Pick up and return barricades at 555 N. Prospect.

Fire Chief:  
M.G. Garcia

No comments.

Parks and Leisure Services Director:  
Jim Perrine

Obtain facilities reservation for Centennial Plaza, provide portable toilets at locations and quantities to service the anticipated attendance, provide trash receptacles and empty same.

Police Chief:  
C. McMillan

Council approval needed on street closures.

Deputy City Manager, Interim:  
J.D. Lollis

See attached “Exhibit A”, page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville Unified School District
Event: Central Valley Summer Daze Car and Bike Show and Music Festival
Event Chairman: Melissa Lentzner
Rachelle Rupert
Location: Centennial Park and Main Street and selected side streets
Date of Event: August 9, 2008
Time of Event: 10:00 a.m. to 7:00 p.m.

RISK MANAGEMENT: Conditions of Approval

1. That the Porterville Unified School District 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.

   b. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:VII, and the insurance company must be an “admitted” insurer in the State of California.
CITY OF PORTERVILLE

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

Name of event: Hot Summer One Music Festival, Jae & Blee

Sponsoring organization:

Location: Main St & Putnam Ave  Event date: 8/9/08  Event time: 10 AM

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION. Vendors with no valid City of Porterville business license are required to pay $1 per day to the City, with the exceptions of non-profit organizations. This form should be completed at the time of application, but must be submitted NO LESS THAN ONE week prior to the event.

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
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3 of 4
CITY OF PORTERVILLE

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

Name of event: Central Valley Hot Summer DAZE Music Festival, Car and Bike Show
Sponsoring organization: Porterville Unified School District

Event date: 8/9/08

AT THIS TIME, NO CLOSURES OR USES ARE REQUESTED.

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main St.</td>
<td>Thurman</td>
<td>Oak</td>
<td>Car Show - Bike</td>
</tr>
<tr>
<td>Patman Ave</td>
<td>Hockett</td>
<td>Main</td>
<td>Vendor's music</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
</table>

4 of 4
This application must be submitted 10 days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1. Name and home address of the applicant:
   
   Melissa Centener  Phone # (559) 389-6080
   1981 W. West Field Porterville, CA.

2. Address where amplification equipment is to be used:
   
   BS (W. Peterson) Phone # (559) 389-6080

3. Names and addresses of all persons who will use or operate the amplification equipment:
   
   Brandon Inslee, Dennis Inslee, John Lacey
   Deep Fried from Visual's Future of perfect.
   all from Visual's Cafe.

4. Type of event for which amplification equipment will be used:
   
   Music Festival & car and bike show

5. Dates and hours of operation of amplification equipment:
   
   8/9/08

6. A general description of the sound amplifying equipment to be used:
   
   Cer PA System
Section 18-14 City Ordinance Outside Amplifiers; permit required.
It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or connected any loud-speaker 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, without having first procured a permit from the Chief of Police.

Section 18-9 City Ordinance, Radios, record players, etc.
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, juke box, 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.

California Penal Code Section 415
Any person who maliciously and willfully disturbs another person by loud and unreasonable noise, is guilty of a misdemeanor.

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.

cc:

____________________________________

____________________________________

____________________________________

3/27/01
COUNCIL AGENDA: June 24, 2008

SUBJECT: DRAFT LETTER TO CALIFORNIA PUBLIC UTILITIES COMMISSION REGARDING SOUTHERN CALIFORNIA EDISON SAN JOAQUIN CROSS VALLEY LOOP APPLICATION

SOURCE: Administration

COMMENT: At its regular meeting on June 17, 2008, the City Council authorized the drafting of a letter to the California Public Utilities Commission regarding the Southern California Edison San Joaquin Cross Valley Loop Application, encouraging the scheduling of public hearings without supporting any identified route.

RECOMMENDATION: The City Council approve the attached draft letter, and authorize the Mayor to sign and transmit to addressees.

ATTACHMENT: Draft Letter
June 24, 2008

DRAFT

Docket Office
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, California 94102

RE: Edison’s San Joaquin Cross Valley Loop Application, A08-05-039

Via: U.S. Mail

Pursuant to the California Public Utilities Commission’s Rules of Practice and Procedure (Rule 2.6), the City of Porterville respectfully requests the Commission to schedule Public Participation Hearings (PPH) regarding Southern California Edison’s Application for a Certificate of Convenience and Necessity for the San Joaquin Cross Valley Loop Transmission Project, Docket A08-05-039, filed May 30, 2008. It is preferred that the requested Hearing(s) be scheduled in the Tulare County region. The City of Porterville is filing this request within the prescribed thirty (30) calendar days of the date the notice of the filing of the application first appears in the Daily Calendar.

The City of Porterville has been contacted by the City of Farmersville regarding the proposed route, as well as a Southern California Edison representative has provided personal testimony to the Porterville City Council concerning the same, and both of their respective interests are understood in this matter. Without respect to the identified routes, the City of Porterville appreciates and supports the efforts undertaken by Southern California Edison in the San Joaquin Cross Valley Loop Project toward serving the increased demand for electricity and maintaining safe and reliable electrical service.

Thank you for your attention and consideration in this matter.

Sincerely,

Mayor Cameron Hamilton
City of Porterville

City Manager’s Office
291 North Main Street Porterville, California 93257
(559) 782-7466 Fax (661) 362-4008 Email: mgr-Office@ci.porterville.ca.us
cc: Susan Nelson, SCE Project Manager, Regulatory Affairs
Bill DeLain, SCE Regional Manager
Brian Thoburn, SCE Region Manager
Michael Mackness, Attorney for SCE
Jensen Uchida, CPUC Energy Division
Sean Gallagher, Director, CPUC Energy Division
Johnathon Reiger, CPUC Legal Division
Chief ALJ Angela Minkin
CPUC Commissioner Michael R. Peevey
CPUC Commissioner Dian Grueneich
CPUC Commissioner John Bohn
CPUC Commissioner Rachelle Chong
CPUC Commissioner Timothy Alan Simon
PUBLIC HEARING

SUBJECT: VACATION OF PUBLIC EMERGENCY ACCESS EASEMENT RELATED TO THE RIVERWALK MARKETPLACE COMMERCIAL CENTER EXPANSION (Ennis Commercial Properties)

SOURCE: Public Works Department – Engineering Division

COMMENT: This is the time and place set for the hearing on the proposed vacation of a public 25 foot wide emergency access easement, which is described in Document No. 95-009544, recorded February 15, 1995, in the Office of the Tulare County Clerk-Recorder. This easement is generally located along the southern boundary of the Riverwalk Marketplace Commercial Center between Indiana Street and Jaye Street. The developer is seeking the vacation for the purpose of expanding the Commercial Center within the existing easement. The easement is no longer necessary due to the completion of Vandalia Avenue which runs east to west across the southern portion of the subject development.

The City has authority to vacate this easement under Section 8333, Part 3, Division 9, of the Streets and Highways Code of the State of California.

Staff believes that there are no problems with any reversionary rights since this easement is in favor of the City of Porterville. Vacation of this easement does not affect other agencies or other utility companies.

RECOMMENDATION: That City Council:

1) Conduct a Public Hearing; and

2) Authorize the City Clerk to execute the vacation of said easement.

ATTACHMENTS: Vacation Resolution w/ Exhibits
Resolution No. 47-2008
Document No. 95-009544 w/ Exhibits
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE ORDERING THE VACATION AND CLOSING TO PUBLIC
USE OF A 25 FOOT WIDE EMERGENCY ACCESS EASEMENT RELATED TO THE
RIVERWALK MARKETPLACE COMMERCIAL CENTER EXPANSION
(Ennis Commercial Properties)

WHEREAS, by Resolution No. 47-2008, passed on June 3, 2008, the Council of
the City of Porterville declared its intention to vacate and close to public use that certain
public easement related to the Riverwalk Marketplace Commercial Center's
development, which is situated in the Southwest quarter of Section 35, Township 21
South, Range 27 East, Mount Diablo Base and Meridian, hereinafter more particularly
described, and set the hour of 7:00 p.m. on the 24th day of June, 2008, in the Council
Chambers of said City as the time and place for hearing all persons objecting to the
proposed vacation; and

WHEREAS, such public hearing has been held at said time and place, and there
were no protests, oral or written, to such vacation;

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

SECTION 1: The Council hereby finds, from all the evidence submitted, that the
ease ment hereinafter described is unnecessary for present or prospective use, and the
City Council hereby makes its order vacating subject 25 foot wide emergency access
ease ment, which is described in the legal description, marked Exhibit "A" and shown on
the Locator Map, marked Exhibit "B", both of which are attached hereto and by
reference made a part hereof.

SECTION 2: The City Clerk shall certify to the passage and adoption of this
resolution and it shall thereupon take effect and be in force.

_________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

________________________
By: Patrice Hildreth, Chief Deputy City Clerk
Emergency Access Vacation – Riverwalk Marketplace

An easement, 25 feet in width, for emergency access over and across that portion of Lots 40, 41, 42 and 43 of Pleasant Grove Tract, per map recorded in Book 9, Page 1, of Maps in the Office of the County Recorder, County of Tulare, State of California, the center line of said 25 foot strip being described as follows:

BEGINNING AT a point in the West line of the Southwest quarter of Section 35, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, said point being North 0°09'03" East, 260.40 feet of the Southwest corner of said Southwest quarter;

THENCE, South 69°22'59" East, 191.14 feet;

THENCE, South 86°49'22" East, 265.13 feet;

THENCE, South 89°27'10" East, 1508.89 feet;

THENCE, North 82°51'48" East, 201.44 feet;

THENCE, South 86°59'16" East, 200.49 feet;

THENCE, South 89°27'10" East, 100.34 feet;

THENCE, Northeasterly along a 75 foot radius curve concave to the Northwest, having a central angle of 45°32'50", an arc distance of 59.62 feet;

THENCE, North 45°00'00" East, 107.86 feet;

THENCE, Easterly along a 50 foot radius curve, concave to the South, having a central angle of 45°32'50", an arc distance of 39.75 feet;

THENCE, South 89°27'10" East, 23.52 feet to a point in the East line of the Southwest quarter of said Section 35, said point being North 0°24'23" East, 298.32 feet of the Southeast corner of said Southwest quarter;

EXCEPTING, therefrom that portion thereof lying within the Indiana Street Right-Of-Way and lying within the Jaye Street Right-Of-Way.

END OF DESCRIPTION
RESOLUTION NO. 47-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
OF INTENTION TO VACATE AND CLOSE TO PUBLIC USE, A 25 FOOT
EMERGENCY ACCESS EASEMENT, DOCUMENT No. 95-009544

SECTION 1: The Council of the City of Porterville, California, pursuant to
Division 9, Part 3, Section 8320, of Streets and Highways Code of the State of
California, does hereby resolve as follows, to-wit:

That it is the intention of the Council of the City of Porterville to vacate, abandon,
and close to public use that certain 25 foot wide emergency access easement in the
City of Porterville, County of Tulare, State of California, and known generally as an
easement no longer necessary due to the development of the Riverwalk Marketplace
Commercial Center, of which easement is generally located along the southern
boundary of said shopping center between Indiana Street and Jaye Street.

SECTION 2: A map or plan of said public easement intended to be vacated,
abandoned and closed to public use is on file in the office of the City Clerk of the City of
Porterville, reference to which is hereby made.

SECTION 3: That the public convenience and necessity requires the reservation
of easements and rights of way for structures enumerated, if any, in Section 8340 of the
California Streets and Highways Code.

SECTION 4: Notice is further given that on Tuesday, the 1st day of July, 2008,
at 7:00 p.m., or as soon thereafter as the matter can be heard, in the Council
Chambers in the City Hall in the City of Porterville, at 291 North Main Street, is hereby
fixed for the time and place for hearing any objections to the vacation, abandonment
and closing to public use of said easements way.

ATTEST:

Cameron Hamilton, Mayor

John Longley, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
STATE OF CALIFORNIA   )
CITY OF PORTERVILLE   )       SS
COUNTY OF TULARE   )

I, JOHN LONGLEY, 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 a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 3rd day of June, 2008.

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

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<thead>
<tr>
<th>Council:</th>
<th>McCracken</th>
<th>P. Martinez</th>
<th>F. Martinez</th>
<th>Hernandez</th>
<th>Hamilton</th>
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JOHN LONGLEY, City Clerk

[Signature]

By: Patrice Hildreth, Chief Deputy City Clerk
THE UNDERSIGNED GRANTOR(s) DECLARE(s)

DOCUMENTARY TRANSFER TAX IS $____________________

☐ unincorporated area ☐ City of ____________________

Parcel No. ________________________________

☐ computed on full value of interest or property conveyed, or

☐ computed on full value less value of liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

VIEJO ROBLES CORPORATION, A CALIFORNIA CORPORATION

hereby GRANT(S) to CITY OF PORTERVILLE, A MUNICIPAL CORPORATION

the following described real property in the CITY OF PORTERVILLE,

county of TULARE state of California:

REFER TO EXHIBIT A ATTACHED HERETO AND THEREBY MADE A PART HEREOF.

Dated January 23, 1995

STATE OF CALIFORNIA
COUNTY OF Tulare } S.S.

On January 23, 1995 before me,

Suzanne S. Unser
Notary Public in and for said County And State, personally appeared

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature Suzanne S. Unser

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE
EXHIBIT A

An easement, 25 feet in width, for emergency access over and across that portion of Lots 40, 41, 42 and 43 of Pleasant Grove Tract, per map recorded in Book 9, page 1, of Maps in the Office of the County Recorder, County of Tulare, State of California, the center line of said 25 foot strip being described as follows:

Beginning at a point in the West line of the Southwest quarter of Section 35, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, said point being North 0°09'03" East, 260.40 feet of the Southwest corner of said Southwest quarter;

Thence, South 69°22'59" East, 191.14 feet;

Thence, South 86°49'22" East, 265.13 feet;

Thence, South 89°27'10" East, 1508.89 feet;

Thence, North 82°51'48" East, 201.44 feet;

Thence, South 86°59'16" East, 200.49 feet;

Thence, South 89°27'10" East, 100.34 feet;

Thence, Northeasterly along a 75 foot radius curve concave to the Northwest, having a central angle of 45°32'50" an arc distance of 59.62 feet;

Thence, North 45°00'00" East, 107.86 feet;

Thence, Easterly along a 50 feet radius curve, concave to the South, having a central angle of 45°32'50", an arc distance of 39.75 feet;

Thence, South 89°27'10" East, 23.52 feet to a point in the East line of the Southwest quarter of said Section 35, said point being North 0°24'23" East, 298.32 feet of the Southeast corner of said Southwest quarter;

EXCEPTING therefrom that portion thereof lying within the Indiana Street right-of-way and lying within the Jaye Street right-of-way.
RESOLUTION NO. 8-95
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ACCEPTING A GRANT OF EASEMENT FROM VIEJO ROBLES CORPORATION

WHEREAS, the Porterville City Council has accepted the Final Subdivision Map for New Horizons, Phase 1, and accepted all offers of dedication;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby accepts an Grant Deed of easement from Viejo Robles Corporation, a California Corporation, with foresaid property situate, lying and being in the County of Tulare, State of California, to-wit:

Refer to Exhibit "A" Attached hereto and thereby made a part hereof.

BE IT FURTHER RESOLVED that said Grant Deed be recorded in the office of the Tulare County Recorder. The foregoing has been accepted by the City Council for the City of Porterville.

Judith A. Gibbons, Mayor

ATTEST:  
C. G. Huffaker, City Clerk
EXHIBIT A

An easement, 25 feet in width, for emergency access over and across that portion of Lots 40, 41, 42 and 43 of Pleasant Grove Tract, per map recorded in Book 9, page 1, of Maps in the Office of the County Recorder, County of Tulare, State of California, the center line of said 25 foot strip being described as follows:

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EXCEPTING therefrom that portion thereof lying within the Indiana Street right-of-way and lying within the Jaye Street right-of-way.
STATE OF CALIFORNIA)  

(SS  
COUNTY OF TULARE )  

I, C. G. HUFFAKER, 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 a resolution duly and regularly passed and adopted by the Council of the City of Porterville at a meeting of the Porterville City Council regularly called and held on the 7th day of February, 1995.

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

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<tr>
<th>COUNCILMEN:</th>
<th>NICHOLSON</th>
<th>CLARK</th>
<th>LEAVITT</th>
<th>GIFFORD</th>
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C. G. HUFFAKER, City Clerk  

By Georgia Hawley, Deputy City Clerk
TITLE: RESOLUTION APPROVING ARTICLES OF INCORPORATION AND BYLAWS – PORTERVILLE AIRPORT AREA DEVELOPMENT CORPORATION

SOURCE: CITY ATTORNEY

COMMENT: The Southeastern Tulare County Intergovernmental Coordinating Committee/Porterville Airport Area Development Association (STIG/PAADA) is developing articles and bylaws for a proposed nonprofit corporation (the "Porterville Airport Area Development Corporation"). The corporation's purpose would be to aid in the financing and administering of funds for the public works projects and improvements associated with any development on the Tribal-owned land by the airport. It is anticipated that this corporation would work in conjunction with the activities of the current STIG/PAADA, and with any joint powers authority created in the event special State legislation is adopted authorizing the creation of such an authority.

Attached are drafts of the Articles of Incorporation and Bylaws. The drafts include the comments provided by the Council at the May 20, 2008 Council Meeting and additional revisions per the STIG/PAADA Board. The drafts are now ready for consideration and approval by the City and Tribe before being submitted to the California Secretary of State.

The Directors of the Corporation parallel the Directors of STIG/PAADA. While there would be four initial incorporators/directors, these directors shall appoint a fifth director, by unanimous vote of those present. An affirmative vote of the majority of the total number of Board members is required for all other decisions to be effective. The current drafts provide for President, Vice-President, Secretary and Treasurer of the Corporation, and subordinate offices could be created. The corporation would be a tax-exempt organization pursuant to Internal Revenue Code Section 501(c)(3). The organization would be subject to the Brown Act.

RECOMMENDATION: That the City Council review and consider the attached Articles and Bylaws, and adopt the attached Resolution

ATTACHMENTS: 1) Resolution No. ______, a Resolution of the City Council of the City of Porterville Authorizing the Formation of the Porterville Area Airport Development Corporation, a Public Benefit Nonprofit Corporation Organized Pursuant to Internal Revenue Code Section 501(c)(3), Authorizing the Filing of the Articles of Incorporation, and Approving the Bylaws
2) Articles of Incorporation of the Porterville Airport Area Development Corporation
3) Bylaws of the Porterville Airport Area Development Corporation
RESOLUTION NO. ____-2008


WHEREAS, on November 19, 2002, the City of Porterville and the Tule River Indian Tribe formed the Southeastern Tulare County Intergovernmental Coordinating Committee ("STIG") to address joint opportunities and issues of concern for the parties;

WHEREAS, since this time the Committee has met regularly to discuss potential opportunities, and in particular have discussed the potential development of Tribe-owned property located within the City of Porterville and currently subject to a land fee-to-trust application pending before the Bureau of Indian Affairs;

WHEREAS, on January 30, 2008, the parties approved a Memorandum of Understanding Between the City of Porterville and the Tule River Indian Tribe to Advance Further Negotiations and the Performance of Governmental Processes;

WHEREAS, the parties have determined, that in order to assist the City and the Tribe with the administering of funding for STIG’s objectives, and for the creation of economies and efficiencies of purpose, the formation of a California nonprofit, public benefit corporation would be beneficial;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES RESOLVE AS FOLLOWS:

1. The City Council of the City of Porterville hereby approves the Articles of Incorporation of the Porterville Area Airport Development Corporation, attached hereto as Exhibit
“A,” authorizes the City-appointed STIG Committee members to execute the Articles as two of the
four Incorporators, and authorizes the filing of said Articles, upon execution by the Tribe-appointed
STIG members, with the appropriate authorities of the State of California.

2. The City Council hereby approves the draft Bylaws, attached as Exhibit "B," for
   consideration and approval by the Corporation at its first organizational meeting.

3. The City Council hereby authorizes the execution of any other documents, and
   authorizes any other actions necessary for the formation of the nonprofit corporation.

   APPROVED AND ADOPTED this _____ day of June, 2008.

   ________________________________
   Cameron Hamilton, Mayor

   ATTEST:

   John Longley, City Clerk

   ________________________________
   By: Patrice Hildreth, Chief Deputy City Clerk
ARTICLES OF INCORPORATION [DRAFT]

-OF THE-

PORTERVILLE AREA AIRPORT DEVELOPMENT CORPORATION


ARTICLE I

The name of this corporation is: Porterville Area Airport Development Corporation.

ARTICLE II

A. This corporation is a nonprofit Public Benefit Corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public purposes.

B. The specific purposes for which this corporation is organized include the following: to assist the City of Porterville (the “City”), and the Tule River Indian Tribe (the “Tribe”) and potentially other public agencies with which the City and Tribe are engaged with, in connection with the financing, acquiring, studying, planning, leasing, constructing, developing and/or improving of land, equipment, facilities, public works projects or any other public improvements for the use, benefit and enjoyment of the members of the public served by City, the Tribe and such agencies, any other public purpose incidental thereto, the administering of funds for these objectives, and to create economies and efficiencies of purpose.

ARTICLE III

The name and address in the State of California of this corporation's initial agent for service of process is:

Julia M. Lew
McCormick, Kabot, Jenner & Lew
1220 West Main Street
Visalia, CA 93291
ARTICLE IV [DRAFT]

A. This corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3), Internal Revenue Code.

B. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

ARTICLE V

The property of this corporation is irrevocably dedicated to charitable purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation, organization, corporation, or governmental entity which is organized and operated exclusively for charitable or public purposes and which has established its tax exempt status.

IN WITNESS WHEREOF, for the purposes of forming the corporation under the laws of the State of California, the undersigned has executed these Articles of Incorporation this ___ day of ____________________, 2008.

_________________________  ____________________________
Incorporator               Incorporator

_________________________  ____________________________
Incorporator               Incorporator
Bylaws [DRAFT 6/10/08]  
- of the -  
Porterville Area Airport Development Corporation

__________________________________________________________

ARTICLE I

Name, Organization and Purpose, Principal Office

Section 1.1. Name. The name of this corporation is PORTERVILLE AREA AIRPORT DEVELOPMENT CORPORATION (hereinafter referred to as the "Corporation").

Section 1.2. Organization, Purpose and Use of Funds. The Corporation is a nonprofit public benefit corporation organized under the Nonprofit Public Benefit Corporation Law of the State of California (the "Law") exclusively for the promotion of charitable purposes within the meaning of 501(c)(3) of the Internal Revenue Code (the "Code") and to assist the City of Porterville (the "City") and the Tule River Indian Tribe (the "Tribe"), and other public agencies in the State of California of which the City is a member or is otherwise engaged with, in connection with the financing, acquiring, studying, planning, leasing, constructing, developing and/or improving of land, equipment, facilities, public works projects or any other public improvement for the use, benefit and enjoyment of the members of the public served by City, Tribe and such agencies, any other public purpose incidental thereto, the administering of funds for these objectives, and to create economies and efficiencies of purpose. The activities of the Corporation shall be limited to the activities described in its Articles of Incorporation. No gains, profits or dividends shall be distributed to any of the Directors or officers of the Corporation; and no part of the net earnings, funds or assets of the Corporation shall inure to the benefit of any Director or any other person, firm or corporation excepting only the as described herein.

Section 1.3. Principal Office. The principal office of the Corporation is hereby fixed and located at 2780 West Yowlumne Avenue, Suite 2, Porterville, California 93257. The Board of Directors is hereby granted full power and authority to change said principal office from one location to another. Any such change shall be noted by the Secretary opposite this section, but shall not be considered an amendment to these Bylaws.
ARTICLE II  [DRAFT]

No Members

Section 2.1. No Members. Pursuant to Section 5310 of the Law, the bylaws of a nonprofit corporation may provide that the corporation shall have no members. This Corporation shall have no members.

ARTICLE III

Directors

Section 3.1. Powers. Subject to limitation of the Articles of Incorporation, the Bylaws, and the Law, and subject to the duties of Directors as prescribed by the Bylaws, all powers of the Corporation shall be exercised by or under the authority of, and the business and affairs of the Corporation shall be controlled by, the Board of Directors. No Director shall be responsible for any error in judgment or for anything that such Director may do or refrain from doing in good faith. Without prejudice to such general powers, but subject to the same limitations, it is hereby expressly declared that the Directors shall have the following powers, to wit:

1. To select and remove all appointed officers, agents and employees of the Corporation, prescribe such powers and duties for such officers, agents and employees as may not be inconsistent with law or the Articles of Incorporation or Bylaws, fix their compensation and require from such officers, agents and employees security for faithful service;

2. To conduct, manage and control the affairs and business of the Corporation and to make such rules and regulations therefor not inconsistent with law, the Articles of Incorporation or Bylaws, as the Directors may deem best; and

3. To borrow money and incur indebtedness for the purposes of the Corporation, and to cause to be executed and delivered therefor, in the name of the Corporation or otherwise, promissory notes, bonds, certificates of participation, debentures, deeds of trust, mortgages, pledges, hypothecation or other evidences of debt and securities therefor.

Section 3.2. Number of Directors. The authorized number of Directors shall be five until changed by amendment of the Articles of Incorporation or by amendment of the Bylaws.
Section 3.3. Selection and Term of Office. The initial Directors of the Corporation shall include four (4) incorporators, two (2) of whom are designated by the Porterville City Council and whom are current Porterville City Council Members (hereinafter referred to as "City - Appointed Directors") and two (2) of whom are designated by the Tule River Tribal Council and are current or prior Tule River Tribal Council Members (hereinafter referred to as "Tribe – Appointed Directors"). The four initial directors shall appoint, by unanimous vote of those present, one additional director, who shall be a resident of Tulare County (hereinafter referred to as the "Board - Appointed Director"). This director may be the same individual appointed to the Southeastern Tulare County Intergovernmental Coordinating Committee/Porterville Airport Area Association by the four members of that organization. Except as hereinafter provided and in accordance with Section 5220(d) of the law, each City and Tribe Appointed Director shall hold office until removed by its respective legislative body. The Board-Appointed Director shall hold office for a term of one year, but said term may run consistent and in conjunction with his/her term as a member of the Southeastern Tulare County Intergovernmental Coordinating Committee/Porterville Airport Area Association.

Section 3.4. Vacancies. Subject to the provisions of Section 5224 of the Law, any Director may resign effective upon giving written notice to the President or the Secretary, unless the notice specifies a later time for the effectiveness of such resignation. No such resignation shall be effective, however, unless and until such Director shall have resigned from the Board of Directors of the Southeastern Tulare County Intergovernmental Coordinating Committee/Porterville Airport Area Association.

A vacancy or vacancies on the Board of Directors shall be deemed to exist upon the expiration of a Director's term, if the authorized number of Directors comprising the Board of Directors of the District is increased, or upon the events specified in Government Code § 1770 including but not limited to the death, or resignation, on the Board of Directors of the District.

City-Appointed Director vacancies on the Board of Directors shall be filled by the Porterville City Council. Tribal-Appointed vacancies on the Board of Directors shall be filled by the Tule River Tribal Council. A Board-Appointed vacancy on the Board of Directors shall be filled by the four other (City and Tribal-Appointed) Directors, by a unanimous vote of the Directors present.

Section 3.5. Organization and Annual/Quarterly Meetings. The Board of Directors shall hold at least one annual meeting for the purpose of organization and the transaction of business of the corporation. The Board of Directors shall appoint, from its own body, a President, Vice-President, Secretary, and Treasurer, and these officers shall serve as
specified in Article IV. Subject to Section 3.11 hereof, quarterly meetings of the Board of Directors shall be held on the first __________ in the month of ____________, but in no case held later than June 1 of each year.

Section 3.6. Regular Meetings. The Board of Directors by resolution may provide for the holding of regular meetings and may fix the time and place of holding such meetings.

Section 3.7. Special Meetings; Notice Waiver. A special meeting of the Board of Directors shall be held whenever called in accordance with the Ralph M. Brown Act, commencing at Section 54950 of the Government Code of the State of California and Section 5211(a)(2) of the Law and Section 3.11 hereof.

Section 3.8. Adjourned Meetings: Notice of Adjournment. The Board of Directors may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a majority may so adjourn from time to time. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this Section 3.8, the resulting adjourned regular meeting is a regular meeting for all purposes.

Section 3.9. Majority. A majority, or at least three (3), of the total number of Board of Directors (5) shall constitute a quorum for the transaction of any business. An affirmative vote of a majority, or at least three (3), of the total number of Board of Directors is required for every act or decision of the Board of Directors.

Section 3.10. Fees and Compensation. Directors shall receive no compensation or expenses from the Corporation for services as Directors of the Corporation.

Section 3.11. Ralph M. Brown Act. Notwithstanding any of the provisions of these Bylaws to the contrary, all meetings of the Board of Directors shall be subject to the Ralph M. Brown Act, commencing at Section 54950 of the Government Code of the State of California.

Section 3.12. Conduct of Meetings. The President or, in the absence of the President, the Vice President, or, in the absence of the Vice President, a Chairman chosen by a majority of the Directors present, shall preside at meetings of the Board of Directors.
ARTICLE IV [DRAFT]

Officers

Section 4.1. Officers. The officers of the Corporation shall include a President, a Vice President, a Secretary and a Treasurer, all of whom shall be appointed from the Board of Directors. The Corporation may also have, at the discretion of the Board of Directors, one or more additional Assistant Secretaries, one or more Assistant Treasurers, and such other officers as may be appointed by the Board of Directors and are not members of the Board of Directors. One person may hold two or more offices, except that the offices of President and Secretary or President and Treasurer may not be combined.

Section 4.2. President. The person serving from time-to-time as the President of the Board of Directors of the Corporation shall serve as the President of the Corporation. The President shall preside at all meetings of the Board of Directors.

Section 4.3. Vice-President. The person serving from time-to-time as Vice President of the Board of Directors shall serve as Vice-President of the Corporation. The Vice-President shall preside at meetings of the Board of Directors in the event that the President is unable to do so.

Section 4.4. Secretary. The person serving from time-to-time as Secretary of the Board of Directors shall serve as Secretary of the Corporation. The Secretary shall keep at the principal office of the Corporation a book of minutes of all meetings of Directors, with the time and place of holding, how called or authorized, the notice thereof given, and the names of those present at Directors' meetings.

Section 4.5. Treasurer. The person serving from time-to-time as the Treasurer of the Board of Directors shall serve as Treasurer of the Corporation. The Treasurer shall keep and maintain adequate and correct books of account showing the receipts and disbursements of the Corporation, and an account of its cash and other assets, if any. Such books of account shall at all reasonable times be open to inspection by any Director.

The Treasurer shall deposit all moneys of the Corporation with such depositories as are designated by the Board of Directors, and shall disburse the funds of the Corporation as may be ordered by the Board of Directors, and shall render to the President or the Board of Directors, upon request, statements of the financial condition of the Corporation.

Section 4.6. Subordinate Officers. Subordinate officers shall perform such duties as shall be prescribed from time to time by the Board of Directors.
Section 4.7. Term of Office. The term of office of the President and Vice-President of the Corporation shall coincide with the term of office of the President and Vice-President of the Board of Directors of the Corporation. The term of office of the Secretary and Treasurer of the Corporation, respectively, shall coincide with the term of office of the Secretary and Treasurer of the Board of Directors respectively.

ARTICLE V [DRAFT]

Miscellaneous

Section 5.1. Execution of Documents. The Board of Directors may authorize any officer or officers as agent or agents, to enter into any contract or execute any instrument in the name of and on behalf of the Corporation and such authority may be general or confined to specific instances; and unless so authorized by the Board of Directors, no officer, agent or other person shall have any power or authority to bind the Corporation by any contract or engagement or to pledge its credit or to render it liable for any purpose or to any amount. Said authority shall be granted by Resolution or Minute Order and shall appear in the minutes.

Section 5.2. Inspection of Bylaws. The Corporation shall keep in its principal office the original or a copy of these Bylaws, as amended or otherwise altered to date, certified by the Secretary, which shall be open to inspection by members of the public and the Directors at all reasonable times during office hours.

Section 5.3. Annual Report. The Corporation, having no members, hereby expressly dispenses with the annual report referred to in Section 6321 of the Law.

Section 5.4. Fiscal Year. The fiscal year of the Corporation shall begin July 1 of each year and end on the last day of June of the succeeding year, except the first fiscal year which shall run from the date of incorporation to June 30, 2009.

Section 5.5. Dissolution. In the event of dissolution of the Corporation in any manner and for any cause, after the payment or adequate provision for the payment of all of its debts and liabilities, all of the remaining funds, assets and properties of the Corporation shall be paid or distributed to a nonprofit fund, foundation, organization or corporation which is organized and operated exclusively for charitable or public purposes and which has established its tax exempt status.
Section 5.6. Construction and Definitions. Unless the context otherwise requires, the general provisions, rules of construction and definitions contained in the Law shall govern the construction of these Bylaws. If any section, subsection, sentence, clause or phrase of these Bylaws, or the application thereof, is contrary to the Law, the provisions of the Law shall prevail. Without limiting the generality of the foregoing the masculine gender includes the feminine and neuter, the singular number includes the plural and the plural number includes the singular, and the term “person” includes a corporation as well as a natural person.

ARTICLE VI [DRAFT]

Amendments

Section 6.1. Power of Directors. New Bylaws may be adopted or these Bylaws may be amended or repealed by an affirmative vote of a majority of the total number of the Board of Directors. The Bylaws shall be amended to remain consistent with with any organizational changes to the Porterville Airport Area Development Association, and/or Authority if and when a valid Joint Powers Agreement is executed. No amendment to these Bylaws shall be effective until approved by an affirmative majority vote of the Board of Directors as provided in these Bylaws.

CERTIFICATE OF SECRETARY

OF

PORTERVILLE AREA AIRPORT DEVELOPMENT CORPORATION

I hereby certify that I am the duly elected and acting Secretary of said corporation and that the foregoing Bylaws, comprising 7 pages, constitute the Bylaws of said corporation as duly adopted at a meeting of the Board of Directors thereof held on __________________, 2008.

__________________________________________

, Secretary

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