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:
   5- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case concerning facts not yet known to potential Plaintiff.
   6- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

6:30 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
Pledge of Allegiance Led by Vice Mayor Pete V. McCracken
Invocation

PROCLAMATIONS
   Filipino-American Cultural Week

PRESENTATIONS
   Employee of the Month – Cody Clem
   Employee Service Awards
   Smart Valley Places Porterville Community Leadership Institute

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)
REPORTS

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

I. City Commission and Committee Meetings:
   1. Library and Literacy Commission – September 11, 2012

II. Staff Informational Items:
      Re: Informational report regarding the collection of unused or expired medication for safe disposal by the Porterville Sheriff’s Substation located at 379 N. Third Street.
   2. Update on County Board of Supervisors September 11, 2012, Meeting
      Re: Informational report of action taken regarding the County’s Solid Waste Enterprise.

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.

1. **Authorization to Advertise for Bids - CalEMA Repair Project**
   Re: Considering approving staff’s Plans and Project Manual for the first segment of CalEMA repair projects, which consist of repairing various areas damaged during the December 2010 floods.

2. **Award of Contract – Mill Street Sewer Project**
   Re: Considering awarding contract in the amount of $61,250 to Todd Companies of Visalia, CA, for the project consisting of the diversion of the sewer flow from an existing 8” sewer main that runs through and adjacent to the First Congregational Church, located at the southeast corner of Mill Street and Fourth Street.

3. **Award of Contract – Re-Visit Fire Station No. 2 Training Facility Mezzanine and Stairs Project**
   Re: Considering awarding contract in the amount of $85,784 to Steelex Industrial of Strathmore, CA, for the project consisting of the furnishing and fabrication of all the supporting structures, decking, guardrails, handrails, stairs, and all other necessary items for the “Sea-Train” Fire training facility mezzanine and stairs.

3a. **Authorization to Negotiate Contracts – Design Services for CMAQ and TE Grant Funded Projects**
   Re: Considering authorization to define a scope for design services and negotiate a contract with each designated local engineering consultant for various projects funded through Congestion, Mitigation and Air Quality and Transportation Enhancement grant funds.
4. **City Easement Conveyance to Central Valley Independent Network (CVIN)**  
   Re: Considering approval of a request from CVIN LLC to convey an easement for the installation and maintenance of underground telecommunications facilities.

5. **Joint Funding Agreement with Porterville Unified School District and Burton School District**  

6. **Authorize Parks and Leisure Services Acting Director to Apply for the San Joaquin Valley Air Pollution Control District Cordless Zero-Emission Grant**  
   Re: Considering authorization to apply for a grant for the demonstration of cordless zero-emission commercial lawn and garden equipment.

7. **Consideration of Street Closure for Parks & Leisure Services Fundraiser Event “Zalud House Museum Pioneer Days and Rib Cook-Off” – October 13, 2012**  
   Re: Considering approval of a request for the temporary closure of Main Street between Putnam and Morton Avenues, and Thurman and Cleveland Streets between Division and the alley west of Second Street on Saturday, October 13, 2012, from 7:00 a.m. to 3:00 p.m.

8. **Approval for Community Civic Event – Barn Theater – Porterville Bluegrass Buzzard Festival – October 6, 2012**  
   Re: Considering approval of an event to take place at the Barn Theater parking lot and back stage arena from 5:30 p.m. to 9:30 p.m. on October 6, 2012.

9. **Approval for Community Civic Event – American Association of University Women – Dinner and Arts on Main Street – October 13, 2012**  
   Re: Considering approval of an event to take place at Centennial Park on October 13, 2012, from 4:00 p.m. to 8:30 p.m.

    Re: Considering approval of an event to take place at Veteran’s Park on Sunday, October 28, 2012, from 11:00 a.m. to 6:00 p.m.

11. **Review of Local Emergency Status**  
    Re: Reviewing the City’s status of local emergency pursuant to Article 14, Section 8630 of the California Emergency Services Act.

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

**SCHEDULED MATTERS**

12. **Consideration of Refinancing 2005 Certificates of Participation (COP)**  
    Re: Considering approval of a resolution authorizing the refunding of the $20,850,000 Certificates of Participation (2005 Infrastructure Financing Project).

13. **Consideration of Options Pertaining to Council Microphones**  
    Re: Consideration of options for improved microphones for the Council’s use on the dais.
14. **Consideration of City Council’s Procedural Handbook**  
Re: Considering the City Council’s Procedural Handbook for ratification or potential amendments.

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

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**SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY AGENDA**  
**291 N. MAIN STREET, PORTERVILLE, CA 93257**  
**SEPTEMBER 18, 2012**

**Roll Call:** Agency Members/Chairman

**WRITTEN COMMUNICATIONS**

**ORAL COMMUNICATIONS**

**SCHEDULED MATTERS**

SA-01. **Independent Accountant’s Report on Applying Agreed-Upon Procedures (Low and Moderate Income Housing Fund)**  
Re: Consideration of the Housing Due Diligence Review and authorizing it’s transmittal to the Oversight Board, the Tulare County Auditor-Controller, State Controller’s Office, and Department of Finance in accordance with Health and Safety Code Sections 34179.5 and 34179.6.

Adjourn the Successor Agency Meeting 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 September 26, 2012, at 6:00 p.m.

*Pursuant to Ordinance No. 1766, the Council Meeting shall adjourn no later than 9:45 p.m., unless otherwise approved by a majority of the Council Members present.*

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.
SUBJECT: PRESCRIPTION DRUG TAKE BACK WEEK SEPTEMBER 24 – SEPTEMBER 28, 2012

SOURCE: Public Works Department – Field Services Division

COMMENT: Prescription drugs are being misused and abused at alarming rates throughout the United States. As part of their efforts to address this problem, the Drug Enforcement Administration (DEA) is sponsoring a National Prescription Drug Take Back Week from September 24 through September 28, 2012. During that week, potentially dangerous expired, unused, and unwanted prescription drugs will be collected for destruction at sites nationwide. The service is free and anonymous, no questions asked.

Medicines that languish in home cabinets are highly susceptible to diversion, misuse, and abuse. Rates of prescription drug abuse in the U.S. are increasing at alarming rates, as are the number of accidental poisonings and overdoses due to these drugs. Studies show that a majority of abused prescription drugs are obtained from family and friends, including from the home medicine cabinet. In addition, many Americans do not know how to properly dispose of their unused medicine, often flushing them down the toilet or throwing them away – both potential safety and health hazards.

The Controlled Substances Act provides limited options for consumers to legally dispose of their old medicines. Therefore, the DEA is holding this take back week to help consumers clean out their medicine cabinets of these old, unwanted, potentially harmful drugs.

The Porterville Sheriff’s Substation, located at 379 N. Third Street, will be taking unused or expired medication for safe disposal on Monday, September 24 through Friday, September 28, 2012, from 8:00 am to 5:00 pm.

The City of Porterville is helping to get the word out about this important event through this agenda item and by placing the attached flyer in City facilities.

RECOMMENDATION: Informational

ATTACHMENT: Flyer
Got DRUGS?

Turn In Your Unused or Expired Medication and Vitamins for Safe Disposal

U.S. Drug Enforcement Administration
National Drug Take Back Week
Monday, Sept. 24 – Friday, Sept. 28
8:00 a.m. - 5:00 p.m.

Types of Drugs Accepted:
Expired, unwanted, or unused pharmaceutical controlled substances and other medications and vitamins, including pet medications.

Who Can Drop Off Medication?
- End Users Only
- Living Care Facilities - End Users
- Senior Care Facilities - End Users

Medication from hospitals, pharmacies, doctor’s offices, etc. will not be accepted.

Instructions:
- Remove Pills, Capsules, Tablets from Containers.
- Dispose of Empty Containers in Recycling Bin.
- Place Loose Medication in a Zip-Lock, Plastic Bag.

Drop Off Locations:
Cutler-Orosi Sheriff’s SubStation
40765 Road 128, Cutler, 591-5810
Pixley Sheriff’s SubStation
161 N. Pine St., Pixley, 757-3525
Porterville Sheriff’s SubStation
379 North 3rd St., Porterville, 782-9650
Tulare County Sheriff’s Office
2404 W. Burrel, Visalia, 636-4625

Safe Disposal

¿Tiene DROGAS?

Devuelva Sus Medicinas y Vitaminas
No Usadas o Con Fecha de Expiración
Ya Pasado para Disposición Segura

U.S. Drug Enforcement Administration
Semana Nacional Para Regresar Medicinas
Lunes, Sept. 24 – Viernes, Sept. 28
8:00 a.m. - 5:00 p.m.

Tipos de Medicinas Aceptadas:
Sustancias controladas farmacéuticas expiradas, no deseadas, o no usadas y otras medicaciones y vitaminas, incluso medicaciones de animales.

¿Quién Puede Dejar Medicación?
- Sólo Usuarios Finales
- Instalaciones de Viviendas de Cuidado - Usuarios Finales
- Instalaciones de Cuidado de Mayores - Usuarios Finales

Medicaciones de hospitales, farmacias, consultorios de doctores, etc. no serán aceptados.

Instrucciones:
- Retire Las Píldoras, Cápsulas, Pastillas de los Contenedores.
- Disponga de los Contenedores Vacíos en el Recipiente de Reciclaje.
- Ponga La Medicación Suelta en una Bolsa de Plástico Con Cerradura.

Localidades Para Dejar:
Cutler-Orosi Sheriff’s SubStation
40765 Road 128, Cutler, 591-5810
Pixley Sheriff’s SubStation
161 N. Pine St., Pixley, 757-3525
Porterville Sheriff’s SubStation
379 North 3rd St., Porterville, 782-9650
Tulare County Sheriff’s Office
2404 W. Burrel, Visalia, 636-4625

Disposición Segura
COUNCIL AGENDA: SEPTEMBER 18, 2012

SUBJECT: UPDATE ON COUNTY BOARD OF SUPERVISORS SEPTEMBER 11, 2012, MEETING

SOURCE: Public Works Department

COMMENT: This report is a follow-up to the informational report presented to Council on September 4, 2012. As previously submitted, on August 28, 2012, the Tulare County Board of Supervisors passed the following item that affects the City.

1. **Teapot Dome Landfill** - Effective November 1, 2012, there will be a reduction in the days of operation to Thursday through Saturday. The impact to the City of Porterville will be approximately $101,000 annually to transport waste Monday through Wednesday to the nearest landfill, which is Woodville.

   At the September 11, 2012, Board of Supervisors meeting, the Board passed the following item:

2. **Solid Waste Rate Increase** – Effective January 1, 2012, tipping fees at the landfills will increase to $34/ton. The current tipping fee is $31/ton. The proposed $3 increase will impact the City of Porterville by approximately $110,000 annually.

   Staff will bring back a staff report in the very near future outlining options that address the extended travel distance and the fee increase.

RECOMMENDATION: Information only.

P:\pub\work\General\Council\County Board of Supervisors Meeting September 11, 2012 - 2012-09-18.doc

[Signature]

Report No. 112
COUNCIL AGENDA: SEPTEMBER 18, 2012

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – CALEMA REPAIR PROJECTS

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the first segment of CalEMA Repair Projects. The proposed projects include repairing areas damaged during the December 2010 floods.

- Plano Street south of Thurman Avenue – Remove/replace drop inlet and storm drain pipeline.
- El Granito at Zalud Park – Remove/replace cross gutters, spandrels, disabled ramps and deteriorated asphalt.
- E. Grand Avenue and Henrahan Street – Repair damaged asphalt shoulder, including utilizing Developer Fees to install Master Plan Storm Drain to prevent future run-off problems.
- W. Grand Avenue and Hawaii Street – Remove/replace cross gutter, spandrel, disabled ramp and damaged asphalt.

The Plans and Project Manual have been completed and are available in the La Barca Conference Room for Council’s review. The Engineer’s estimate of probable cost for construction of flood damaged areas is $105,453. An additional $10,545.30 is necessary for construction contingency (10%). It is anticipated that an additional $6,736 is required for construction management, quality control and inspection services for a total estimated projected cost of $122,734.30.

The Engineer’s estimate of probable cost for the Master Plan Storm Drain at E. Grand Avenue and Henrahan Street is $38,650. An additional $3,865 is required for construction contingency (10%). It is anticipated that an additional $3,865 is required for construction management, quality control and inspection services for a total estimated project cost of $46,380.

Funding for this project is from CalEMA disaster relief and was approved in the 2012/2013 Annual Budget. Staff is requesting an additional appropriation of $46,830 from Storm Drain Developer Fees to fund the Master Plan Storm Drain portion of the project.

RECOMMENDATION: That City Council:

1. Authorize Staff to appropriate $46,380 for this project from Storm Drain Developer Fees;

Dir Appropriated/Funded CM

Item No. 1
2. Approve Staff's recommended Plans and Project Manual; and

3. Authorize staff to advertise for bids on the project.

ATTACHMENTS: Locator Map
Engineer’s Estimate
CITY OF PORTERVILLE CALEMA REPAIR PROJECT

PLANO ST SOUTH OF THURMAN AVE, EL GRANITO ST NORTH OF W. GRAND AVE,
E. GRAND AVE & HENRAHAN ST,
CITY PROJECT NO. 89-9112-88, CALEMA NO. PCW-01A
HAWAII ST & W. GRAND AVE
CITY PROJECT NO. 89-9175, CALEMA NO. PCW-072
### BASE BID PART A - EL GRANITO ZALUD PARKING ENTRANCES NORTH OF W GRAND AVE

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>EST. QTY.</th>
<th>UNIT</th>
<th>ITEM</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>L.S.</td>
<td>Mobilization and Demobilization</td>
<td>$2,500.00</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>L.S.</td>
<td>Traffic Control</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>3</td>
<td>1</td>
<td>L.S.</td>
<td>South Entrance - Replace Cross Gutter/Spandrels and Disabled Ramps per plans and specifications</td>
<td>$8,500.00</td>
<td>$8,500.00</td>
</tr>
<tr>
<td>4</td>
<td>1</td>
<td>L.S.</td>
<td>North Entrance - Replace Cross Gutter/Spandrels and one (1) Disabled ramp per plans and specifications</td>
<td>$7,500.00</td>
<td>$7,500.00</td>
</tr>
<tr>
<td>5</td>
<td>1,256</td>
<td>S.F.</td>
<td>Remove existing Asphalt &amp; Base material and replace with 3&quot; of 1/2&quot; PG64-10 Asphalt Concrete over 6&quot; Class II Aggregate Base per plans and specifications</td>
<td>$12.00</td>
<td>$15,072.00</td>
</tr>
</tbody>
</table>

**SUBTOTAL** | **$34,572.00**

### BASE BID PART B - PLANO STREET CATCH BASIN & STORM DRAIN (SOUTH OF THURMAN AVE.)

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>EST. QTY.</th>
<th>UNIT</th>
<th>ITEM</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>1</td>
<td>L.S.</td>
<td>Mobilization and Demobilization</td>
<td>$1,500.00</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>7</td>
<td>1</td>
<td>L.S.</td>
<td>Traffic Control</td>
<td>$1,500.00</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>8</td>
<td>1</td>
<td>L.S.</td>
<td>Replace existing catch basin per City Standard D-2 including local depression</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>9</td>
<td>33</td>
<td>L.F.</td>
<td>Replace existing 18&quot; reinforced concrete storm drain including concrete collar connection to existing storm drain</td>
<td>$100.00</td>
<td>$3,300.00</td>
</tr>
<tr>
<td>10</td>
<td>38</td>
<td>L.F.</td>
<td>Trench patch including 4&quot; Asphalt Concrete over 6&quot; Class II Aggregate Base</td>
<td>$50.00</td>
<td>$1,900.00</td>
</tr>
<tr>
<td>11</td>
<td>225</td>
<td>S.F.</td>
<td>Remove and Replace Sidwalk per City Standard C-8</td>
<td>$5.00</td>
<td>$1,125.00</td>
</tr>
</tbody>
</table>

**SUBTOTAL** | **$12,325.00**

### BASE BID PART C - E GRAND AVENUE & HENRAHAN STREET ASPHALT REPAIR

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>EST. QTY.</th>
<th>UNIT</th>
<th>ITEM</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>1</td>
<td>L.S.</td>
<td>Mobilization &amp; Demobilization</td>
<td>$1,500.00</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>13</td>
<td>1</td>
<td>L.S.</td>
<td>Traffic Control</td>
<td>$1,500.00</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>14</td>
<td>5800</td>
<td>S.F.</td>
<td>Replace Existing Asphalt and Base with 3&quot; of Asphalt Concrete (1/2&quot; PG 64-10) over 6&quot; Class II Aggregate Base</td>
<td>$8.50</td>
<td>$49,300.00</td>
</tr>
</tbody>
</table>

**SUBTOTAL** | **$52,300.00**
### BASE BID PART D – E GRAND AVENUE & HENRAHAN STREET STORM DRAIN

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>EST. QTY.</th>
<th>UNIT</th>
<th>ITEM</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>1</td>
<td>L.S.</td>
<td>Mobilization and Demobilization</td>
<td>$1,500.00</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>16</td>
<td>1</td>
<td>L.S.</td>
<td>Traffic Control</td>
<td>$500.00</td>
<td>$500.00</td>
</tr>
<tr>
<td>17</td>
<td>1</td>
<td>L.S.</td>
<td>Join Existing Storm Drain Manhole with new 18&quot; Storm Drain Pipe</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>18</td>
<td>320</td>
<td>L.F.</td>
<td>Install 18&quot; R.C.P. Storm Drain</td>
<td>$100.00</td>
<td>$32,000.00</td>
</tr>
<tr>
<td>19</td>
<td>1</td>
<td>L.S.</td>
<td>Install Christy U-23 Graveled Catch Basin per Detail</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>20</td>
<td>165</td>
<td>L.F.</td>
<td>Grade Dirt Swale Along North Side Grand Ave.</td>
<td>$10.00</td>
<td>$1,650.00</td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>$38,650.00</strong></td>
</tr>
</tbody>
</table>

### BASE BID PART E – W GRAND AVENUE & HAWAII STREET

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>EST. QTY.</th>
<th>UNIT</th>
<th>ITEM</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>1</td>
<td>L.S.</td>
<td>Mobilization and Demobilization</td>
<td>$500.00</td>
<td>$500.00</td>
</tr>
<tr>
<td>22</td>
<td>1</td>
<td>L.S.</td>
<td>Traffic Control</td>
<td>$500.00</td>
<td>$500.00</td>
</tr>
<tr>
<td>23</td>
<td>1</td>
<td>L.S.</td>
<td>Replace 14' Cross Gutter, Spandrel and Disabled Ramp per Detail (dowel into existing)</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Remove existing Asphalt and replace with 3&quot; of 1/2&quot; PG64-10 Asphalt Concrete per plans and specifications</td>
<td>$3.00</td>
<td>$2,256.00</td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>$6,256.00</strong></td>
</tr>
</tbody>
</table>

TOTAL CALEMA REPAIR PROJECTS PARTS A, B, C & E = $105,453
10% CONTINGENCY $10,545.30
CONSTRUCTION ENGINEERING $6,736
TOTAL ESTIMATED PROBABLY COST $122,734

TOTAL MASTER PLAN STORM DRAIN PROJECT PART D = $38,650
10% CONTINGENCY $3,865
CONSTRUCTION ENGINEERING $3,865
TOTAL ESTIMATED PROBABLY COST $46,380

ESTIMATE CERTIFIED

Project Manager 9/6/12

DPW City Engineer 9/6/12

Public Works Director 9/6/12

City Manager 09/16/12
SUBJECT: AWARD OF CONTRACT – MILL STREET SEWER PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On August 30, 2012, staff received two (2) bids for the Mill Street Sewer Project. The proposed project will divert the sewer flow from an existing 8" sewer main that runs through and adjacent to the First Congregational Church located at the southeast corner of Mill Street and Fourth Street. The diversion, once complete, will direct flow west on Mill Street to an existing sewer main located in the alley between Fourth Street and Third Street. This existing sewer main has available capacity for the flow diversion and will resolve the capacity issues experienced by the existing sewer main that traverses through the church's property.

The engineer's estimate for probable cost of the project is $78,160.50. The low bid for the project is 21.6% below the Engineer's estimate. An additional $6,125 is required for the construction contingency (10%). An additional $9,187.50 is required for construction management, quality control and inspection. The total estimated cost for the project is $76,562.50.

Funding is provided by the Sewer Revolving Fund and was approved in the 2012/2013 Annual Budget.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Todd Companies, Visalia, CA</td>
<td>$61,250.00</td>
</tr>
<tr>
<td>2. Halopoff and Sons Inc., Porterville, CA</td>
<td>$86,481.80</td>
</tr>
</tbody>
</table>

Staff has found the low bid acceptable.

RECOMMENDATION: That City Council:

1. Award the Mill Street Sewer Project to Todd Companies, in the amount of $61,250;
2. Authorize progress payments up to 95% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

ATTACHMENT: Locator Map

Item No. 2
SUBJECT: AWARD OF CONTRACT – RE-VISIT FIRE STATION NO. 2 TRAINING FACILITY MEZZANINE AND STAIRS PROJECT

SOURCE Public Works Department - Engineering Division

COMMENT On August 16, 2012, staff received two (2) bids for the Porterville Fire Station No. 2 Training Facility Mezzanine and Stairs Project. The project consists of the furnishing and fabrication of supporting structures, decking, guardrails, handrails, stairs, and other necessary items for the “sea-train” fire training facility mezzanine and stairs. The project is located at 500 N. Newcomb Street in Porterville.

The Engineer’s Estimate of Probable Cost for the Base Bid and “Add Alternate” was $66,268. The bids, with the add alternate, are as follows:

1. Steelex Industrial
   Strathmore, CA
   $85,784

2. Dayco Construction, Inc.
   Porterville, CA
   $100,515

The bids received surpassed the Engineer’s estimate by over 29% and Council rejected them, pursuant to current policy at the September 4, 2012, meeting. Staff was directed to look at revising the design and rebidding the project. After review it became apparent that potential cost savings through design/material revisions would not be sufficient to cover the funding shortfall. Following this review, staff was made aware of additional funds that could be used to augment the original funding source so that the project could be awarded as previously bid.

The lowest responsible bid for construction is $85,784. An additional $8,578.40 is required for construction contingency (10%). It is anticipated that an additional $4,250 is required for construction management, quality control and inspection services for a total estimated project cost of $98,612.40.

Funding for this project is re-appropriated General Fund Reserves and was approved in the 2012/2013 Annual Budget. Additional funding in the amount of $28,000 would be used from the 2010 Indian Gaming Grant. Funding is still available from that grant since expenditures for the Mass Casualty Prop were less than the amount allocated. The use of these funds toward the development of the Fire Training Facility is in compliance with the intent of this grant.
RECOMMENDATION: That the City Council:

1. Award the Fire Station No. 2 Facility Mezzanine and Stair Project to Steelex Industrial in the amount of $85,784;

2. Authorize progress payments up to 95% of the contract amount;

3. Utilize a portion of the remaining 2010 Indian Gaming Grant monies (up to $28,000) to augment the previously re-appropriated General Fund Reserve; and

4. Authorize a 10% contingency to cover unforeseen construction.

ATTACHMENT: Locator Map

P:\pubworks\General\Council\Award of Contract - Fire Station No. 2 Training Facility Mezzanine and Stairs Project - 2012-09-18.doc
SUBJECT: AUTHORIZATION TO NEGOTIATE CONTRACTS – DESIGN SERVICES FOR CMAQ AND TE GRANT FUNDED PROJECTS

SOURCE: Public Works Department – Engineering Division

COMMENT: The Public Works Department has a number of projects scheduled to complete for fiscal year 2012-2013. Several of these projects are grant based with specific deadlines that must be met in order to secure the funding. After reviewing the Department’s workload and evaluating the number of staff available, it has become apparent that the project demand outweighs production capability.

Staff has analyzed the projects that are most timeline critical and has come up with the following list:

1. Indiana Street Shoulder Stabilization
2. Mathew Street Shoulder Stabilization
3. Morton Avenue Shoulder Stabilization
4. Newcomb Street Shoulder Stabilization
5. Oak and Garden Avenue Pedestrian Pathways

Due to the critical timeline of these projects, staff recommends that the above listed projects be assigned to local engineering consultants to assist in expediting their completion.

The Indiana Street, Mathew Street, Morton Avenue, and Newcomb Street Shoulder Stabilization projects are funded through Congestion, Mitigation and Air Quality (CMAQ) grant funds. The Oak and Garden Avenue Pedestrian Pathway projects are funded through Transportation Enhancement (TE) grant funds.

RECOMMENDATION: That City Council:

1. Authorize staff to define a scope for design services and negotiate a contract with each designated local engineering consultant; and

2. Authorize the Mayor to execute all contract documents.

ATTACHMENTS: Indiana Street Locator Map
Mathew Street Locator Map
Morton Avenue Locator Map
Newcomb Street Locator Map
Oak and Garden Avenue Locator Map
COUNCIL AGENDA: SEPTEMBER 18, 2012

SUBJECT: CITY EASEMENT CONVEYANCE TO CENTRAL VALLEY INDEPENDENT NETWORK (CVIN)

SOURCE: Public Works Department - Engineering Division

COMMENT: CVIN LLC, a California Limited Liability Company, is requesting an easement from the City of Porterville with rights of ingress and egress over and across the subject property sufficient to construct, install, own, manage, operate, maintain, repair or replace from time to time an underground conduit and fiber cable. The fiber cable is a part of CVIN's multi-county transmission system.

This site connection fiber optics path will be used to serve the Porterville City Library, and through it, branch libraries connected to the City Library. The fiber optics path will provide connectivity of the San Joaquin Valley Library System Network (SJVLS) to CENIC's statewide CalRen advanced statewide network infrastructure over the CVIN backbone. Conduit patch and fiber optic connection to City Library and dark fiber optics to the City of Porterville Data Center is part of the Central Valley Next Generation Broadband Infrastructure Project. This project is made possible by an American Recovery and Reinvestment Act Broadband Infrastructure Program award received by CVIN.

RECOMMENDATION: That the City Council:

1. Accept CVIN's request to have the City convey an easement for the installation and maintenance of underground telecommunications facilities;

2. Authorize the Mayor to sign the Grant of Easement; and

3. Authorize the City Clerk to mail the signed Grant of Easement to CVIN for recordation.

ATTACHMENTS: Resolution
Grant of Easement Document
Exhibit “A” – Legal Description
Exhibit “B” – Locator Map
Exhibit “C” – Engineering Details and Drawing

Item No. 4
RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING A GRANT OF EASEMENT TO CENTRAL VALLEY INDEPENDENT NETWORK

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby grants to Central Valley Independent Network, LLC, a California Limited Liability Company, hereinafter called CVIN, its successors and assigns, an easement with rights of ingress and egress over and across the subject property sufficient to construct, install, own, manage, operate, maintain, repair, or replace from time to time an underground conduit and fiber cable for telecommunications facilities and all other appurtenance equipment for CVIN's multi-county transmission system, including above ground markers, under, along, through, and upon that certain real property in the County of Tulare, State of California, described and shown as follows:

See Exhibit "A" and Exhibit "B", as well as the Engineering Details and Drawing, Exhibit "C", all attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the foregoing has been authorized by the City Council for the City of Porterville.

PASSED, APPROVED and ADOPTED, this 18th day of September, 2012

ATTEST: Virginia R. Gurrola, Mayor
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
RECORDING REQUESTED BY:
City of Porterville

WHEN RECORDED MAIL TO:
CVIN, LLC
9479 North Fort Washington
Suite 105
Fresno, CA 93730

A.P.N. 252-184-001

AGREEMENT AND GRANT OF EASEMENT

This Agreement and Grant of Easement is entered into by and between the City of Porterville, hereinafter called Grantor, and CVIN, LLC (CVIN), a California Limited Liability Company, hereinafter called CVIN.

Grantor, in consideration of the mutual promises contained herein, and the public benefit provided as a result of the American Recovery and Reinvestment Act Broadband Infrastructure Program award received by CVIN, hereby grants unto CVIN, its successors and assigns, an easement with rights of ingress and egress over and across the subject property sufficient to construct, install, own, manage, operate, maintain, repair, or replace from time to time an underground conduit and fiber cable for telecommunications facilities and all other appurtenant equipment for CVIN’s multi-county transmission system, including above ground markers, under, along, through, and upon that certain real property described and shown on Exhibits A and B, as well as the detailed Engineering Details and Drawing, Exhibit “C”, all attached hereto and by this reference made a part hereof.

THE PROVISIONS ON PAGES 2 AND 3 HEREOF CONSTITUTE A PART OF THIS AGREEMENT AND GRANT OF EASEMENT.

Date: ___________________________ Date: ___________________________

APPROVED: CVIN LLC, a California Limited Liability Company

By: ___________________________
Print Name: David Nelson
Print Title: President

GRANTOR: CITY OF PORTERVILLE

By: ___________________________
Print Name: Virginia R. Gurrola
Print Title: Mayor

By: ___________________________
Print Name: John D. Lollis
Print Title: City Clerk
Provided, this Agreement and Grant of Easement is subject to the following terms and conditions:

1. This Grant of Easement includes permission by Grantor for the temporary use by CVIN of such area as is reasonably necessary for the construction, installation and on-going maintenance of CVIN’s system.

2. This Grant of Easement is subject to existing contracts, leases, licenses, easements, encumbrances, and claims which may affect said real property and the use of the word “Grant” herein shall not be construed as a covenant against the existence of any thereof. If at the time of installation of CVIN’s facilities or thereafter there is a conflict with existing rights, then both parties hereto will cooperate in determining a new location for CVIN’s facilities.

3. CVIN agrees that any improvements or other property installed under the authority of this easement shall be well and safely maintained by CVIN at all times while this Grant of Easement is operative. CVIN will maintain a “Call-Before-You-Dig” program for all required and related cable locations on Grantor’s land. Where appropriate, CVIN will maintain sign posts along the CVIN transmission system right-of-way with the number of the local “Call-Before-You-Dig” organization and the “800” number for CVIN. Unless CVIN fails to respond to notices by the Grantor or by the local “Call-Before-You-Dig” program, any damage caused by the Grantor, its contractors or related parties shall be repaired or replaced by CVIN as necessary at Grantor’s expense.

4. Except for emergencies and any unscheduled breakdown of service connection, CVIN shall provide to Grantor adequate advance written notice of its entering the easement, and coordinate with Grantor all authorized activity in the easement in a manner reasonably agreeable to Grantor.

5. CVIN waives all claims against Grantor, its officers, agents, and employees, for loss or damage caused by, arising out of, or in any way connected with the exercise of this easement except as otherwise provided in this Agreement. CVIN agrees to save harmless, indemnify, and defend Grantor, its officers, agents, and employees, from any and all loss, damage or liability which may be suffered or incurred by Grantor, its officers, agents, and employees caused by, arising out of, or in any way connected with exercise by CVIN of the rights hereby granted, except those arising out of the negligence of Grantor.

6. Grantor reserves the right to use said real property in any manner, provided such use does not unreasonably interfere with CVIN’s rights hereunder.

7. In making any excavation on said property of Grantor, CVIN shall make the same in such manner as will cause the least injury to the surface of the ground around such excavation, and shall replace the earth so removed by it and restore the surface of the ground and any improvement thereon to as near the same condition as they were prior to such excavation as is practicable.

8. CVIN will provide as-built drawings to Grantor at the completion of construction and prior to putting CVIN’s transmission system into service.

9. CVIN shall have access to all utilities as may be required to operate CVIN’s facilities, as specified in Exhibit A. Except as provided herein, Grantor shall not bear any expense in the installation, maintenance or operation of CVIN’s facilities.
10. This agreement shall apply to and bind the assigns and successors of the parties hereto. Further, pursuant to the Broadband Technology Opportunities Program ("BTOP") under the National Telecommunications and Information Administration, U.S. Department of Commerce ("NTIA"), the parties hereto agree that the NTIA hereby has the right of assignment of this Agreement and Grant of Easement to the NTIA if CVIN fails to act in accordance with the NTIA BTOP award.
State of California
County of Fresno

On ____________________ before me,
Notary Public, personally appeared David Nelson, who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph
is true and correct.

WITNESS my hand and official seal.

__________________________________________ (Seal)
Signature of Notary Public

State of California
County of Tulare

On ____________________ before me,
Notary Public, personally appeared Virginia R. Gurrola, who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph
is true and correct.

WITNESS my hand and official seal.

__________________________________________ (Seal)
Signature of Notary Public

State of California
County of Tulare

On ____________________ before me,
Notary Public, personally appeared John D. Lollis, who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph
is true and correct.

WITNESS my hand and official seal.

__________________________________________ (Seal)
Signature of Notary Public
EXHIBIT 'A'

Being portions of the Southeast quarter of Section 26, and the Southwest quarter of Section 25, all in Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, more particularly described as follows:

Two strips of land, 3.00 foot wide, lying 1.50 feet on each side of the following described line:

COMMENCING at a 2.5" brass cap monument marked "City of Porterville" at the intersection of the centerlines of Thurman Avenue and Division Street (now abandoned), said monument bears North 00°00'00" West, a distance of 300.04 feet from a 2.5" brass cap monument marked "City of Porterville" at the intersection of the centerlines of Cleveland Avenue and Division Street (now abandoned); thence North 45°16'37" West, a distance of 33.21 feet to the TRUE POINT OF BEGINNING, said point being the center of an existing 2' X 3' vault marked "CVIN";

STRIP NO. 1

Thence 1) South 38°34'49" East, a distance of 12.78 feet to an existing 2' X 3' City of Porterville telecommunications vault;

Thence 2) South 17°30'00" East, along an existing City of Porterville underground conduit, a distance of 70.67 feet;

Thence 3) South 00°00'00" East, along an existing City of Porterville underground conduit, a distance of 30.19 feet to a point hereinafter described as Point "A";

Thence 4) North 90°00'00" West, a distance of 20.18 feet to the east face of the existing City of Porterville Library building;

Thence 5) South 00°00'00" East, along said east face of building, a distance of 5.13 feet;

Thence 6) North 90°00'00" West, a distance of 43.07 feet to the terminus of this description.

STRIP NO. 2

BEGINNING at said Point "A";

Thence 1) South 00°00'00" East, along an existing City of Porterville underground conduit, a distance of 124.45 feet;

Thence 2) North 90°00'00" West, a distance of 24.73 feet to an existing communications building, and the terminus of this description.
EXHIBIT C

CVIN-CITY OF PORTERVILLE
Porterville City Library Easement Agreement

As depicted on the engineering drawing, the Site Connection Fiber Optics Path connects the Porterville City Library, 41 West Thurman Avenue, Porterville, CA to the CVIN Backbone.

- CVIN will install its main conduit route (1) a 1.25” and (1) 4-way future on the north side of West Thurman running east and west.

- CVIN will place a new 24” X 36” vault and connect to an existing City vault with 1.25” conduit where it will connect to an existing conduit.

- CVIN will utilize this existing City conduit to a second City vault in the alley and then trench to the Library and place a 1.25” HDPE underground conduit transitioning to galvanized steel conduit at 6” above the ground and extend up the wall and across the roof area to an existing entry point.

- CVIN will put in a 4” conduit between the City Vault in the alley and stub up and cap at the Library for City’s use between the City Data Center and the Library.

- CVIN will install a 10/12mm Microduct with a 6-count fiber between existing City vault on West Thurman and the Library data room.

- CVIN will also install a 10/12mm Microduct with a 6-count fiber between existing City vault on West Thurman and the City of Porterville Data Center.

- This Site Connection Fiber Optics Path will be used to serve the Porterville City Library, and through it, branch libraries connected to the City Library by providing connectivity to the San Joaquin Valley Library System Network (SJVLS) to CENIC’s statewide CalREN advanced service network infrastructure over the CVIN Backbone unless otherwise requested by the site. Additionally the easement may be used by CVIN to meet the open access requirements of the NTIA BTOP funding.
SUBJECT: JOINT FUNDING AGREEMENT WITH PORTERVILLE UNIFIED SCHOOL DISTRICT AND BURTON SCHOOL DISTRICT

SOURCE: Police Department

COMMENT: Currently, the Porterville Police Department has four officers assigned as School Resource Officers. During school time hours, these four officers respond to reports of criminal activity at all school sites within the City of Porterville. In addition, these four officers provide requested security for after-school functions throughout the school year. Through a Joint Funding Agreement, Porterville Unified School District and the Burton School District have shared in the funding for these School Resource Officers.

Both school districts have agreed to renew the 2011/2012 contract with no changes. The two school districts have agreed to share in the costs of the third and fourth School Resource Officer. The estimated salary and benefit cost for an SRO during the term of this Agreement is $85,500. Porterville Unified School District has agreed to pay 75% of the salary and benefits for the third SRO while the Burton School District has agreed to pay 75% of the salary and benefits of the fourth SRO. The 75% reflects services for a nine-month school year.

Based on the formula above, for this term, the CITY shall contribute an estimated amount of $21,375 to each of the third and fourth SRO positions. This represents 25% of estimated costs of salary and benefits for each. PUSD shall contribute up to, but no more than, $64,125 to the third SRO position. This represents 75% of the estimated salary and benefits cost ($85,500) and BSD shall contribute up to, but no more than, $64,125 to the fourth SRO position. This represents 75% of the estimated salary and benefits cost ($85,500).

The four School Resource Officers will generally be assigned with one each to the three major high schools and their respective feeder schools and one to the schools within the Burton School District. These assignments will be general and officers will naturally respond when and where they are needed.
RECOMMENDATION: That the City Council:

1) Approve the Agreement for Joint Funding for School Resource Officers for the period of July 1, 2012, through June 30, 2013; and

2) Authorize the Mayor to execute the agreement on behalf of the City of Porterville.

Attachment: Joint Funding Cooperative Agreement
JOINT FUNDING COOPERATIVE AGREEMENT

This Agreement is entered into as of July 1, 2012, between the CITY OF PORTERVILLE ("CITY"), the PORTERVILLE UNIFIED SCHOOL DISTRICT ("PUSD"), and the BURTON SCHOOL DISTRICT ("BSD") (each a “Party,” and collectively, the "Parties"), with reference to the following:

A. The Parties wish to continue efforts to create and maintain a safe environment for children attending school campuses in the city of Porterville, and the Parties believe this is vital to the educational process.

B. The Parties desire to share in the costs of supplying “School Resource Officers” ("SROs") to respond to reports from PUSD and BSD officials concerning criminal and other activities occurring on the PUSD and BSD campuses that jeopardize the safety and security of the children attending these schools.

C. The Parties are willing to enter into this Agreement on the terms and conditions set forth.

ACCORDINGLY, IT IS AGREED:

1. The term of this Agreement shall be for one year, commencing on July 1, 2012, and ending on June 30, 2013.

2. The CITY shall provide four “School Resource Officers” effective at the beginning of the school year, August 2012. The SROs shall respond to school reports of criminal activity or other activity threatening the safety and security of children occurring on PUSD and BSD school campuses located within the CITY’s geographical limits. The guidelines and expectations of the SRO program are attached as Exhibit A.

3. The estimated salary and benefit costs for an SRO during the term of this Agreement is $85,500. This does not include ancillary costs.

4. The salary and benefit costs of two of the SROs will be assumed by the City in entirety.

5. The salary and benefit costs for the third SRO shall be divided as follows: The CITY shall pay 25% of the estimated salary and benefits cost, as well as all ancillary costs. PUSD shall pay the remaining 75% in salary and benefits costs. The 75% formula represents the nine month school year.

6. The salary and benefits cost for the fourth SRO shall be divided as follows: The CITY shall pay 25% of the estimated salary and benefits cost, as well as all ancillary costs. BSD shall pay the remaining 75% in salary and benefits cost. The 75% formula represents the nine month school year.
7. Based on the formula above, for this term, the CITY shall contribute an estimated amount of $21,375 to each of the third and fourth SRO positions. This represents 25% of estimated costs of salary and benefits for each, plus approximately $10,000 each in ancillary costs.

8. Based on the formula above, for this term, PUSD shall contribute up to, but no more than, $64,125 to the third SRO position. This represents 75% of the estimated salary and benefits cost ($85,500).

9. Based on formula above, for this term, BSD shall contribute up to, but no more than, $64,125 to the fourth SRO position. This represents 75% of the estimated salary and benefits cost ($85,500).

10. The amounts to be contributed by PUSD and BSD shall be due and payable as follows: PUSD and BSD shall pay the amounts as invoiced by the CITY, on an annual basis, of the actual costs (excluding ancillary), but no more than the contribution amounts specified above, within thirty days of receiving said invoice(s). The full contribution amounts shall be paid by the end of the CITY’s fiscal year (June 30, 2013).

11. The Parties shall hold harmless, defend and indemnify each other, their agents, officers, and employees from and against all liability, claims, actions, costs, damages or losses of any kind, including death or injury to any person and/or damage to property, arising out of their activities or those of their agents, officers, or employees under this Agreement. This indemnification obligation shall survive the expiration or termination of this Agreement.

12. It is understood and agreed that if the funding is either discontinued or reduced for specified positions, any Party shall have the right to terminate this Agreement. In such event, the affected Party shall provide the other Parties with at least sixty (60) days prior written notice of such termination.

13. It is mutually understood and agreed that the SROs at all times while carrying out this Agreement shall be acting as a CITY employee. The CITY shall retain the right to control and direct the services of the SROs pursuant to this Agreement, and shall retain the usual management rights, powers, and authority of an employer over such employees. The City will make every effort to ensure that scheduling of vacation leaves and training sessions for SRO’s are made with consideration of the needs of the two school districts.

14. Except as otherwise required by law, any notice to be given shall be in writing and shall be either personally delivered, sent by facsimile transmission, or sent by first-class mail, postage prepaid, and addressed as follows:
CITY:

City Clerk of the City of Porterville
291 N. Main Street
Porterville, CA 93257
Phone: 559-782-7442
Fax: 559-782-7452

PUSD:

Porterville Unified School District
600 W. Grand Avenue
Porterville, CA 93257
Phone: 559-793-2455
Fax: 559-793-1088

BSD:

Burton School District
264 N. Westwood
Porterville, CA 93257
Phone: 559-781-8020
Fax: 559-781-1403

Notice personally delivered is effective when delivered. Notice sent by facsimile transmission shall be deemed received upon successful transmission. Notice sent by first class mail shall be deemed received on the fifth day after mailing. Any Party may change the above address, phone number, or fax number by giving written notice pursuant to this paragraph.

15. No part of this Agreement may be assigned by any of the Parties without the prior written consent of the other Parties.

16. Termination.

a. The right to terminate this Agreement under this provision may be exercised without prejudice to any other right or remedy to which the terminating Party may be entitled to by law or under this Agreement.

1) This Agreement may be terminated by any Party should another Party:

   a) be adjudged bankrupt;
   b) become insolvent or have a receiver appointed;
c) make a general assignment for the benefit of creditors;
d) suffer any judgment which remains unsatisfied for 30 days and which would substantively impair the ability of the judgment debtor to perform under this Agreement; or
e) materially breach this Agreement.

2) For any occurrences except item (e), termination may be effected upon written notice by the terminating Party specifying the date of termination.

3) Upon a material breach, the Agreement may be terminated following the failure of the defaulting Party to remedy the breach to the satisfaction of the non-defaulting Party(ies) within five (5) days of written notice specifying the breach. If the breach is not remedied within the five (5) day period, the non-defaulting Party may terminate the Agreement on further written notice specifying the date of termination.

4) If the nature of the breach is such that it cannot be cured within a five (5) day period, the defaulting Party may submit a written proposal within that period which sets forth a specific means to resolve the default. If the non-defaulting parties consent to that proposal in writing, which consent shall not be unreasonable withheld, the defaulting Party shall immediately embark on its plan to cure. If the default is not cured within the time agreed, the non-defaulting Party(ies) may terminate upon written notice specifying the date of termination.

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

17. This Agreement represents the entire Agreement between the Parties 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 all Parties.

18. This Agreement reflects the contributions of all Parties and accordingly the provisions of Civil Code Section 1654 shall not apply to address and interpret any uncertainty.
19. 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.

20. The failure of any 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 the breach or any subsequent breach. The acceptance of any Party of either performance or payment shall not be considered to be a waiver of any preceding breach of the Agreement by any other Party.

21. This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any court or 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.

22. Each Party agrees to execute any additional documents and to perform any further acts that may be reasonably required to effect the purposes of this Agreement.

23. It is expected that this agreement will continue into coming years. In June of each year of the agreement, the Chief of Police, the Porterville Unified School District Superintendent, and the Burton School District Superintendent, or their designees, shall convene a meeting to discuss the activities of the SROs during the previous school year. If the agreement is continued, the Chief of Police shall provide the new salary and benefit cost for the position, and the new agreement will indicate the amount of funding each party shall be responsible for.
THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

CITY OF PORTERVILLE:

Virginia R. Gurrola, Mayor

PORTERVILLE UNIFIED SCHOOL DISTRICT:

John Snavely, Superintendent

BURTON SCHOOL DISTRICT:

Gary Mekeel, Superintendent
EXHIBIT A

GUIDELINES AND EXPECTATION OF THE SCHOOL RESOURCE OFFICER PROGRAM

The School Resource Officer Program is a collaborative effort by the Porterville Police Department, Porterville Unified School District, and Burton School District focused on preventing juvenile delinquency, maintaining a safe school environment, and providing a positive law enforcement presence in the school community. This effort will help bridge the gap between law enforcement officers and students in order to increase positive attitudes toward law enforcement, and reduce juvenile crime.

The exclusive focus on the physical and social territory of the school is an important aspect of the SRO program. Unlike law enforcement officers who respond to school problems as a result of calls for service or 911 calls by school personnel, the SRO knows the school's physical layout and is aware of who belongs on school property and who does not.

School Resource Officers have two main functions: law enforcement officer and advisor.

As a law enforcement officer, the SRO maintains a safe and secure school environment in which “teachers feel safe to teach and students feel safe to learn.”

The SRO acts as an advisor to students, parents, teachers and staff on the law, delinquency, violence, substance abuse, child abuse and other law enforcement related issues.

The SRO may talk to students, parents, teachers, administrators and staff about problems and concerns they may have, and help them find possible solutions through referrals to counselors or appropriate social service or legal agencies for additional support and assistance.

The most effective way an SRO can accomplish these functions is to be a positive role model and mentor. Students learn from every interaction they may have with an SRO. It is essential for an SRO to be a positive role model who endorses high moral standards, exercises good judgment and discretion, is consistent, and fair, respects students, and displays a sincere concern for the school community.

School Resource Officers must maintain a professional appearance; be visible, accessible and willing to talk to students. The SRO shall attend and participate in school activities, interact positively with students and the community, taking their concerns seriously while maintaining a supportive and positive relationship with faculty and school administrators.

The SRO is an extension of his/her agency as well as the school principal’s office, as the officer’s duties are comprised of both law enforcement and education. The SRO reports to both his/her agency commander and the school principal. Although the SRO will not serve as a disciplinarian, and disciplining students will remain the responsibility of the school faculty and administrators, the SRO will serve as a means for establishing cooperation, order and safety so that learning can take place, the business schools are about. This does not prevent the SRO from taking action in his/her official capacity.
Duties and expectations of the SRO shall include, but not be limited to the following:

- To protect lives and property for the citizens and public school students.
- To enforce Federal, State and Local criminal laws and ordinances, and to assist school officials with the enforcement of Board of Education Policies and Administrative Regulations regarding student conduct.
- To investigate criminal activity committed on or adjacent to school property.
- To counsel public school students in special situations, such as students suspected of engaging in criminal misconduct, when requested by the principal or the principal's designee or by the parents of the student.
- To assist other law enforcement officers with outside investigations concerning students attending the school(s) to which the SRO is assigned.
- To provide security for special school events or functions, such as PTA meetings, at the request of the principal or other school official.
- To prevent juvenile delinquency through close contact with students and school personnel.
- To establish liaison with school principals, faculty, and students.
- To inform the students of their rights and responsibilities as lawful citizens.
- To provide liaison between students and social agencies which provide needed services.
- To participate in campus activities when invited and feasible.
- To be aware at all times of the responsibility to improve the image of the uniformed law enforcement officer in the eyes of the students and the community.
- To confer with the principal to develop plans and strategies to prevent and/or minimize dangerous situations on or near the campus or involving students at school-related activities.
COUNCIL AGENDA: SEPTEMBER 18, 2012

SUBJECT: AUTHORIZE PARKS AND LEISURE SERVICES ACTING DIRECTOR TO APPLY FOR THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT CORDLESS ZERO-EMISSION GRANT

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The San Joaquin Valley Air Pollution Control District (SJVAPCD) is providing a new grant opportunity for the demonstration of cordless zero-emission commercial lawn and garden equipment. The purpose of the program is to demonstrate the performance of cordless zero-emission commercial lawn and garden equipment in non-residential applications to accelerate market acceptance. Currently, available zero-emission equipment is limited in the commercial sector. The demonstration would allow participants to gain hands on familiarity with the equipment. A main program goal is to obtain feedback from applicants regarding the equipment's performance and durability to assist in furthering the development and improvement of technologies.

Parks and Leisure Services is interested in applying for two hand held blowers, three straight shaft line trimmers, two self-propelled lawn mowers, one mastersweep with electric drive, and chargers and batteries for all equipment. The Parks Division will benefit by gaining some equipment that can be used to mitigate wear and tear of existing equipment while improving air quality. Participating agencies are required to pay a 10% reimbursable deposit for the total purchase price of equipment which is $7,885.59. This will be paid out of the Parks Other Equipment Maintenance account. The demonstration program is scheduled October 15, 2012 - May 30, 2013. The Parks Division will retain possession of the equipment upon completion of the grant reporting period.

RECOMMENDATION: That the City Council authorize the Parks and Leisure Services Acting Director to proceed with the grant process.
COUNCIL AGENDA: September 18, 2012

SUBJECT: CONSIDERATION OF STREET CLOSURE FOR PARKS & LEISURE SERVICES FUNDRAISER EVENT “ZALUD HOUSE MUSEUM PIONEER DAYS & RIB COOK-OFF” - OCTOBER 13, 2012

SOURCE: PARKS & LEISURE SERVICES DEPARTMENT

COMMENT: Parks & Leisure Services is planning a fundraiser event for the Zalud House Museum. The “Zalud House Museum Pioneer Days & Rib Cook-Off” is scheduled for Saturday, October 13, 2012, from the hours of 7am-3pm on Main Street in the area of Putnam and Morton Avenues. In support of this event, it is requested that the City Council approve a temporary closure of Main Street between Putnam and Morton Ave, and Thurman and Cleveland between Division and the alley west of Second Street. This application has been routed and reviewed by all departments involved. Staff comments are included for Council’s information.

RECOMMENDATION: That the City Council authorize the temporary closure of Main Street between Putnam and Morton and Thurman and Cleveland between Division and the alley west of Second Street in support of the planned Zalud House Museum Pioneer Days & Rib Cook-Off fundraiser event.

ATTACHMENTS: Locator Map  
Staff Comments
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
ZALUD HOUSE MUSEUM PIONEER DAYS & RIB COOK-OFF
OCTOBER 13, 2012

Business License Supervisor:
S. Hartman
No comment.

Public Works Director:
B. Rodriguez
No trash cans requested.

Community Development Director:
B. Dunlap
No comment.

Field Services Manager:
B. Styles
Obtain barricades at the Corp Yard.

Chief of Fire Operations:
M. G. Garcia
Keep area in front of fire station clear and unobstructed.

Acting Parks and Leisure Services Director:
D. Moore
No comment.

Police Captain:
D. Haynes
No comment.

Administrative Services Manager:
P. Hildreth
Asked who was firing cannon and the intermittent blank gun fire.
COUNCIL AGENDA: SEPTEMBER 18, 2012

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - BARN THEATER - PORTERVILLE BLUEGRASS BUZZARD FESTIVAL - OCTOBER 6, 2012

SOURCE: Finance Department

COMMENT: The Barn Theater is requesting approval to hold the Porterville Bluegrass Buzzard Festival. The fundraising event will serve beer, wine and food and will include music and bird watching. It will be held in the parking lot and back stage arena of the Barn Theater on Saturday, October 6, 2012, from 5:30 p.m. to 9:30 p.m.

This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all the departments involved. All requirements are listed on the attached copy of the Application, Agreement and Exhibit A.

RECOMMENDATION: That the 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.


D.D. MB Appropriated/Funded MB C.M. Item No. 8
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: 8-6-12 Event date: 10-6-12
Event time: 5pm-9:30pm

Name of Event: Porterville Bluegrass Festival

Sponsoring organization: Barn Theatre Phone #
Address:
Authorized representative: Ralph Bourne Phone # 559 781-2229
Address: 78 N. Corona Dr. 920-1976

Event chairperson: Phone #

Location of event (location map must be attached): 42 So. Plano

Barn Theater

Type of event: Bluegrass Barbecue while watching Turkey Vultures return to Porterville Family Activity

Non-profit status determination: Yes 501 # 0099

City services requested (fees associated with these services will be billed separately):
Barricades (quantity): No Street sweeping Yes No
Police protection Yes No Refuse pickup Yes No
Other: To serve food and wine

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

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

<table>
<thead>
<tr>
<th>Appr.</th>
<th>Deny</th>
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1 of 4
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

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

Authorization: This permit must be submitted NO LESS THAN 30 days PRIOR to the date of the event in order to obtain City Council approval.
City Code requirements:
- At least 48" must remain clear on sidewalks for pedestrian traffic.
- Do not block any entrance to or exit from buildings.
- Area must be accessible to emergency and safety personnel and vehicles.
- Electrical cords must be approved and installation checked by the Fire Department.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville shall be named as additional insured. When the location of the event is in Downtown Porterville, the Porterville Redevelopment Agency must also be named as additional insured. The amounts of such insurance and any additional requirements are listed in Exhibit "A." A Certificate of Liability Insurance form sample is enclosed for your convenience. This original certificate shall be submitted to the Finance Department prior to the City of Porterville Council's approval.

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.

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.

Barn Theater
(Name of Organization)

Ralph Bourn
(Signature)

8/6/2012
(Date)
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: Porterville Buzzard Festival
Sponsoring organization: Barn Theatre
Location: 42 So Plano Event date: 06/01/2012 Event time: 5-9:30PM

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>
<tr>
<td>None</td>
<td></td>
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</tbody>
</table>

Municipal Code 15-1: ITINERANT VENDOR OR ITINERANT MERCHANT: All persons, both principal and agent, who engage in a temporary or transient business in the city, selling or offering to sell goods, wares or merchandise or any other thing of value, with the intention of conducting such business for a period of less than ninety (90) days, and who for the purpose of such business hires, leases or occupies any room, doorway, vacant lot, building or other place, for the exhibition for sale of goods, wares, merchandise or other thing of value. If any such place, occupied or used for such business, is rented or leased for a period of less than ninety (90) days, such fact shall be presumptive evidence that the business carried on therein is a transient business; and any person so engaged shall not be relieved from the provisions of this section or from payment of the license taxes herein provided for such business, by reason of any temporary association with local dealer, trader, merchant or auctioneer.
CITY OF PORTERVILLE
REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER
ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: Porterville Buzzard Festival

Sponsoring organization: Barn Theatre

Event date: 10-6-2012 Hours: 5-9:30

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>
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</thead>
<tbody>
<tr>
<td>Closed</td>
<td></td>
<td></td>
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<tr>
<td>NONE</td>
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</tbody>
</table>

<table>
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<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tbody>
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</table>

<table>
<thead>
<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barn Theatre hot</td>
<td>42 So Plano</td>
<td></td>
</tr>
</tbody>
</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

BARN THEATER

PORTERVILLE BLUEGRASS BUZZARD FESTIVAL

OCTOBER 6, 2012

Business License Supervisor:  
S. Hartman

Business License has no requirements.

Public Works Director:  
B. Rodriguez

Community Development Director:  
B. Dunlap

Field Services Manager:  
B. Styles

No comments.

Fire Chief:  
M.G. Garcia

No comment.

Parks and Leisure Services Director:  
D. Moore, Interim

Police Captain:  
D. Haynes

Please see Exhibit B.

Administrative Services Manager:  
P. Hildreth

See Exhibit A, page 2.
Sponsor: Barn Theater  
Event: Porterville Bluegrass Buzzard Festival  
Event Chairman: Ralph Bourne  
Location: Barn Theater Back Stage Area and Parking Lot  
Date of Event: October 6, 2012  
Time of Event: 5:30 p.m. to 9:30 p.m.

RISK MANAGEMENT: Conditions of Approval

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

A. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than $1,000.

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

Barn Theater/7th Annual Buzzard Bluegrass Festival
October 6, 2012

Proposed Conditions/Requirements for Buzzard Bluegrass Festival

➤ Event organizers shall have applied and been granted a temporary license to sell alcohol, from the CA Dept. of Alcoholic Beverage Control.

➤ Event organizers shall provide adequate security for the event (2 guards stated) and shall take measures to ensure that minors do not gain access to or consume alcoholic beverages.

➤ An Outside Amplifier Permit has been approved and granted. However, event organizers shall not allow music to be played so loud as to unreasonably disturb the peace and good order of any residents or business establishments in the surrounding area.

➤ Amplified music shall not continue after 10:00 p.m.

Dan Haynes, Captain
Police Department- Services Division

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

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

1 Name and home address of the applicant:  
Bern Theatre

2 Address where amplification equipment is to be used:  
42. So Plane

3 Names and addresses of all persons who will use or operate the amplification equipment:  
Michael McDonald & Musicians

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

5 Dates and hours of operation of amplification equipment:  
5:30 – 9:30 PM

6 A general description of the sound amplifying equipment to be used:  
Sufficient for family crowd  
Very limited volume

Section 18-9  
It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort.

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

Section 18-14  
It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or connected any sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 6312)

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

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

Signature of Applicant  

Date  

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGEE 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.

X 9-7-12  
City of Porterville, Chief of Police/Designee  

Date
CERTIFICATE OF LIABILITY INSURANCE

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

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

PRODUCER
Turner & Associates
61 S. Main Street
Porterville, CA 93257
House account

INSURED
The Barn Theatre
P.O. Box 108
Porterville, CA 93258

CONTACT
559-784-5112
559-784-8367
PHONE
FAX

INSURER AFFORDING COVERAGE
NAC #

INSURER A: Nonprofits Insurance Alliance

COVERAGE NUMBER: 12/05/11 12/05/12

COVERAGES

GENERAL LIABILITY

A X COMMERCIAL GENERAL LIABILITY

CLAIMS-MADE X OCCUR

POLICY NUMBER 2011-05111-NPO

LIMITS

EACH OCCURRENCE $1,000,000
DAMAGE TO RENTED PREMISES (Per occurrence) $500,000
MED EXP (Any one person) $20,000
PERSONAL & ADJURY $1,000,000
GENERAL AGGREGATE $2,000,000
PRODUCTS - COMPOP AGG $2,000,000

PROPERTY DAMAGED OCCUR CLAIMS-MADE

EXCESS LIMIT $0

WORKERS COMPENSATION AND EMPLOYERS' LIABILITY

ANY PROPRIETOR, PARTNER, EXECUTIVE OFFICER, MEMBER EXCLUDED? Y/N

N/A

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

Certificate Holder is named as Additional Insured. Regards Buzzard Fest.

CERTIFICATE HOLDER
City of Porterville
Event Coordinator - Anita
281 N Main St
Porterville, CA 93257

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

© 1988-2010 ACORD CORPORATION. All rights reserved.
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – SCHEDULED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

<table>
<thead>
<tr>
<th>Name Of Additional Insured Person(s) Or Organization(s):</th>
<th>Location(s) Of Covered Operations</th>
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<tr>
<td>Any person or organization that you are required to add as an additional insured on this policy, under a written contract or agreement currently in effect, or becoming effective during the term of this policy. The additional insured status will not be afforded with respect to liability arising out of or related to your activities as a real estate manager for that person or organization.</td>
<td>All insured premises and operations</td>
</tr>
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Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

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

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;
in the performance of your ongoing operations for the additional insured(s) at the location(s) designated above.

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

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

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 by 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.

SOURCE: Finance Department

COMMENT: The American Association of University Women is requesting approval to hold a fundraiser, Dinner and Arts on Main Street, at Centennial Park on Saturday, October 13, 2012, from 4:00 p.m. to 8:30 p.m. Street closure is requested on Main Street, from Putnam Avenue to Thurman Avenue and Cleveland Avenue from Second Street to Division Street.

This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all the departments involved. All requirements are listed on the attached copy of the Application, Agreement and Exhibit A.

RECOMMENDATION: That the Council approve the Community Civic Event Application and Agreement from the American Association of University Women, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit A of the Community Civic Event Application.

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? YES E-mail address?  Website?
Application date:  8/20/2012  Event date:  10/13/2012
Event time:  4 pm - 8:30 pm
Name of Event:  Dinner & Arts on Main Street

Sponsoring organization:  AAUW, Chamber, City  Phone # 782-1724 (AAUW)
Address:  P.O. 2687  Porterville CA 93257
Authorized representative:  Marilyn Pankey  Phone # 782-1724
Address:  1916 Pamela Ave.  Porterville CA 93257
Event chairperson:  Eleanor Foester  Phone # 784-2200
P.O. 8548  Porterville CA 93258
Location of event (location map must be attached):  Main Street between Thurman 
and south of Cleveland - Centennial Park
Type of event:  Celebration of the Arts

Non-profit status determination:  AAUW  Ph# 002152

City services requested (fees associated with these services will be billed separately):
Barricades (quantity):  for four streets  Street sweeping  Yes ____  No ____
Police protection  Yes ____  No ____  Refuse pickup  Yes ____  No ____
Other:  Trash & Recycle Cans

Parks facility application required:  Yes X  No ____  Attached
Assembly permit required:  Yes ____  No X  Attached

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

Appr.  Deny
____  ____  Pub. Works Dir
____  ____  Comm. Dev. Dir
____  ____  Field Svcs. Mgr
____  ____  Fire Chief
____  ____  Parks Dir.
____  ____  Police Chief
____  ____  Admin. Svcs. Dir

1 of 4
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

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

Authorization: This permit must be submitted NO LESS THAN 30 days PRIOR to the date of the event in order to obtain City Council approval.
City Code requirements:
At least 48" must remain clear on sidewalks for pedestrian traffic.
Do not block any entrance to or exit from buildings.
Area must be accessible to emergency and safety personnel and vehicles.
Electrical cords must be approved and installation checked by the Fire Department.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville shall be named as additional insured. When the location of the event is in Downtown Porterville, the Porterville Redevelopment Agency must also be named as additional insured. The amounts of such insurance and any additional requirements are listed in Exhibit "A." A Certificate of Liability Insurance form sample is enclosed for your convenience. This original certificate shall be submitted to the Finance Department prior to the City of Porterville Council’s approval.

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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.

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

Porterville Branch AAUW

| (Name of Organization) |
| (Signature) |
| 7-24-12 |

Authorized Representative Initials
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: **Dinner & Arts on Main Street**
Sponsoring organization: **AAUW**

Location:  
Event date: **10/13/12**  
Event time: **4pm - 8:30pm**

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.

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<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required?</th>
<th>Type of Activity</th>
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Municipal Code 15-1: ITINERANT VENDOR OR ITINERANT MERCHANT: All persons, both principal and agent, who engage in a temporary or transient business in the city, selling or offering to sell goods, wares or merchandise or any other thing of value, with the intention of conducting such business for a period of less than ninety (90) days, and who for the purpose of such business hires, leases or occupies any room, doorway, vacant lot, building or other place, for the exhibition for sale of goods, wares, merchandise or other thing of value. If any such place, occupied or used for such business, is rented or leased for a period of less than ninety (90) days, such fact shall be presumptive evidence that the business carried on therein is a transient business; and any person so engaged shall not be relieved from the provisions of this section or from payment of the license taxes herein provided for such business, by reason of any temporary association with local dealer, trader, merchant or auctioneer.
CITY OF PORTERVILLE
REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER
ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: Celebration
Sponsoring organization: Dinner & Arts on Main Street
Event date: 10-13-12 Hours: 4pm - 8:30pm

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

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<tr>
<th>Street Name</th>
<th>From</th>
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<th>Activity</th>
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<tr>
<td>Main Street</td>
<td>Thurman to South of Murals to South of Cleveland intersection</td>
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<td>Pedestrian walking to view art</td>
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<tr>
<td>Cleveland</td>
<td>Division</td>
<td>Second Street</td>
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<th>Street Name</th>
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<th>Activity</th>
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<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
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</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN
DINNER AND ARTS ON MAIN STREET

OCTOBER 13, 2012

Business License Supervisor:
S. Hartman

Public Works Director:
B. Rodriguez

Community Development Director:
B. Dunlap

Field Services Manager:
B. Styles

Fire Chief:
M. G. Garcia

Front of Fire Station must remain clear a
unobstructed. Street closure may be east of
Division, not west.

Parks and Leisure Services Director:
Donnie Moore, Interim

Police Captain:
D. Haynes

Please see Proposed Conditions/
Requirements on Exhibit B.

Administrative Services Manager:
P. Hildreth

See attached Exhibit A.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: American Association of University Women
Event: Dinner and Arts on Main Street
Event Chairman: Eleanor Foester
Location: Centennial Park
Date of Event: October 13, 2012
Time of Event: 4:00 p.m. to 8:30 p.m.

RISK MANAGEMENT: Conditions of Approval

That the American Association of University Women 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 that A:VII, and the insurance company must be an “admitted” insurer in the State of California.
CITY OF PORTERVILLE/POLICE DEPARTMENT
Community Civic Event Application

Dinner & Arts on Main Street, August 13, 2012

Proposed Conditions/Requirements for Downtown Event, Aug. 13, 2012

➢ City Council approval is required for all street closures.

➢ On all streets approved for closure, ensure adequate barricades/barriers are used to warn motorists of non-access and prevent vehicle access to those designated areas.

➢ If event organizers anticipate the need for removal of parked vehicles from public roadways related to the event, the affected public roadways must be posted with appropriate signage no less than 24 hours in advance of the event. Said signs and associated posting must meet minimum requirements as established by the California Vehicle Code. (Recommend event organizers contact Officer Carl Jordan of the Porterville Police Department/Traffic Unit in order to ensure that signs meet the requirements as established by law or request additional assistance).

➢ Food vendors should provide inspection certificates from the Tulare County Health Department to members of the organizing committee, to ensure food product safety.

➢ An Outside Amplifier Permit has been approved and granted. However, event organizers shall not allow music to be played so loud as to unreasonably disturb the peace and good order of any residents or business establishments in the surrounding area.

➢ At conclusion of event, event organizers shall ensure streets are promptly cleared of any vehicles, equipment, booths or anything that could present a hazard to pedestrians or vehicles traveling through this area.

Dan Haynes, Captain
Porterville Police Department

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

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

1 Name and home address of the applicant: Eleanor Foester P.O. 8548 Pville

2 Address where amplification equipment is to be used: Centennial Park

3 Names and addresses of all persons who will use or operate the amplification equipment: Deborah Sierra, Denise Marzant

4 Type of event for which amplification equipment will be used: Background music for dinner/entertainment

5 Dates and hours of operation of amplification equipment: 6-8 p.m.

6 A general description of the sound amplifying equipment to be used: Trumpet, stereo for dancers.

Section 18-9
It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort.

The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section. (Ord. Code § 8311)

Section 18-14
It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or connected or connected any or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier is brought by the council 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 § 8312)

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

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

Eleanor Foester  
Signature of Applicant  
August 30, 2012  
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  
May 5, 2012  
Date
CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 8/23/2012

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

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

PRODUCER
Westport & Associates
1390 Willow Pass Road #930
Concord CA 94520-5253

CONTACT NAME: Nicole Cococigimilo
PHONE (Area No. Ext): (925) 688-0733 FAX (Area No.): (925) 688-0737
E-MAIL: nicole@westportassoc.com

INsURED
American Association of University Women, DBA: 1331 Garden Highway
Suite 100
Sacramento CA 95833-9773

INSURER(S) NAIC# RECEIVED
INSURER A: Philadelphia Insurance Co. 0307
INSURER B:
INSURER C: AUG 30 2012
INSURER D:
INSURER E:
INSURER F: Community Development:

COVERAGEs CERTIFICATE NUMBER: 12-13 all lines

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.
LTH TYPE OF INSURANCE ADD'L SUBR POLICY NUMBER POLICY EFF POLICY EXP LIMITS
11. GENERAL LIABILITY
   X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR
   GENL AGGREGATE LIMIT APPLIES PER:
   X POLICY
   LIMIT $1,000,000
   PROG
   LOC
   EACH OCCURRENCE $1,000,000
   DAMAGE TO RENTED PREMISES (EA occurrence) $300,000
   MED EXP (Any one person) $5,000
   PERSONAL & ADV INJURY $1,000,000
   GENERAL AGGREGATE $2,000,000
   PRODUCTS - COM/PROP AGG $2,000,000
   liquor liability $1,000,000
   $1,000,000

21. AUTOMOBILE LIABILITY
   ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS NON-OWNED AUTOS
   HIRED AUTOS
   X UMBRELLA LIAB OCCUR CLAIMS-MADE
   EXCESS LIAB
   DED RETENTION $ 0
   WC STATUTORY LIMITS OTH-
   E.L. EACH ACCIDENT $ 0
   E.L. DISEASE - EA EMPLOYER $ 0
   E.L. DISEASE - POLICY LIMIT $ 0
   $1,000,000
   $1,000,000
   $0

31. WORKERS COMPENSATION AND EMPLOYERS’ LIABILITY
   ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NI)
   If yes, describe under description of operations below
   Y/N N/A

A. Employee Dishonesty
   PHPK911627 9/1/2012 9/1/2013
   EACH OCCURRENCE
   AGGREGATE
   $1,000,000
   $1,000,000

B. Property Coverage
   PHPK911627 9/1/2012 9/1/2013
   Ded $1,000 $25,000
   BPP see below

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
City of Porterville & Porterville Redevelopment Agency are named as additional insureds as their interests may appear subject to the conditions, limitations and exclusions of the policy forms. *We will endeavor to provide 10 days notice for non-payment of premium. AAUW - Porterville Branch, Marilyn Pankey. 1916 Pamela Avenue, Porterville, CA 93257. Re: Dinner and the Arts on Main & Centennial Park, Downtown Porterville, CA on October 13, 2012

CERTIFICATE HOLDER
City of Porterville
Porterville Redevelopment Agency
291 N. Main Street
Porterville, CA 93257

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

AUTHORIZED REPRESENTATIVE
Lars Hedegaard/NI

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INS025 (201005.01) The ACORD name and logo are registered marks of ACORD
ISO | Commercial General Liability Forms | 05/01/09
POLICY NUMBER: THPK911627

COMMERCIAL GENERAL LIABILITY
CG 24 04 05 09

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

SCHEDULE

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

The following is added to Paragraph 8. Transfer Of Rights Of Recovery Against Others To Us of Section IV – Conditions:

We waive any right of recovery we may have against the person or organization shown in the Schedule above because of payments we make for injury or damage arising out of your ongoing operations or "your work" done under a contract with that person or organization and included in the "products-completed operations hazard". This waiver applies only to the person or organization shown in the Schedule above.

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© Insurance Services Office, Inc.
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SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - COCOLA BROADCASTING COMPANY AND FAMILY HEALTHCARE NETWORK - FIESTA DE LA FAMILIA AND HEALTH FAIR - OCTOBER 28, 2012

SOURCE: Finance Department

COMMENT: COCOLA Broadcasting Company and Family Healthcare Network are requesting approval to hold their Fiesta de la Familia and Health Fair at Veteran's Park, on Sunday, October 28, 2012, from 11:00 a.m. to 6:00 p.m. This free family event will include health screenings by the Family Health Care Network, information booths, bounce houses, food, refreshments and music.

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

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by the COCOLA Broadcasting Company and Family Healthcare Network, subject to the stated requirements contained in Exhibit A of the Community Civic Event Application.

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: 8/29/12  Event date: SUNDAY - 10/28/12
Event time: 11 AM - 6 PM (SET-UP GAN)

Name of Event: FIESTA DE LA FAMILIA & HEALTH FAIR

By: CICOLA BROADCASTING COMPANY

Sponsoring organization: FAMILY HEALTH CARE NETWORK
Address: 1131 W. POPULAR AVENUE, PORTERVILLE, CA 93257
Authorized representative: ISABEL OLIMOS
Phone: #(559) 793-3528
Address: (SAME)

Event chairperson: MELLY SALDANA
Phone: #(559) 855-0039

Location of event (location map must be attached): VETERANS PARK - PORTERVILLE
1501 W. HENDERSON AVE - PORTERVILLE

Type of event: FAMILY EVENT, INFORMATIONAL BOOTH, LIVE MUSIC, FOOD VENDORS, BOUNCING HOUSES.

Nonprofit status determination: 501 C 3 BL# 00 38 316

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

Barricades (quantity): NO  Street sweeping  YES  NO
Police protection  NO  Refuse pickup  YES  NO
Other: 

Parks facility application required: YES  NO  Attached
Assembly permit required: YES  NO  Attached

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

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. When the location of the event is in Downtown Porterville, the Porterville Redevelopment Agency must also be named as additional insured. The amounts of such insurance and any additional requirements are listed in Exhibit "A." A Certificate of Liability Insurance form sample is enclosed for your convenience. This original certificate shall be submitted to the Finance Department prior to the City of Porterville Council's approval.

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.

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.

COCOLA BROADCASTING CO.  Melly Jaldana  8/29/12
(Name of Organization)  (Signature)  (Date)

2 of 4
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: **FIESTA DE LA FAMILIA & HEALTH FAIR**
Sponsoring organization: **FAMILY HEALTH CARE NETWORK**
Location: **VETERAN'S PARK, 1501 W. HENDERSON AVE** - Event date: **10/28/18** Event time: **11am-6pm**

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.

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**Municipal Code 15-1: ITINERANT VENDOR OR ITINERANT MERCHANT:** All persons, both principal and agent, who engage in a temporary or transient business in the city, selling or offering to sell goods, wares or merchandise or any other thing of value, with the intention of conducting such business for a period of less than ninety (90) days, and who for the purpose of such business hires, leases or occupies any room, doorway, vacant lot, building or other place, for the exhibition for sale of goods, wares, merchandise or other thing of value. If any such place, occupied or used for such business, is rented or leased for a period of less than ninety (90) days, such fact shall be presumptive evidence that the business carried on therein is a transient business; and any person so engaged shall not be relieved from the provisions of this section or from payment of the license taxes herein provided for such business, by reason of any temporary association with local dealer, trader, merchant or auctioneer.
CITY OF PORTERVILLE
REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER
ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: 12th Annual Health & Safety Fair
Sponsoring organization: Family HealthCare Network

Event date: October 28th 2012  Hours: 1:00pm - 4:00pm

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

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Parking lots and spaces | Location | Activity |
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REQUIREMENTS FOR COMMUNITY CIVIC EVENT

COCOLA BROADCASTING COMPANY AND FAMILY HEALTHCARE NETWORK

FIESTA DE LA FAMILIA AND HEALTH FAIR

OCTOBER 28, 2012

Business License Supervisor:
S. Hartman

Public Works Director:
B. Rodriguez

Community Development Director:
B. Dunlap

Field Services Manager:
B. Styles

No comments.

Fire Chief:
M.G. Garcia

Parks and Leisure Services Director:
D. Moore, Interim

Vehicles not allowed to park in the park.
Bounce house companies need to provide own generators.

Police Captain:
D. Haynes

Please see Exhibit B, Proposed Conditions and Requirements.

Administrative Services Manager:
P. Hildreth

Coverage limits are fine on certificate, but should include City of Porterville as named additional insured, with endorsement. See Exhibit A, Page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: COCOLA Broadcasting Company and Family Healthcare Network
Event: Fiesta de la Familia and Health Fair
Event Chairman: Melly Saldana
Location: Veterans’ Park
Date of Event: October 28, 2012

RISK MANAGEMENT: Conditions of Approval

That the Family HealthCare Network 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
Community Civic Event Application

Fiesta De La Familia & Health Fair

Proposed Conditions/Requirements for Fiesta De La Familia & Health Fair, October 28, 2012

➤ The possession or consumption of alcoholic beverages by event organizers or participants is strictly prohibited.

➤ Food vendors should provide inspection certificates from the Tulare County Health Department to members of the organizing committee, to ensure food product safety.

➤ An Outside Amplifier Permit has been approved; however, event organizers shall refrain from amplifying music or other sound so loudly as to disturb the peace and good order of surrounding businesses or nearby residential neighborhoods. The sound amplification shall not continue beyond 9:00 pm.

Dan Haynes, Captain
Porterville Police Department

EXHIBIT B
Cement slab
Will be used as a starting point guide to center rows. It will also give us the level ground needed for Height and weight booth.
CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)

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

1 Name and home address of the applicant:  
COCOLA BROADCASTING COMPANY (FIESTA DE LA FAMILIA EVENT)  
706 W. HERNDON AVE. FRESNO, CA 93750

2 Address where amplification equipment is to be used:  
1501 W. HENDERSON AVE. PORTERVILLE (VETERANS PARK)

3 Names and addresses of all persons who will use or operate the amplification equipment:  
COCOLA BROADCASTING COMPANY  
706 W. HERNDON AVE. FRESNO, CA 93750

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

5 Dates and hours of operation of amplification equipment:  
SUNDAY, OCTOBER 28TH, 2012 - 11AM - 7PM

6 A general description of the sound amplifying equipment to be used:  
LIVE MUSIC, MICROPHONES, TWO SPEAKERS  
BACK LINE EQUIPMENT

Section 18-9  
It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort.

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

Section 18-14  
It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected any or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall be by the council be deemed objectionable, and any such permit may be revoked without the consent of the owner of the property or without notice, or with or without a formal hearing, at the option of the council, and 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 60 days, a fine of not more than four hundred dollars ($400), or both such imprisonment and fine:  
(2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

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

Signed

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 REVOCAION OF THE PERMIT.

City of Porterville, Chief of Police/Date
SUBJECT: REVIEW OF LOCAL EMERGENCY STATUS

SOURCE: Administration

COMMENT: In accordance with the City Council’s Resolution of Local Emergency adopted on December 21, 2010, and pursuant to Article 14, Section 8630 of the California Emergency Services Act, the Council must review the status of its local emergency at every regularly scheduled meeting and make a determination whether to continue or terminate the local emergency declaration.

Since its last review on September 4, 2012, City staff has continued its coordination with both State and Federal representatives in having made claims for reimbursement for public areas reported as suffering flood damage. An estimated total of $361,750 in damage repair projects were defined and accepted by both State (CEMA) and Federal (FEMA) emergency agencies, which after final FEMA administrative review, a total of approximately $270,000 was approved. Although all repair projects were originally to be completed by no later than July 2012, the City has received a one (1)-year extension to July 2013.

As was previously reported, staff made application for almost $2 million in State Office of Emergency Services (OES) grant funds, which would provide financial assistance for mitigating repetitive flooding conditions. Considering the preliminary flood prevention measures previously presented to the Council, staff evaluated the grant application criteria, and made application for mitigation projects, specifically focusing on Downtown, Murry Park, and Zalud Park projects. Staff is pleased to report that its proposed grant-funded projects successfully passed initial screening, with staff having also attended several days of required training in preparation for administering the grant funds.

RECOMMENDATION: That the Council:
1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8630 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

ATTACHMENT: None

Item No. 11
SUBJECT: CONSIDERATION OF REFINANCING 2005 CERTIFICATES OF PARTICIPATION (COP)

SOURCE: Administration

COMMENT: In June 1998, the City issued $20 million in Certificates of Participation (COP) for the purposes of financing the widening of bridges and streets. In November 2005, the City refunded the 1998 COP issue for debt service savings, with the preclusion that the new COP issue could not be refunded “tax exempt” sooner than July 1, 2015. However, the 2005 COP may be refunded with a taxable bond issue.

Over the past several months, staff has been meeting with Mr. John Fitzgerald and Mr. Ben Levine, who have assisted the City with past bond issuances and refinances, including last year’s refinancing of the 1997 Sewer Bond issue to fund the annexation sewer extension projects. The purpose of these recent meetings have been to evaluate the potential in continuing to take advantage of the current favorable bond rates and financing environment, specifically in reference to the 2005 COP issue. In coordination with Mr. Fitzgerald and Mr. Levine, options have been considered in the refinancing of this bond. Given current bond financing rates, the City could refund the 2005 COP issue with an annual debt service savings of $383,000 ($1,287,000 less $904,000) over the remaining 23 years of the original bond issuance for a total gross savings of approximately $8.8 million, with a net savings of approximately $2.5 million including the 7 years of additional debt service in a new issuance.

The recommended financing approach is to issue a taxable revenue bond, utilizing a Variable Rate Demand Obligation (VRDO) bond structure. The VRDO interest rate is a seven (7) day taxable interest rate tied to the 1 Month London Interbank Offered Rate (LIBOR), currently 0.23%, based upon the credit rating of a bank Letter of Credit (LOC). Current total annual costs would be 1.33%, including: 0.23% (current 1 Month LIBOR as of 09/12/12), 1.00% annual LOC fee (estimate), and 0.10% remarketing, rating, and trustee fees.

VRDO bonds require a remarketing agent who re-sets rates and remarkets the bonds, which may be paid down on a weekly basis (or off completely with 30-days notice) without a prepayment penalty. The bank LOC would effectively give access to investment grade rated financing (A+...
or better), resulting in a AAA rating. The VRDO market is significant, constituted primarily of money market mutual funds. Money market institutions invest under Investment Rule 2a-7, which requires high credit quality and liquidity with the right to put bonds back at any time on seven (7) days notice.

The bank LOC is estimated to be issued for an initial term of 2 to 10 years, with an annual rollover review. It is possible to renegotiate terms or bring in a substitute LOC provider on the rollover/review date. At the end of the initial 2-year term, a renewal would be negotiated every year thereafter.

With the Federal Reserve indicating that the federal funds rate will be held near zero through at least mid-year 2015 (currently 0.25%), and the 2005 COP issue becoming callable in July 2015, the City would be in a prime position given the option to switch from a taxable VRDO to either a variable or fixed rate tax exempt bond issue, thus affording the City with the most flexibility in the future. However, should the Federal Reserve significantly increase the federal funds rate prior to July 2015, and given the bonds reset interest rates every seven (7) days, the City can protect itself from rising rates through a variety of hedging strategies, either at the close of the transaction or at any time during the VRDO term. The best option to mitigate the risk of rising interest rates is to establish an interest rate cap, where the City will receive payments when an underlying interest rate index exceeds a specified cap rate. By setting the cap at the total amount of the potential bond issue ($22,000,000), the City would be protected if rates rise beyond the established cap and receive comparable compensation. The current LIBOR Cap Price for five (5) years at 5.00% is 43 basis points (0.43%), and for five (5) years at 4.00% is 55 basis points (0.55%).

For the Council’s consideration, a draft resolution has been provided to begin the proceedings toward the refunding of the 2005 COP issue.

RECOMMENDATION: That the City Council consider proceeding with the refunding of the 2005 COP with the issue of a taxable revenue VRDO bond.

ATTACHMENT: 1. Presentation to Provide New Money Plan
2. Draft Resolution
City of Porterville

Presentation to Provide New Money Plan

July 20, 2012
City Needs

Wulff, Hansen has the commitment and resources necessary to ensure a successful financing for the City of Porterville

Wulff, Hansen understands the need for the most flexible financing structure that utilizes and reflects the City of Porterville's credit quality

Needs

- General Fund budget deficit solution
- Indiana Street bridge for Walmart Supercenter access

Situation

- In June 1998, City issued $20 million COP for widening bridges and roads
- In November 2005, City refunded 1998 COP issue for savings to General Fund
- The 2005 City COP issue cannot be refunded tax exempt until July 1, 2015
- But, the 2005 City COP can be refunded now with a taxable bond issue
Financing Approach

Wulff, Hansen brings an experienced and committed team with a well thought out plan

Our suggested variable rate demand obligation proposal provides the City with the most flexibility. This flexibility meets the City of Porterville’s unique criteria and takes advantage of market fluctuations, providing the City with the lowest possible overall rate and maximum flexibility, as market conditions change.

Solution (Rates & Costs are Estimated as of July 19, 2012)

- Issue a taxable revenue bond to refinance the 2005 COP issue
- Bond Structure: Variable Rate Demand Obligation (VRDO)
- Bond Life: 25+ years
- Interest Rate: 7 day taxable interest rate tied to 1 Month LIBOR, currently 0.24%, and based on the credit rating of the LOC provider
- All-in-annual costs of 1.34%: 0.24% current 1 Month LIBOR as of 5/1/12 + 1.00% annual LOC fee (preliminary estimate) + 0.10% remarketing, rating, and trustee fees
- VRDO can be paid down or off weekly without prepayment penalty
- Requires a remarketing agent when bonds are put back by bondholders
- VRDO market is huge, made up of money market funds

Benefits (Estimated as of July 19, 2012)

- Annual General Fund debt service savings: $383,000 per year
- If pay interest only first year, General Savings in year one: $1,234,000 and thereafter $383,000 per year
Future Options

Our proposal allows for the most flexibility in the future

When the 2005 COP issue becomes callable in July 2015, the City has the option to switch from a taxable variable rate demand obligation to either a variable or fixed rate tax exempt bond issue. This provides the City with the most flexibility in the future.

Solution

- Bond Structure: Tax Exempt Variable Or Fixed Rate Obligation
- VRDO Interest Rate: 7 day taxable interest rate tied to current SIFMA Index, currently 0.15% as of 7/19/12, and based on the credit rating of the LOC provider
- All-in-annual costs of 1.25%: 0.15% current SIFMA index + 1.00% annual LOC fee (preliminary estimate) + 0.10% remarketing, rating, and trustee fees
- VRDO can be paid down or off weekly without prepayment penalty

Benefits

- Over the past ten years, the average SIFMA benchmark is 1.62% and the 1 Month LIBOR benchmark is 2.40%
Plan of Finance: VRDO

Wulff, Hansen recommends a Variable Rate Demand Obligation solution that will provide maximum flexibility while meeting refinancing criteria.

The City of Porterville has an opportunity to leverage bond markets to obtain the lowest cost of funds possible while maintaining financial flexibility. Such an offering would likely be made under Rule 506 of SEC Regulation D and sold to qualified institutional investor(s), mainly Money Market Funds. Highlights of this financing structure include:

- $22.22 million in bond financing provides necessary funds for the City of Porterville to refinance existing debt, including all financing costs, resulting in annual debt service savings.

- Bank letter of credit which effectively gives the City access to investment grade rated financing (A+ or better), possibly with a Federal Home Loan Bank wrap, resulting in a AAA rating.

- In the current variable rate market (as of 7/19/12), a Porterville bond financing would likely carry an estimated initial interest rate of 0.24% depending on the credit rating of the LOC provider and an annual-all-in cost of 1.34% (including fee components). This results in an estimated initial annual net debt service of $904,000 (30 year self-amortizing) compared to the existing debt service of $1,287,000, providing an annual savings of $383,000.

- Variable rate structure takes advantage of available credit enhancement, low interest rates and market demand for short term paper.

Annual All In Cost Calculation:

\[
\begin{align*}
0.24\% & \quad \text{Variable Rate Benchmark LIBOR as of 7/19/12} \\
1.00\% & \quad \text{Estimated Annual Letter of Credit Fee} \\
0.10\% & \quad \text{Estimated Annual Remarking Fee} \\
\end{align*}
\]

\[= \quad 1.34\% \quad \text{Estimated Annual All In Cost}\]

The money market institutional investors invest under Investment Rule 2a-7 which requires high credit quality and liquidity with the right to put the bonds back at any time on 7 days notice. The Letter of Credit fulfills these two functions.
Financing Summary

City of Porterville
Refunding $20,850,000 COP
(2005 Infrastructure Financing Project)
Taxable VRDO Bond Sizing & Savings

2012 Bond Sizing
Escrow to Refund 2005 COP $21,530,000
Less: 2005 COP Reserve Fund (Surety Funded) 0
New Reserve Fund 0
Cost of Issuance (1%) 224,000
Capitalized 1 yr LOC & Remarketing Fees (1.1%) 244,000
Underwriters Discount 222,000

Principal Amount of 2012 Bonds $22,220,000

Savings
Average Annual Debt Service 2005 COP to 2036 $1,287,000
Annual Cost Rate of 2012 Bonds: 1.34% (Interest Rate, 0.24%, + LOC + Remarketing Fees)
Average Annual Cost of 2012 Bonds* 904,000
Average Annual Savings $383,000

Alternative:
Pay Interest Only Yr 1 of 0.24% or $53,000
Year 1 Savings $1,234,000

* Note: Assumes 30 yr bond to 2043, seven years longer than the 2005 Bonds; the present value extra seven years cost less than year 1 savings
** Note: All rates & costs are estimated as of July 19, 2012
# Variable Rate Demand Obligation

## Preliminary Financing Terms

<table>
<thead>
<tr>
<th>Considerations/Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use of Bond Proceeds</strong></td>
</tr>
<tr>
<td>▶ Bond proceeds can be used to fund the City’s infrastructure improvements, refund existing loans, and pay cost of issuance</td>
</tr>
<tr>
<td><strong>Letter of Credit Term</strong></td>
</tr>
<tr>
<td>▶ Estimated to be issued for an initial term of 2 - 10 years, with a yearly rollover review (Evergreen)</td>
</tr>
<tr>
<td>▶ It is possible to re-negotiate terms or bring in a substitute letter of credit provider on the rollover/review date</td>
</tr>
<tr>
<td>▶ At the end of the initial 2 year term, a renewal would be negotiated every year after</td>
</tr>
<tr>
<td><strong>Bond Term</strong></td>
</tr>
<tr>
<td>▶ 25+ years</td>
</tr>
<tr>
<td><strong>Amortization</strong></td>
</tr>
<tr>
<td>▶ Self-amortization over the term of the bond</td>
</tr>
<tr>
<td><strong>Investor</strong></td>
</tr>
<tr>
<td>▶ Money Market Mutual Funds</td>
</tr>
<tr>
<td><strong>Interest Rate</strong></td>
</tr>
<tr>
<td>▶ 7-day interest rate reset based on 1-month LIBOR benchmark and can be pre-paid or refinanced without penalty upon 30 days notice</td>
</tr>
<tr>
<td>▶ The Remarketing Agent would be in charge of re-setting rates and remarketing the bonds</td>
</tr>
<tr>
<td><strong>Prepayment Penalty</strong></td>
</tr>
<tr>
<td>▶ None</td>
</tr>
</tbody>
</table>
# Variable Rate Demand Obligation

Preliminary Financing Terms (Continued)

<table>
<thead>
<tr>
<th>Considerations/Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hedge</strong></td>
</tr>
<tr>
<td>- A variety of hedging strategies can be implemented either at the close of transaction or at any time during the term of the bonds</td>
</tr>
<tr>
<td>- These hedging strategies are complex and carry certain risks which will be explained at the time these strategies are considered</td>
</tr>
<tr>
<td>- Wulff, Hansen will educate The City of Porterville to give them a better understanding of the benefits, costs, and risks</td>
</tr>
<tr>
<td><strong>Credit Enhancement</strong></td>
</tr>
<tr>
<td>- Direct pay Letter of Credit (LOC) from a qualified bank</td>
</tr>
<tr>
<td>- If possible, a wrap will be explored as an additional guarantee from the Federal Home Loan Bank, creating a AAA rating</td>
</tr>
<tr>
<td><strong>Estimated Closing Date</strong></td>
</tr>
<tr>
<td>- September 2012</td>
</tr>
</tbody>
</table>
Risks & Mitigates

**Interest Rate Risk** – Because the bonds re-set interest rates every 7 days, rates could rise in the future and thus increase debt service requirements.

**Mitigate** – Use an interest rate swap, interest rate cap, or budget at higher rate and set up rate mitigation fund. Implementing a combination of the above may also be an ideal solution.

1. **Option 1: Interest-Rate Swap** – An interest-rate swap is a contract between two counterparties where they exchange future interest payments based on a specified principal amount. This option limits the City's exposure to fluctuations in future interest rates. As of July 19, 2012, the LIBOR Swap rate for 30 years is 2.33%. The average 1 month LIBOR weekly taxable rate over the past 10 years, including the period ending 7/19/2012, is 2.40%.

2. **Option 2: Interest-Rate Cap** – An interest-rate cap is an option that protects the City from rises in short term interest rates where they will receive payments when an underlying interest rate index exceeds a specified cap rate. By setting up a cap for the total amount of the bond issue ($22,220,000), the City will be protected if rates rise and receive compensation. As of July 19, 2012, the LIBOR Cap Price for 5 years at 5.00% is 43 basis points and at 4.00% is 55.

3. **Option 3: Interest-Rate Cap & Rate Mitigation Fund** - Set up a cap for $10,000,000 out of the $22,220,000 and begin paying down the principal through the rate mitigation fund whenever there are excess revenues. By paying off the principal in advance, you protect yourself from rising interest rates in the future because there will be less principal to pay off at that future rate.
Risks & Mitigates (Continued)

**LOC Renewal Risk** – Risk that the LOC provider does not renew its Letter of Credit at the end of the agreed upon initial term, an approximate 2 - 10 year term.

**Mitigate** – The Bond documents will set up provisions to mitigate the risks of the LOC Bank not renewing the Letter of Credit.

- Standard in the bond documents to have an advanced notice period of any such decision.
- Standard in the bond documents to have the option to bring in a substitute LOC provider, on then-current terms, at any time.
- Standard in the bond documents to have a 30 day notice call option on any reset date. This provides an opportunity for an alternative method of financing.
  - This option is similar to having a call provision without a pre-payment premium or time limitation. By fixing the rate, Wulff, Hansen would underwrite/place the bonds. **This option allows the City maximum flexibility to take advantage of improved credit quality, while providing the opportunity to fix the rate if market conditions warrant.**
  - If an interest-rate swap is in place, there may be costs involved that must be considered.
- Wulff, Hansen will attempt to negotiate an LOC with an Evergreen Provision where the 2 - 10 year term continually rolls over each year so that when one year is lost, another year is gained.
- The LOC Bank will generally work with the issuer to avoid drawing upon the Letter of Credit and will make every attempt to extend the LOC expiration date until a substitute LOC bank is found. Drawing upon the LOC is generally a last resort due to the bank’s internal regulations. If this happens, the LOC bank will be responsible for the bonds and incorporate them in its own portfolio. The City will continue to make the agreed upon payments at a default rate negotiated at the time the LOC agreement is originally issued. The City will not be required to pay off the bonds at that time.
Risks & Mitigates (Continued)

**LOC Provider Downgrade Risk** – if the LOC Bank loses its investment-grade credit rating resulting in the bonds failing to be remarketed to Money Market Funds and a replacement LOC is not obtained.

The LOC bank will be responsible for the bonds and incorporate them in its own portfolio. The City of Porterville will continue to make the agreed upon payments at a default rate negotiated at the time the LOC agreement is originally issued. The City will not be required to pay off the bonds at that time.

**Mitigate** – Wulff, Hansen seeks a replacement Letter of Credit provider.

**Mitigate** – The 2008 crisis separated the strong, highly rated banks from the weak. We would only recommend an LOC provider that had a qualified credit rating.

**Market Risk** – Risk that the market conditions freeze the variable rate market or disrupt the orderly reset rates.

**Mitigate** – The market experienced these risks in 2008 and the Federal Reserve intervened which diminished the problem. Wulff, Hansen will recommend a strong, credit worthy bank for the Letter of Credit, thus diminishing the market risk.

**Remarketing Failure** – Risk that Remarketing fails.

**Mitigate** – The bank issuing the LOC is obligated to purchase the bonds and may convert the bonds into a commercial loan.

The City of Porterville will continue to make the agreed upon payments at a default rate negotiated at the time the LOC agreement is originally issued. The City will not be required to pay off the bonds at that time.

**Overall Mitigate** – Wulff, Hansen will attempt to obtain a Federal Home Loan Bank wrap, which we believe the City will qualify for. The renewal risk is mitigated by the credit enhancement from the wrap.
RESOLUTION NO._________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA, AUTHORIZING THE COMMENCEMENT OF PROCEEDINGS IN CONNECTION WITH THE REFUNDING OF THE $20,850,000 CERTIFICATES OF PARTICIPATION (2005 INFRASTRUCTURE FINANCING PROJECT) EVIDENCING DIRECT, UNDIVIDED FRACTIONAL INTERESTS OF THE OWNERS THEREOF IN LEASE PAYMENTS TO BE MADE BY THE CITY OF PORTERVILLE (TULARE COUNTY, CALIFORNIA), AS THE RENTAL FOR CERTAIN PROPERTY PURSUANT TO A LEASE AGREEMENT WITH THE PORTERVILLE PUBLIC FINANCING AUTHORITY, AND APPOINTING A BOND COUNSEL, A DISCLOSURE COUNSEL, A FINANCIAL CONSULTANT AND AN UNDERWRITER IN CONNECTION THEREWITH

WHEREAS, the City has determined at this time, due to prevailing interest rates in the municipal bond market and for other reasons, to provide for the refunding of the $20,850,000 Certificates of Participation (2005 Infrastructure Financing Project) evidencing direct, undivided fractional interests of the owners thereof in lease payments to be made by the City as the rental for certain property pursuant to a lease agreement with the Porterville Public Financing Authority (the “2005 Certificates”);

WHEREAS, it is desirable to authorize the commencement of proceedings in connection with the refunding of the 2005 Certificates and to appoint a bond counsel, a disclosure counsel, a financial consultant and an underwriter in connection therewith;

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

The Council authorizes appropriate officers and officials of the City to proceed with the preparation of the necessary documents in connection with the refunding of the 2005 Certificates, subject to the final approval thereof by the Council at a subsequent meeting.

Quint & Thimmig LLP, San Francisco, California, is hereby designated as bond counsel and disclosure counsel to the City in connection with the financing, the compensation for such services to be negotiated by the City Manager or his designee.

Ravi Chitkara, Fremont, California, is hereby designated as financial consultant to the City in connection with the financing, the compensation for such services to be negotiated by the City Manager or his designee.

Wulff, Hansen & Co., San Francisco, California is hereby designated as underwriter in connection with the financing, the compensation for such services to be negotiated by the City Manager or his designee.
The Mayor, the Vice Mayor, the City Manager, Finance Director, the City Clerk and other appropriate officers and officials of the City are hereby authorized and directed to take such action and to execute such documents as may be necessary or desirable to effectuate the intent of this resolution.

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

APPROVED AND ADOPTED this 18th day of September, 2012.

Virginia R. Gurrola, Mayor

ATTEST:
John Lollis, City Clerk

By: __________________________
Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: CONSIDERATION OF OPTIONS FOR CITY COUNCIL MICROPHONES

SOURCE: Administration

COMMENT: Members of the City Council have asked that staff review and provide options for improved microphones for the Council’s use and convenience on the dais. In response, staff has identified several options for the Council’s consideration.

Option 1: Cabled “Gooseneck” Microphone; Estimate: $2,500

Similar to the microphones used by staff, these microphones would connect by cable at the base where the Council’s existing microphones are fixed.

Option 2: Wireless Lavalier/Lapel Microphone; Estimate: $3,000

These microphones would be worn by the individual Council Members on their lapel, connected to a battery pack also worn by the Member, and would transmit to a wireless receiver.

Option 3: Wireless Headset Microphone; Estimate: $5,000

These microphones would be worn by the individual Council Members as a headset, connected to a battery pack also worn by the Member, and would transmit to a wireless receiver.

RECOMMENDATION: That the City Council consider the microphone options presented, and direct staff accordingly.

ATTACHMENT: None
CONSIDERATION OF CITY COUNCIL’S PROCEDURAL HANDBOOK

ADMINISTRATIVE SERVICES DEPARTMENT/CITY CLERK DIVISION

With the seating of the new City Council, it is appropriate for the Council to consider its Procedural Handbook for ratification or potential amendments that the new Council may desire. This item was presented at the meeting of August 21, 2012 and again on September 4, 2012, each time postponed with no action taken. Discussion at the September 4th meeting centered on the benefit of waiting until after the League of California Cities Annual Conference to consider any amendments so as to potentially incorporate ideas gleaned from the conference. It was further discussed that the Council should also consider including in the Handbook a policy governing the use of monies from the Special Purposes Reserve Fund to support community events and/or activities. Said Special Purposes Reserve Fund was approved and adopted by the City Council via Ordinance 1787 on April 3, 2012.

A copy of the most recently adopted Handbook; proposed amendments prepared by Vice Mayor McCracken; and a copy of Ordinance 1787 are attached hereto for Council’s review and consideration.

That the City Council consider its Procedural Handbook, and direct staff accordingly.

2. Amendments Proposed by Vice Mayor McCracken
3. Ordinance 1787

Item No. 14
CITY COUNCIL
PROCEDURAL
HANDBOOK

Compiled by:
The Office of City Clerk
291 North Main Street
Porterville, CA 93257
Tel: (559) 782-7442
Fax: (559) 782-7452
www.ci.porterville.ca.us

Adopted July 19, 2011 via Minute Order 08-071911
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APPENDICES
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   (to be attached upon completion and adoption)
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   (to be attached upon completion and adoption)
The residents and businesses of the City of Porterville are entitled to have fair, ethical, and accountable local government. Such a government requires that:

- Public Officials comply with both the letter and spirit of the laws and policies affecting operations of the government;
- Public Officials be independent, impartial, and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain; and
- Deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

No part of this Handbook shall be interpreted so as to violate any federal or state law; a Council Member's Oath of Office; a Council Member's moral or ethical responsibilities; or the exercise of a Council Member's individual rights afforded him/her by the U.S. Constitution.

To this end, the City Council of the City of Porterville hereby approves of and affirms the above to encourage public confidence in the integrity of local government and its operations. (Minute Order 21-070511, July 5, 2011.)
II. MEETINGS OF COUNCIL

The Council shall provide by ordinance the time and place of holding regular meetings and the manner in which special meetings may be called. Public interest and convenience shall be primary consideration when decisions are made as to time, location and frequency.

Except as otherwise provided by law, all meetings of the Council shall be open to the public.

A. REGULAR MEETINGS

1. Regular meetings shall be held the first and third Tuesday of each month beginning at 5:30 p.m. Closed Session Items shall be considered at 5:30 p.m., with open session to commence at 6:30 p.m. In the event that a regular meeting of the Council shall fall on a legal holiday, that regular meeting shall be held at the same place and time on the next succeeding working day, or as determined by Council. (Ordinance 1766, approved August 17, 2010.)

2. Regular meetings shall be held in the Council Chambers, 291 North Main Street, in the City of Porterville.

3. Regular meeting open sessions shall be between the hours of 6:30 p.m. and 9:45 p.m. The Council Meetings shall adjourn no later than 9:45 p.m. unless otherwise approved by a majority vote of the Council Members present. Following the mid-meeting break (around 9:00 p.m.) the Mayor, with assistance from the City Manager, will review the balance of the agenda with Council to discuss how it can be handled in the allowed time. If it is necessary to continue any items, it will be announced at that time. (Ordinance 1766, approved August 17, 2010.)

B. ADJOURNED MEETINGS/STUDY SESSIONS (Open to the public)

1. The purpose of these meetings shall be for informal discussions between staff, advisory bodies or consultants and the City Council regarding specific programs, projects or policies. If noticed, formal action may be taken at such a meeting.

2. Adjourned Meetings/Study Sessions will be held at a time and place convenient to Council and advantageous for public participation.
3. Participation of the public shall be at the discretion of the Presiding Officer, upon consensus of the Council.

C. SPECIAL MEETINGS

1. Special meetings may be called by the Mayor or three members of the City Council. (GC § 54956) Written notice of each special meeting must be given not less than twenty-four (24) hours before such meeting to each member of the City Council not joining the call.

2. Written notice must be given to the City Council and to the media 24 hours prior to each meeting. (GC § 54956)

3. A supplemental telephone call shall be made if necessary to notify each Council Member.

4. No business other than that announced shall be discussed.

5. Any special meeting held at a place other than City Hall shall be open to the public. Notice requirements of the Brown Act shall be complied with for any such meetings; regular minutes shall be taken by the City Clerk and shall be available for public inspection.

D. ORDER OF BUSINESS:

Call to Order
Roll Call
Oral Communications
Closed Session(s)
Reconvene at 6:30 p.m.
Closed Session Report
Pledge of Allegiance
Invocation
Presentations/Proclamations
Reports (AB1234 Reports, Committee/Commission/Board Reports; Subcommittee Reports; Information Items and Reports)
Oral Communications
Consent Calendar
Approval of Minutes
Claims Against the City
Payment of Bills
Payments on Public Works Projects
Authorization to Purchase
Authorization to Call for Bids
Award of Bids
Acceptance of Projects
Acceptance of Dedications/Property
Approval of Final Tract Maps
Annexations
Requests for City Services
Reports
Other Routine Matters
Public Hearings
Second Reading of Ordinances
Scheduled Matters
Oral Communications (on any matter of interest)
Council Comments
Adjournment
(Pursuant to Resolution 101-2010, approved August 17, 2010.)

E. CONSENT ITEMS

Consent items are the first items on the open session portion of the agenda (items that are routine, have been discussed before, relate to implementation of approved budget items, or to City operations or item to be later set for public hearing).
III. MEETING PROCEDURES

A. PRESIDING OFFICER

1. The Mayor is the Presiding Officer and acts as Chair at Council meetings.

2. In the absence or incapacity of the Mayor, the Vice Mayor as Mayor Pro Tempore will serve as Presiding Officer. In the absence of both the Mayor and Vice Mayor, the Council Members present shall select one of their number to serve as Presiding Officer for that meeting. (Amended pursuant to M.O. 08-071911, July 19, 2011.)

3. Seating arrangement of the Council:

Seating arrangements shall be at Council discretion with preference being given to health conditions, seniority, individual Council Member preferences, and the Mayor’s preference, in that order. (Amended pursuant to M.O. 08-071911, July 19, 2011.)

4. Signing of City Documents:

The Mayor, unless unavailable, shall sign all ordinances, resolutions, contracts and other documents which have been adopted by the City Council and require an official signature; except when the City Manager, or his or her designee, has been authorized by Council action to sign documents. In the event the Mayor is unavailable, the Vice Mayor may sign the required documents. (Amended pursuant to M.O. 08-071911, July 19, 2011.)

B. QUORUM

A majority of the Council Members shall constitute a quorum for the transaction of business. (Charter)

C. DISCUSSION RULES

1. Obtaining the floor:

a. A member of the City Council, staff, or public shall first address the Presiding Officer and gain recognition.
b. Comments and questions shall be limited to the issue before Council except when members of the public are addressing the Council under Oral Communications.

c. Council shall have the opportunity for discussion on the item prior to requiring a motion and a second. (Minute Order 18-050311, approved May 3, 2011.)

d. Cross-exchange between Council Members, staff or public shall be avoided.

e. Any citizen may arise and address the City Council on any business especially concerning them or affecting their interests during Oral Communications, but preference will be given to those who have first presented matters in the form of a written communication or who have personally notified the presiding officer of their desire to speak.

f. Any member or other person using profane, vulgar, loud or boisterous language at any meeting, or otherwise interrupting the proceedings, who refuses to be seated or keep quiet when ordered to do so by the Mayor or Mayor Pro Tem of the City Council, shall be guilty of a misdemeanor. It shall be the duty of the Chief of Police, upon order of the presiding officer, to eject any such member or person from the council room. (Ordinance 1537)

2. Questions to staff:

A Council Member shall, after recognition by the Presiding Officer, address questions to duly designated staff members through the City Manager.

3. Interruptions:

a. Once recognized, a Council Member shall not be interrupted while speaking except to make a point of order or personal privilege.

b. If a Council Member is called to order while speaking, the individual shall cease speaking until the question of order is determined.

c. Upon being recognized by the Presiding Officer, members of staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.
IV. COUNCIL REQUESTS FROM THE PUBLIC

A. Response to Letters from the Public

Periodically Council Members receive letters requesting their response. If a Council Member wishes to answer the letter, the matter can be handled in either of three ways:

1. The Council Member can give the letter to the City Manager's Secretary along with direction on how they wish their response to be worded. The City Manager's staff will then prepare the letter on City Council stationery and forward it to the appropriate Council Member for approval and signature. Copies of both letters are kept on file in the City Manager's Office, and copies are available upon request.

2. If the letter requires specific information or details only available from another City Department, the City Manager may refer the letter to the appropriate Department Head for response by them or their designee. Copies of the letters will then be forwarded to the City Manager's Office for filing.

3. If the Council Member wishes to answer their own correspondence, City stationery is available upon request from the City Manager's secretary. Copies of all such letters on City Letterhead shall be provided to all other Council members, and the letter shall include a provision clearly defining that the correspondence represents the views and/or feelings of the specific Council member signing the letter. If the Council Member wishes to have a copy of the letters in their file, they should submit a copy to the City Manager's staff for filing.

If a Council Member receives an informational item and wants a copy to be given to the other Council Members and the City Manager or other Directors, the item should be given to the City Manager's staff and copies will be made and sent out.

B. Referrals to Council agenda

Periodically Council Members receive correspondence or verbal requests for items to be acted upon, or considered, by the City Council. If a Council Member wishes to respond to the request, the matter should be referred to the City Manager. The request can then be handled as follows:
1. The Council Member may request the City Manager to place the item on the Council agenda as a written communication (however, the request must be stated on the agenda face sheet for Council to be able to act on it at the meeting); or

2. Upon research, the request may be determined to be a violation of City, State or Federal law, policy, or previous Council determination, in which case an appropriate response as to why the matter can not be heard will be provided to the requesting party.

Correspondence requesting that an item be acted upon, or considered, by the City Council, which is received directly by the City Manager, is handled in either of two ways:

1. The City Manager shall place any routine and/or legitimate written request under written communications*, or have a staff report prepared if time permits, for the next City Council agenda; or

2. The City Manager shall place any request which has already been acted upon by Council, cannot legally be accomplished, or which has a potential for litigation, in an Administrative Memorandum.

C. Telephone Calls

Citizens attempting to communicate with the City Council often call the offices at City Hall. Such calls are referred to the City Manager's Office. The City Manager's staff will take a message and refer it to the appropriate Council Member, or give the caller the telephone number of the City Council Member so they may call them directly, according to instructions given by the Council Member [see X-D (3)].

D. Personal Meetings

Council Members who wish to meet with their constituents may use various rooms at City Hall. The Council Member should call the City Manager's Secretary as soon as they know a room is needed so that it can be reserved for their use. No more than two Council Members may attend a meeting to discuss City matters without the meeting becoming a public meeting and therefore falling under the requirements of the Brown Act Open Meeting Laws.
E. Personal Correspondence

Council Members who wish to send their own correspondence using City stationery shall include a provision clearly defining that the correspondence represents the views and/or feelings of the specific Council member signing the letter. Copies of all such letters on City Letterhead shall be provided to all other Council members. Letterhead stationary is available upon request from the City Manager's secretary, and if the Council Member wishes to have a copy of their letter in their file, they should submit a copy to the City Manager's staff for filing.
V. COUNCIL MEMBER REQUESTS TO STAFF

A. General Information

All City Council Member requests for information or documents shall be referred through the City Manager. Any Department Head who receives a direct request from a Council Member shall submit the request, including the name of the requesting Council Member, to the City Manager.

B. Research

All City Council Member requests for information or documents which require extensive research, in the opinion of the City Manager, shall be referred through the City Manager to the Council for direction. The City Manager will discuss the matter with the appropriate department and relay the approximate time table for completion to the City Council for discussion and action at the next available meeting of the City Council. If the request is approved by the Council, upon completion of the research, the information or documents will be forwarded to the City Council Members by the City Manager. (Amended pursuant to M.O. 08-071911, July 19, 2011.)

C. Items for inclusion in Council Agenda

The City Manager shall compile the agenda for each meeting and shall include as agenda items, business in the normal course of City affairs, including but not limited to staff proposals to improve services, support the economy and land use, and enhance the efficiency and effectiveness of the City organization, items relating to current, past, and proposed City contracts, leases, franchises, agreements and similar documents, and matters affecting future or proposed City equipment and property, items relating to City employees, agents and contractors, and such other matters as are defined in this handbook or otherwise directed by the City Council.

All City Council Member requests for an item to be placed on the Council agenda should be referred to the City Manager. Pursuant to Minute Order No. 11-022096, such request shall be submitted prior to Monday noon of the week before the Council meeting in order to be placed on the next regularly scheduled meeting.

The City Manager shall place any Council Member request for an agenda item on the next available agenda as a Consent Calendar item for Council approval to be included
as a Scheduled Matter on the next available agenda. This does not prevent any Council Member from moving to place an item on the next available agenda during Other Matters of the current agenda. (Amended pursuant to M.O. 08-071911, July 19, 2011.)
VI. COUNCIL AGENDA

A. Preparation:

Each Department Head submits agenda items regarding their Department to the City Manager for approval. Upon the City Manager’s approval, the items are returned to the appropriate department for copying and collation.

The City Council meeting agendas are prepared on the Thursday prior to the Tuesday meeting. Any questions regarding whether items have been scheduled for consideration at a particular meeting may be directed to the Chief Deputy City Clerk and/or Deputy City Clerk.

B. Deadlines:

The deadlines for the agenda are the Monday preceding the Thursday preparation day. Public hearing items, scheduled matter items, Consent calendar items, and written communications must be submitted by the Monday deadline. The deadline for a Council member request for any item shall be Monday noon preceding the Thursday preparation day.

C. Delivery:

Agendas will be delivered to Council on the Thursday prior to the Tuesday meeting. The agenda shall include a complete copy of the agenda on compact disc suitable for loading on a laptop computer, with provisions for annotating materials with the use of a suitable Acrobat Reader. No items, or additional materials, shall be delivered after the initial delivery to Council on Thursday, except in the instance of a designated emergency item.

Council agendas shall be delivered to the Council Member’s home or business, as requested. If no one is available to receive the agenda, the agenda shall be left in an area designated by the Council Member, unless other arrangements have been previously made with the City Clerk’s staff. [See X(D)(1)(2).]

The agendas for staff, public and the news media are available after Council receives their agendas, usually on Friday.
VII. THE RALPH M. BROWN ACT

The Ralph M. Brown Act (California Government Code § 54950 et seq.) governs meetings conducted by local legislative bodies such as city councils, boards of supervisors, special districts, and school boards. The Act represents the State Legislature's determination of how the balance should be struck between the public access to meetings of multi-member public bodies on one hand, and the need for confidential candor, debate, and information gathering on the other.

The Act contains specific exceptions from the open meeting requirements where government has a demonstrated need for confidentiality. Where matters are not subject to a closed meeting exception, the Act has been interpreted to mean that all of the deliberative processes by legislative bodies, including discussion, debate and the acquisition of information, be open and available for public scrutiny.

Meetings are defined as any gathering of a quorum of a legislative body (which includes newly elected but unsworn members of the body) to discuss or transact business under the body's jurisdiction and serial meetings are prohibited. Exemptions are individual contacts between board members and others which do not constitute serial meetings, attendance at conferences and meetings which are open to the public so long as legislative bodies do not discuss amongst themselves business of a specific nature under the body's jurisdiction, and attendance at social or ceremonial events where no business of the body is discussed.

The Act requires that notices of regular meetings must be posted at least seventy-two (72) hours prior to the meeting, and twenty-four (24) hour notice must be provided to members of the legislative body and media outlets for special meetings.

A user's guide to the Ralph M. Brown Act is provided to Council Members for their information. If a Council Member has a specific question which does not seem to be covered in the guide, the Council Member should contact the City Attorney for a legal opinion.
VIII. TRAVEL, MEETINGS AND EXPENSES

This policy would satisfy the requirements of California Government Code §§ 53232.2 and 53233.3 in the event such requirements could be constitutionally applied to charter cities.

The City Manager, or his staff, will notify the City Council Members about any League of California Cities' Conferences, Redevelopment Conferences, Committee meetings, and/or local meetings that may be of interest to the Council. If a Council Member is interested in attending any such meeting, the following procedures should be followed:

A. Requests for Reservations:

When a City Council Member wishes to attend a conference or meeting, he/she should contact the City Manager's office and indicate the following:

1. The date(s) of the conference or meeting;

2. If the Council Member will be accompanied by anyone else, i.e. spouse, child;

3. Any personal preferences for hotel reservations, such as smoking or non-smoking, king or double beds, etc.; and

4. Whether special travel arrangements need to be made, i.e. airplane tickets, ride-sharing, etc.

A disbursement will then be prepared and the payment for the conference or meeting will be forwarded, and, if applicable, the hotel will be contacted to make the appropriate reservations. When making hotel reservations to attend a conference or meeting, a request for a room sales tax waiver shall be made on behalf of the applicable Council member. If a prior room reservation request is not made, the Council member shall request a room sales tax waiver prior to payment for a room.

For lodging in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question, if such rates are available at the time of booking. If the group rate is not available, government rates must be used when available. Lodging rates that are equal or less than the government rates are presumed to be reasonable and allowed per this policy. In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the IRS per diem rates for a given area are presumed reasonable and hence allowed.
B. Travel and Expense Form:

A Travel and Expense Form will then be prepared for the Council Member which indicates the following:

1. The amount of money to be issued to the traveler as per diem*; and
2. Mileage expense* (if a personal vehicle is used for travel and cost is paid in advance).

* Amount set in Administrative Policy Manual Sec. II-E-1, Travel &Conference Expenses. In regard to the per diem amount, if payments for expenses are made in advance pursuant to the specified per diem amounts, the disbursement shall not be considered to be reimbursable expense under AB 1234.

The Council Member will then be issued a packet of materials several days prior to the meeting which contains the following:

1. A check for per diem and mileage;
2. Confirmation notification and informational materials regarding the conference;
3. Confirmation notification for any hotel reservations; and
4. A City credit card to pay for the room charges at the end of the meeting.

C. Receipts:

The Council Member shall then bring the receipt for the hotel charges to the City Manager's staff upon his/her return, together with the credit card, and any refund due the City. The Council Member shall sign the original Travel and Expense Form at that time, which shall then be filed with the Finance Department for final processing.

If a refund is due the Council Member, a check will be issued by the Finance Department and then distributed to the Council Member.

D. Eligibility:

The City shall pay for any Council Member to attend any meetings or conferences of their choice. When accompanied by a spouse or child, the Council Member shall pay for expenses incurred above that which would otherwise have been paid for the Council Member. Any charge placed on a City credit card for someone other than a Council Member shall also be considered a refund due the City, payable within 10 days of the receipt of the charges.
IX. CONFLICT OF INTEREST

A. City Council Members Filing Requirements

City Council Members are under the provisions of the Political Reform Act (Gov. Code, § 81000 et seq. known as "the Act") as enforced by the Fair Political Practices Commission. The Act applies to campaign contributions requirements, as well as matters of conflict of interest while in office.

1. Disclosure of Economic Interests:

City Council Members must file assuming office and leaving office statements, as well as annual statements while in office. The statements basically require the disclosure of the following information:

- Investments or interests in real property and its fair market value;
- Income, and the name and address of each source of income aggregating five hundred dollars ($500) or more, or fifty ($50) or more if a gift, and a general description of the business activity, if any of each source;
- Interests in real property held by a business entity or trust;
- Loans, and its annual interest rate and the security, if any, given for the loan;

2. Disqualification of Participation (Conflict of Interest):

A Council Member shall not make, participate in making, or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. This might include decisions which affect property within up to 500 feet of the subject property in which the Council Member has an interest.

A financial interest in a decision, within the meaning of Section 87100 of the Act, is if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the Council Member or:

- A member of his or her immediate family;
• A business entity in which the Council Member has a direct or indirect investment worth $2000 or more;

• Any real property in which the Council Member has a direct or indirect interest worth $2,000 or more;

• Any source of income, other than gifts or commercial lending institutes loans, aggregating $500 or more received or promised to the City Council Member within twelve months prior to the time when the decision is made;

• Any business entity in which the City Council Member is a director, partner, trustee, employee, or holds any position of management;

• Any donor, or any intermediary or agent for a donor, or a gift or gifts aggregating $420 or more in value provided to, received by, or promised to the City Council Member within 12 months prior to the time when the decision is made.

Indirect investment or interest means any investments or interest owned by the spouse or dependent child of a City Council Member, by an agent on behalf of a Council Member, or by a business entity or trust in which the Council Member, the Council Member’s agents, spouse, and dependent children own directly, indirectly, or beneficially a 10% interest or greater.

Section 87100 of the Act does not prevent any Council Member from making or participating in the making of a governmental decision to the extent his participation is legally required for the action or decision to be made. The fact that a Council Member’s vote is needed to break a tie does not make his participation legally required for purposes of this section.

Pursuant to Section 87105 of the Act, a public official who holds an office specified in Section 87200 who has a financial interest in a decision within the meaning of Section 87100 shall, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to the consideration of the matter, do all of the following:

a. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
b. Recuse himself or herself from discussing and voting on the matter, or otherwise acting in violation of Section 87100.

c. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

d. Notwithstanding paragraph (3), a public official may speak on the issue during the time that the general public speaks on the issue.

B. Other Agencies:

Whenever a Council Member is required to file a Statement of Economic Interest for an outside agency, the Deputy City Clerk will provide the correct form, and using the Statement of Economic Interest Form 700 filed in the City Clerk's Office for the City of Porterville, prepare a duplicate statement for signature, and forward the appropriate form to the requesting agency.

C. Redevelopment Agency Filing Requirements:

Upon assuming office, a City Council Member will also serve as a Redevelopment Agency Member. As an Agency Member, they must file a Conflict of Interest statement for the Porterville Redevelopment Project area. After assuming office, an Agency Member may not acquire any property within the Redevelopment Project area. If prior interests exist within the Project area, the Agency Member must disqualify themselves from any action taken which would constitute a benefit to them.

D. City of Porterville Conflict of Interest Code:

Certain designated City employees are also required to file conflict of interest forms under the provisions of the Political Reform Act Code, § 87100-87500 et seq. The City of Porterville Conflict of Interest Code was adopted by the City Council and is reviewed biennially to make sure it is kept current.

If Council Members have a question on whether an interest they have is sufficient for disqualification, they should contact the Fair Political Practices Commission at (866) 275-3772, or http://www.fppc.ca.gov, for a ruling or opinion.
X. GENERAL ITEMS

A. Different Hats

Members of the City Council also serve as the governing bodies for the following local agencies:

1. Redevelopment Agency
2. Industrial Development Authority
3. Public Financing Authority
4. Public Improvement Corporation
5. Planning Commission
6. Conflicts and Disclosure Monitor Agency

B. Compensation

As stated in the City Charter, Section 9, City Council Members shall receive $20 per Council meeting, $25 per Council meeting for the Mayor, with a maximum of seven paid Council meetings per month.

Redevelopment Agency Members shall receive $30 per Redevelopment meeting.

Council Members receive no benefits other than the amounts per meeting stated above.

C. Issuance of Laptop Computers to Council Members

A Wireless Communications Policy for the laptop computers is being developed as set forth in Minute Order 14-090605. [See Appendix B]

D. Direction to Support Staff:

Upon assuming office, Council Members should notify the City Manager's staff regarding the following items:

1. Where to deliver Council agendas and Administrative Reports and Memorandums, i.e. home or business.

2. Where to leave Council agendas if the business is closed and/or if no one is home, i.e. City Manager's Office Council mail box, front porch, back door, etc.
3. How to direct citizens who wish to speak to Council Members, i.e. take a message, give out home telephone numbers, give out business telephone numbers, etc.

E. City Attorney

The City Attorney is the legal advisor of the City Council, and all other City officials. The City Attorney shall prosecute all violations of City ordinances and shall draft all contracts and other legal documents and instruments, required by the Council or the City Manager. The City Attorney shall perform such other legal services as the Council may direct and shall attend all meetings of the Council unless excused therefrom by three members or by the Mayor.

The types of questions referred to the City Attorney are as follows:

1. Generally whether a conflict of interest exists for a Council Member and whether they should abstain from voting on a specific matter.

   Please note: Any advice received from the City Attorney relating to Conflicts of Interests is informal only and not binding; the Council Member must seek and obtain a formal written opinion from the FPPC in order to be afforded any statutory immunities.

2. Whether an issue has a legal standing, and what type of action would be appropriate.

3. Legal recommendations for matters of litigation.

F. Annual City Manager/City Attorney Evaluations

The City Council shall provide for annual evaluations for the City Manager and the City Attorney. A standardized evaluation form shall be used which shall address the areas of importance as set forth by the City Council. Said evaluation form shall be included as Appendix A.

G. Response to President/Governor Directives

Directives issued by the President of the United States and/or Governor of the State of California shall not be considered a mandatory directive to the City of Porterville except as authorized and/or approved by the City Council. The one exception to this rule is that flags on City buildings shall be flown at half mast upon orders by the President, Governor and/or Mayor, or by majority approval of the City Council.
APPENDICES

A. Annual City Manager/City Attorney Evaluation Forms

B. Laptop Computer and Cell Phone Policy (to be attached upon adoption)

C. Email Retention Policy (to be attached upon adoption)
# CITY MANAGER PERFORMANCE EVALUATION

CITY OF PORTERVILLE

(January 1 – December 31, 20__)  

<table>
<thead>
<tr>
<th>A. Providing Information</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the City Manager keep you informed, in a timely manner, of the things you want to know about?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>2. Do you feel that you receive information on an equal basis with other Council members?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>3. Do reports provide adequate information and analysis to help you make sound decisions?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>4. Are agenda items and supporting documents appropriate and brought to Council in sufficient time for deliberations?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>5. Does the City Manager regularly consult with the Council before setting the agenda to determine appropriate topics and timing?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>6. Does the City Manager follow up promptly on Council requests for information or action without having to be reminded?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>7. Are Council packets relatively free of errors and omissions?</td>
<td>1 2 3 4 5</td>
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<p>| Average score |</p>
<table>
<thead>
<tr>
<th>B. Providing Advice</th>
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</tr>
</thead>
<tbody>
<tr>
<td>1. Does the City Manager have adequate knowledge of municipal affairs?</td>
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<tr>
<td>2. Does he exercise good judgment?</td>
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<td>3. Do you feel that the City Manager considers alternatives before making recommendations?</td>
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<td>4. Does the City Manager plan ahead, anticipate needs and recognize potential problems?</td>
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<td>5. How do you feel about the quality of analysis that accompanies recommendations?</td>
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<tr>
<td>6. Does he have a good sense of timing in bringing issues to the Council for action?</td>
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Average score

<table>
<thead>
<tr>
<th>INTERNAL ADMINISTRATION</th>
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<th>STRONG</th>
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</thead>
<tbody>
<tr>
<td>A. Financial Management</td>
<td></td>
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</tr>
<tr>
<td>1. Are you comfortable with the City Manager’s approach to budget preparation and review?</td>
<td>1</td>
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<tr>
<td>2. Is the City Manager effective in controlling costs through economical utilization of manpower, materials, and equipment?</td>
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<tr>
<td>3. Does the City Manager have sufficient knowledge of financial matters?</td>
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<tr>
<td>4. Does the City Manager provide you with sufficient information on the financial status of the City government?</td>
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<td>5. Is the budget submitted on time?</td>
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<thead>
<tr>
<th>B. Personnel Management</th>
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</tr>
</thead>
<tbody>
<tr>
<td>1. Is the City Manager successful in guiding people so that they work together as a team toward common objectives?</td>
<td>1 2 3 4 5</td>
<td></td>
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<tr>
<td>2. Is the City Manager effective in selection and placing personnel?</td>
<td>1 2 3 4 5</td>
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<tr>
<td>3. Does the City Manager develop and motivate personnel so that they are increasingly effective in performing their duties?</td>
<td>1 2 3 4 5</td>
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<tr>
<td>4. Is the City Manager willing to face up to disciplinary problems and take action when warranted?</td>
<td>1 2 3 4 5</td>
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<tr>
<td>5. Is the City Manager effective in promoting positive employer-employee relations?</td>
<td>1 2 3 4 5</td>
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<tr>
<td>6. Does the City Manager respond to Council suggestions on employee training, work priorities and productivity? Are the decisions explained to Council?</td>
<td>1 2 3 4 5</td>
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<tr>
<td>7. Is the City Manager effective on assuring that staff makes a positive impression on citizens?</td>
<td>1 2 3 4 5</td>
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<tr>
<td>8. Does the City Manager ensure that every City employee receives a written annual performance review?</td>
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### C. Getting the Job Done

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<th>Question</th>
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<td>1. Do you have the feeling that things the Council decides or directs get done?</td>
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<td>2. Does the City Manager organize or assign work so that it is performed efficiently and effectively?</td>
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<td>3. Does the City Manager pay sufficient attention to detail to avoid error or things “slipping through the cracks”?</td>
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<td>4. Does the City Manager put in sufficient time and effort to perform to your expectations?</td>
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<td>5. Does the City Manager have a good sense of priorities in the way he spends his time on the job?</td>
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<td>6. Is the City Manager able to analyze problems or issues and identify causes, reasons, and implications?</td>
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<tr>
<td>7. Does the City Manager develop and carry out short- and long-term action plans?</td>
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**Average score**
## EXTERNAL RELATIONS

### A. Citizen Relations

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<td>1. Does the City Manager generally make a positive impression on citizens and is he respected in Porterville?</td>
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<td>2. Is he effective in handling disputes or complaints involving citizens?</td>
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<tr>
<td>3. Does the City Manager have appropriate visibility or identity in the community?</td>
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<tr>
<td>4. Does the City Manager represent Council positions and policies accurately and effectively?</td>
<td>1 2 3 4 5</td>
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<tr>
<td>5. Does the City Manager give sufficient credit to Council?</td>
<td>1 2 3 4 5</td>
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<tr>
<td>6. Does the City Manager think and act in a manner reflecting an attitude that client (Council, staff, or citizens) perceptions and satisfactions are key?</td>
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Average score

### B. Intergovernmental Relations

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<tr>
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<td>1. Is the City Manager effective representing the City's interests in dealing with other agencies?</td>
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</tr>
<tr>
<td>2. Does the City Manager participate in enough intergovernmental activity to have an impact on behalf of the City?</td>
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Average score
## PERSONAL CHARACTERISTICS

### A. Personality

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### B. Communications

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<td>1  2  3  4  5</td>
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<tr>
<td>4. Does the City Manager show sensitivity to the concerns of others?</td>
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### C. Management Style

<table>
<thead>
<tr>
<th>Question</th>
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<th>STRONG</th>
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</thead>
<tbody>
<tr>
<td>1. Does the City Manager demonstrate interest and enthusiasm in performing his duties?</td>
<td>1  2  3  4  5</td>
<td></td>
</tr>
<tr>
<td>2. Does he have sufficient leadership characteristics to command respect and good performance from employees?</td>
<td>1  2  3  4  5</td>
<td></td>
</tr>
<tr>
<td>3. Does the City Manager show initiative and creativity in dealing with issues, problems, and unusual situations?</td>
<td>1  2  3  4  5</td>
<td></td>
</tr>
<tr>
<td>4. Is the City Manager open to new ideas and suggestions for change?</td>
<td>1  2  3  4  5</td>
<td></td>
</tr>
<tr>
<td>5. Does the City Manager create an atmosphere in which employees can enjoy working for the City?</td>
<td>1  2  3  4  5</td>
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<td>Average score</td>
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</tr>
<tr>
<td>6. Is the City Manager honest and ethical?</td>
<td>1</td>
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</tr>
<tr>
<td>7. Does the City Manager work well under pressure?</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>8. Is the City Manager able to change his approach to fit new situations?</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>9. Can the City Manager consistently put aside personal views and implement Council policy and direction?</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

**ACHIEVEMENTS**

List the top three achievements or strong points of the City Manager for the past twelve (12) months:

1. 
2. 
3. 

**FUTURE DEVELOPMENT**

List three performance objectives for the City Manager that you feel are the most important targets for this year:

1. 
2. 
3. 

Average score
TOTAL OVER ALL SCORE

<table>
<thead>
<tr>
<th>OVERALL RATING</th>
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<td>Date:</td>
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</table>

_Ronald L. Irish, Mayor_

_Cameron Hamilton, Vice Mayor_  
_Pete V. McCracken, Council Member_

_Brian Ward, Council Member_  
_Greg Shelton, Council Member_
CITY ATTORNEY
PERFORMANCE EVALUATION
CITY OF PORTERVILLE
(February 1 – December 31, 20__)  

A. Providing Information

<table>
<thead>
<tr>
<th>Question</th>
<th>WEAK</th>
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</tr>
</thead>
<tbody>
<tr>
<td>1. Does the City Attorney keep you informed, in a timely manner, of the legal issues affecting the City?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>2. Does the City Attorney demonstrate initiative and resourcefulness in identifying legal problems, and advising and recommending resolutions?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>3. Do reports/memoranda from the City Attorney provide adequate information and analysis to help you make sound decisions?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>4. Do the legal solutions that are developed appropriately address the issues to be resolved?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>5. Does the City Attorney follow up promptly on Council requests for information or action without having to be reminded?</td>
<td>1</td>
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Average score

B. Providing Advice

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<td>1. Does the City Attorney have adequate knowledge of municipal legal affairs?</td>
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<td>5. How do you feel about the quality of analysis that accompanies recommendations?</td>
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<td>6. Does the City Attorney perform well under pressure?</td>
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<tr>
<td>7. When work is delegated to staff/deputy attorneys, is the project/issue handled appropriately?</td>
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### PERSONAL CHARACTERISTICS

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<td>5. Is the City Attorney able to change his/her approach to fit new situations?</td>
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<td>6. Can the City Attorney consistently put aside personal views and implement Council policy and direction?</td>
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Average score

**ACHIEVEMENTS**

List the top three achievements or strong points of the City Attorney for the past twelve (12) months:

1. 

2. 

3. 

**FUTURE DEVELOPMENT**

List three performance objectives for the City Attorney that you feel are the most important targets for this year:

1. 

2. 

3. 
TOTAL OVERALL SCORE

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Date:

________________________
Ronald L. Irish, Mayor

________________________
Cameron Hamilton, Vice Mayor

________________________
Brian Ward, Council Member

________________________
Pete V. McCracken, Council Member

________________________
Greg Shelton, Council Member

Page 5 of 5
Move to amend City Municipal Code Article 2, Section 1: Time and Place of Regular Meetings by striking the third sentence and amend City Council Procedural Handbook, II Meetings of Council, A. 3. to conform with the amended City Municipal Code Article 2, Section 1: Time and Place of Regular Meetings

Moved by: ____________________________
Seconded by: __________________________

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2-1: TIME AND PLACE OF REGULAR MEETINGS²:

Pursuant to section 10 of the city charter, regular meetings of the Porterville city council shall be held on the first and third Tuesday of each month in the city hall, at 291 North Main Street in the city. The regular meetings will commence at five thirty o'clock (5:30) P.M., with closed sessions commencing at five thirty o'clock (5:30) P.M., and open session commencing at six thirty o'clock (6:30) P.M. The council meetings shall adjourn no later than nine forty-five o'clock (9:45) P.M. unless otherwise approved by a majority vote of the city council members present. (Ord. 1766, 8-17-2010)
Move to amend II. MEETINGS OF COUNCIL, D. Order of Business, to clarify that any item removed from the Consent Calendar shall be considered immediately after the last Scheduled Matter on the agenda and immediately before the Second Oral Communications.

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Seconded by: ____________________

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Move to amend City Council Procedure Handbook III. Meeting Procedures, C. 1. c. by striking all after “Council shall” and before “a motion and a second” and replace with require, and inserting after the word “second” the words prior to any discussion of an agenda item before the period, thus rescinding Minute Order 18-050311 approved May 3, 2011 and adopting Minute Order ____________, approved August 21, 2012.

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c. Council shall have the opportunity for discussion on the item prior to requiring require a motion and a second prior to any discussion of an agenda item.
Move to amend City Council Procedure Handbook VIII. Travel, Meetings, and Expenses, D. by adding as approved or ratified by Council and inserting a sentence between the first and second sentence that reads: A Council member may request mileage and other expenses associated with attending meetings of boards, commissions, committees, or other groups to which the Council member has been elected, appointed, or designated to attend by the City Council without further approval or ratification. And by striking “or child” in the second sentence and inserting significant other, and/or one or more children immediately after “spouse” and before “the Council Member”.

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VIII, D. Eligibility

The City shall pay for any Council Member to attend any meetings or conferences of their choice as approved or ratified by the City Council. A Council Member may request mileage and other expenses associated with attending meetings of boards, commissions, committees, or other groups to which the Council member has been elected, appointed, or designated to attend by the City Council without further approval or ratification. When accompanied by a spouse or child, significant other, and/or one or more children, the Council Member shall pay for expenses incurred above that which would otherwise have been paid for the Council Member. Any charge placed on a City credit card for someone other than a Council Member shall also be considered a refund due the City, payable within 10 days of the receipt of the charge.
Move to adopt a policy that a Council Member may accept no more than two (2) tickets issued by the City to a City event or a City sponsored event and that any tickets in excess of two accepted by a Council Member shall be paid for by the Council Member from non City funds at the time of acceptance of the tickets and that the policy be drafted by the City attorney and brought back to Council for adoption at the next Regular Meeting.

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Move to amend Municipal Code, Article 1-9 General Penalty; Continuing Violations A. by adding or any provision of the City Charter not otherwise provided for in the City Charter. And by inserting the words in B. or any provision of the City Charter not otherwise provided for in the City Charter immediately following the words “this code” and before “guilty” in the first sentence of B, and inserting the words or provision of the City Charter immediately following the word “code” and before “makes” in C.

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1-9: GENERAL PENALTY; CONTINUING VIOLATIONS:

A. It shall be unlawful for any person to violate any provision or fail to comply with any requirement of this code or any provision of the City Charter not otherwise provided for in the City Charter.

B. Any person violating any provision or failing to comply with any requirement of this code or any provision of the City Charter not otherwise provided for in the City Charter is guilty of a misdemeanor, unless such violation is specifically deemed an infraction, or unless the city makes a determination to prosecute as an infraction with the concurrence of the city attorney.

C. Whenever this code or provision of the City Charter makes any act or omission unlawful, it shall include causing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.

D. Any person convicted of a misdemeanor or infraction under the provisions of this code, unless provision is otherwise made herein, shall be punishable by a fine or by imprisonment as set forth in chapter 2, article XIV of this code.
E. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued or permitted by such person; and he shall be punished accordingly.

F. Any person charged with an infraction shall be subject to division 17, chapter 2, article 2 of the California Vehicle Code as it relates to promises to appear and the fixing of bail. (Ord. 1537 § B1, 8-6-1996; Ord. 1720 § 1, 5-1-2007)
ORDINANCE NO. 1787

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CREATING A GENERAL FUND RESERVE POLICY; AUTHORIZING THE
ESTABLISHMENT OF "BUDGET STABILIZATION," "CATASTROPHIC/EMERGENCY,"
"CAPITAL MAINTENANCE," "CAPITAL CONSTRUCTION/IMPROVEMENT,"
"INFRASTRUCTURE MAINTENANCE/IMPROVEMENT," AND
"SPECIAL PURPOSES" DEDICATED AND RESERVE FUNDS; AND AMENDING
CHAPTER 2, ARTICLE VI, BY REPEALING SECTION 2-31 AND ADDING SECTIONS
2-31.1 THROUGH 2-31.7 OF THE PORTERVILLE MUNICIPAL CODE

WHEREAS, the City Council of the City of Porterville deems it prudent financial
management to establish a General Fund Reserve Policy to require the accumulation of
General Fund revenues to address future community needs; and

WHEREAS, adequate General Fund balance and Reserve levels are an
important factor in an external agency's measurement of the City of Porterville's
creditworthiness and financial strength; and

WHEREAS, General Fund Reserve funds can assist in mitigating the effects of
economic and financial crisis; and

WHEREAS, General Fund Reserve funds are necessary for cash flow
management, and to enable the City of Porterville to manage unforeseen emergencies
or changes in condition; and

WHEREAS, the City Council of the City of Porterville wishes to create a General
Fund Reserve Policy and to authorize the establishment of certain dedicated Reserve
funds;

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

Section 1. Section 2-31 of Chapter 2, Article VI, of the Porterville Municipal Code
is hereby repealed in its entirety.

Section 2. Sections 2-31.1 through 2-31.7 are hereby added to Chapter 2, Article
VI of the Porterville Municipal Code, as follows:

2-31.1 "Budget Stabilization" Reserve Fund

It shall be the policy of the City of Porterville to establish Reserve funds that shall
be used for the purpose to mitigate, should it occur, one-time annual budget
revenue shortfalls (actual revenues less than projected revenues) due to
changes in the economic environment and/or actions by the county/state/federal

ATTACHMENT 3
government that have a material effect on the City’s revenues; and/or expenditures that will result in future efficiencies and/or budgetary savings. The “Budget Stabilization” Reserve Fund shall be maintained at a minimum of fifteen percent (15%) of General Fund annual budgeted operating expenditures (excluding one-time expenditures), and may only be appropriated by formal City Council action with not less than 4/5s of those voting in agreement. If the City Council takes action due to making a finding(s) of material effects as stated above, it shall include findings of material effects as further specified in Section 2-31.7 of this Article. Should the Fund’s balance fall below 10% of annual budgeted operating expenditures, then a plan will be established to replenish the Fund to the required level within three (3) fiscal years. An initial balance shall be appropriated from the current unallocated reserve as of the date of adoption of this Ordinance in an amount equal to fifteen percent (15%) of the Budgeted General Fund Expenditures for fiscal 2011-2012.

2-31.2 “Catastrophic/Emergency” Reserve Fund

It shall be the policy of the City of Porterville to establish Reserve funds that shall be used for the purpose to mitigate costs associated with unforeseen emergencies, including natural disasters or catastrophic events. Should unforeseen and unavoidable events occur that require the expenditure of City resources beyond those provided for in the annual budget, formal City Council action with not less than 4/5 of those voting in agreement, is required of a budget amendment confirming the nature of the emergency and authorizing the appropriation of Reserve funds. The “Catastrophic/Emergency” Reserve Fund shall be maintained at a minimum of ten percent (10%) of General Fund annual budgeted operating expenditures (less one-time expenditures). Should the Fund’s balance fall below 10% of annual budgeted operating expenditures, then a plan will be established to replenish the Fund to the required level within five (5) fiscal years. An initial balance shall be appropriated from the current unallocated reserve as of the date of adoption of this Ordinance in an amount equal to ten percent (10%) of the Budgeted General Fund Expenditures for fiscal 2011-2012.

2-31.3 “Facility Deferred Maintenance/Equipment Replacement” Designated Fund

It shall be the policy of the City of Porterville to establish Designated funds that shall be used for the exclusive purpose of providing funds to support one-time City facility deferred maintenance and/or equipment replacement costs (excluding vehicles), such as, but not limited to, HVAC units, roofing, parking lot overlays, painting, plumbing, electrical, and doors/windows. The City Council, by means of a Resolution, may add, modify, or delete specific deferred maintenance or equipment replacement categories. The “Facility Deferred Maintenance/Equipment Replacement” Designated Fund shall have no minimum balance, but shall accumulate funds until appropriated by formal City Council
action. The Fund shall receive an allocation one third (1/3) of audited General Fund unassigned fund balance (actual revenues more than actual expenditures). An initial balance shall be appropriated from the current unallocated reserve as of the date of adoption of this Ordinance in an amount equal to one-third (1/3) of the current unallocated reserve balance as of the date of adoption of this Ordinance after the funding of the Budget Stabilization Reserve Fund, the Catastrophic/Emergency Reserve Fund, and the initial funding of the Special Purpose Designated Fund, have been deducted from the initial unallocated reserve fund balance.

2-31.4 “Capital Construction/Improvement” Designated Fund

It shall be the policy of the City of Porterville to establish Designated funds that shall be used for the exclusive purpose of providing funds to support new capital construction and/or improvement projects as identified in the City’s 10-year Capital Improvement Plan. The “Capital Construction/Improvement” Designated Fund shall have no minimum balance, but shall accumulate funds until appropriated by formal City Council action. The Fund shall receive an allocation of one third (1/3) of audited General Fund unassigned fund balance (actual revenues more than actual expenditures). An initial balance shall be appropriated from the current unallocated reserve as of the date of adoption of this Ordinance in an amount equal to one-third (1/3) of the current unallocated reserve balance as of the date of adoption of this Ordinance after the funding of the Budget Stabilization Reserve Fund, the Catastrophic/Emergency Reserve Fund, and the initial funding of the Special Purpose Designated Fund, have been deducted from the initial unallocated reserve fund balance.

2-31.5 “Infrastructure Deferred Maintenance/Improvement” Designated Fund

It shall be the policy of the City of Porterville to establish Designated funds that shall be used for the exclusive purpose of providing funds to support one-time City infrastructure deferred maintenance and/or improvement costs, such as, but not limited to, streets/alleys, bridges, sewer, water, storm drain, and curb/gutter/sidewalk. The City Council, by means of a Resolution, may add, modify, or delete specific infrastructure deferred maintenance/Improvement categories. The “Infrastructure Deferred Maintenance/Improvement” Designated Fund shall have no minimum balance, but shall accumulate funds until appropriated by formal City Council action. The Fund shall receive an allocation of one third (1/3) of audited General Fund unassigned fund balance (actual revenues more than actual expenditures). An initial balance shall be appropriated from the current unallocated reserve as of the date of adoption of this Ordinance in an amount equal to one-third (1/3) of the current unallocated reserve balance as of the date of adoption of this Ordinance after the funding of the Budget Stabilization Reserve Fund, the Catastrophic/Emergency Reserve
Fund, and the initial funding of the Special Purpose Designated Fund, have been deducted from the initial unallocated reserve fund balance.

2-31.6 "Special Purposes" Reserve Fund

It shall be the policy of the City of Porterville to establish Reserve funds as a line item of the annual City Council budget that shall be used for the purpose of providing funds to support one-time City special events, projects, and/or purposes that benefit the community. The "Special Purposes" Reserve Fund shall be maintained at a minimum of $100,000, and may only be appropriated by formal City Council action with 4/5 of those voting in agreement. Should the Fund's balance fall below $100,000 in a fiscal year, then the General Fund will replenish the Fund to the minimum required level at the beginning of the following fiscal year. An initial balance in the amount of One Hundred Thousand and no/100 dollars ($100,000.00) shall be appropriated from the current unallocated reserve as of the date of adoption of this Ordinance.

2-31.7 "Formal City Council Action" for Appropriations

For the purposes of Sections 2-31.1 through 2-31.6 of this Article, formal City Council action shall require adoption of a Resolution. Said Resolution shall contain the basis for a finding (or findings) of materiality if required by any provision in this Article. Additionally, said Resolution shall include finding(s) that the appropriation is within the intent and purpose of the Designated Fund including, where appropriate, one or more findings that the purpose of the appropriation is within the defined purpose of the Designated Fund whether or not explicitly stated in this Ordinance.

Section 3. This Ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED, APPROVED, AND ADOPTED this 3rd day of April, 2012.

Ronald L. Ish, Mayor

ATTEST:
John D. Lollis, City Clerk

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

I, JOHN D. LOLLIS, the duly qualified City Clerk of the City of Porterville do hereby certify:

THAT the foregoing ordinance is a true and correct copy of Ordinance No. 1787, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 3rd day of April, 2012, that said ordinance has been duly published pursuant to law, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance to become effective May 3, 2012, at which time said ordinance is deemed to be in full force and effect.

THAT said ordinance was introduced by Council and the same was duly passed and adopted by the following vote:

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JOHN D. LOLLIS, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
SUCCESSOR AGENCY AGENDA: SEPTEMBER 18, 2012

SUBJECT: INDEPENDENT ACCOUNTANT’S REPORT ON APPLYING AGREED-UPON PROCEDURES (LOW AND MODERATE INCOME HOUSING FUND)

SOURCE: Finance Department

COMMENT: Health & Safety Code Sections 34179.5 and 34179.6, as enacted by AB 1484, require the Successor Agency to the Porterville Redevelopment Agency (“Successor Agency”) to engage the services of a licensed accountant, approved by the Tulare County Auditor-Controller (“CAC”) and with experience and expertise in local government accounting, to conduct a due diligence review to determine the unobligated balances available for transfer to taxing entities (“Due Diligence Review”). The California Department of Finance (“DOF”) prepared and made available procedures to enable licensed accountants to perform the required Due Diligence Review.

Health & Safety Code Section 34179.6(a) requires the Successor Agency to provide the results of a Due Diligence Review with respect to the Low and Moderate Income Housing Fund (“Housing Due Diligence Review”) to the Oversight Board, the CAC, the State Controller’s Office (“SCO”), and the DOF on or before October 1, 2012. The Successor Agency is required to transmit a copy of the Recognized Obligation Payment Schedule to the CAC, the SCO, and the DOF at the same time that the Housing Due Diligence Review is submitted to these agencies.

The CAC authorized the Successor Agency to engage Gallina LLP, Certified Public Accountants, to perform the Housing Due Diligence Review. Gallina LLP is the audit firm that performed the City’s most recent financial audit.

The Housing Due Diligence Review is being submitted to the Successor Agency with this report.

Upon receipt of the Housing Due Diligence Review, the Oversight Board is required to convene a public comment session to consider the Housing Due Diligence Review. Then, not less than five business days later, the Oversight Board is required to convene a second public meeting at which the Oversight Board shall review, approve, and transmit to the DOF and the CAC the determination of the amount of cash and cash equivalents that are available for disbursement to taxing entities as determined by the Housing Due Diligence Review. The Oversight Board may adjust any
amount provided in the review to reflect additional information and analysis and may authorize the Successor Agency to retain encumbered or obligated moneys and property.

The DOF has until November 9, 2012 to finalize its review of the Housing Due Diligence Review and the Oversight Board's authorization regarding the moneys and property to be retained by the Successor Agency.

RECOMMENDATION: That the Successor Agency receive the Independent Auditor's Report on Applying Agreed-Upon Procedures (Low and Moderate Income Housing Fund) and authorize the City Manager and City Finance Director, on behalf of the Successor Agency, to transmit the Due Diligence Review to the Oversight Board, the CAC, the SCO and the DOF, all in accordance with Health & Safety Code Sections 34179.5 and 34179.6.

ATTACHMENT: Independent Auditor's Report on Applying Agreed-Upon Procedures (Low and Moderate Income Housing Fund)
REPORT ON APPLYING AGREED-UPON PROCEDURES TO THE SUCCESSOR AGENCY OF THE PORTERVILLE REDEVELOPMENT AGENCY’S LOW MODERATE INCOME HOUSING FUND IN ACCORDANCE WITH AB 1484
AGREED-UPON PROCEDURES TO THE
SUCCESSOR AGENCY OF THE
PORTERVILLE REDEVELOPMENT AGENCY

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INDEPENDENT ACCOUNTANT’S REPORT ON APPLYING AGREED-UPON PROCEDURES

Oversight Board of the Successor Agency of the Porterville Housing Authority Porterville, California

We have performed the minimum required agreed-upon procedures enumerated in Attachment A, which were agreed to by the California State Controller’s Office and the Department of Finance solely to assist you in ensuring that the dissolved redevelopment agency is complying with its statutory requirements with respect to AB 1484. Management of the successor agency and the City are responsible for the accounting records pertaining to statutory compliance pursuant to Health and Safety Code section 34182(a)(1). This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in the report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The scope of this engagement was limited to performing the minimum required agreed-upon procedures as set forth in Attachment A related to the Low Moderate Income Housing Fund of the Successor Agency.

We were not engaged to and did not conduct an audit, the objective of which would be the expression of an opinion as to the appropriateness of the results summarized in Attachment A. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the successor agency and applicable State agencies, and is not intended to be, and should not be used by anyone other than these specified parties. This restriction is not intended to limit distribution of this report, which is a matter of public record.

GALLINA LLP

Roseville, California
September 14, 2012
ATTACHMENT A

Agreed Upon Procedures Engagement Pursuant to AB1484 and Health and Safety Code Section 34179.5

Purpose: to determine the unobligated balances of the (a) Low and Moderate Income Housing Fund and (b) all other funds of the Successor Agency combined (excluding the Low and Moderate Income Housing Fund) available to transfer to taxing entities.

Health and Safety Code Section 34179.5(c)
34179.5(c)(1) The dollar value of assets transferred from the former redevelopment agency to the successor agency on or about February 1, 2012.

1. Procedure: Obtain from the Successor Agency a listing of all assets that were transferred from the former redevelopment agency to the Successor Agency on February 1, 2012. Agree the amounts on this listing to account balances established in the accounting records of the Successor Agency. Identify in the Agreed-Upon Procedures (AUP) report the book value of the assets transferred to the Successor Agency as of that date.

Results:

Refer to Appendix 1 for a listing of assets transferred to the Successor Agency and comments, if any. The book value of the assets transferred was $1,458,655.

34179.5(c)(2) The dollar value of assets and cash and cash equivalents transferred after January 1, 2011, through June 30, 2012, by the redevelopment agency or the successor agency to the city, county, or city and county that formed the redevelopment agency and the purpose of each transfer. The reviews shall provide documentation of any enforceable obligation that required the transfer.

2. Procedure: If the State Controller’s Office has completed its review of transfers required under Section 34178.8 and issued its report regarding such review, attach a copy of that report as an exhibit to the due diligence AUP report. If this has not yet occurred, perform the following procedures:

A. Obtain a list prepared by the Successor Agency of all transfers (excluding payments for goods and services) from the former redevelopment agency to the city, county, or city and county that formed the redevelopment agency for the period from January 1, 2011 through January 31, 2012. For each transfer, the Successor Agency should describe the purpose of the transfer and describe in what sense the transfer was required by one of the Agency’s enforceable obligations or other legal or accounting requirements. Provide this listing as an attachment to the AUP report.
Results:

The former redevelopment agency did not transfer any assets relating to the low and moderate income housing fund to the City that formed the redevelopment agency for the period January 1, 2011 through January 31, 2012.

B. Obtain a list prepared by the Successor Agency of all transfers (excluding payments for goods and services) from the Successor Agency to the city, county, or city and county that formed the redevelopment agency for the period from February 1, 2012 through June 30, 2012. For each transfer, the Successor Agency should describe the purpose of the transfer and describe in what sense the transfer was required by one of the Agency’s enforceable obligations or other legal or accounting requirements. Provide this listing as an attachment to the AUP report.

Results:

The Successor Agency did not transfer any assets relating to the low and moderate income housing fund to the City that formed the redevelopment agency for the period February 1, 2012 through June 30, 2012.

C. For each transfer, obtain the legal document that formed the basis for the enforceable obligation that required any transfer. Note in the AUP report the absence of any such legal document or the absence of language in the document that required the transfer.

Results:

N/A. Refer to procedures 2A and 2B above.

34179.5(c)(3) The dollar value of any cash or cash equivalents transferred after January 1, 2011, through June 30, 2012, by the redevelopment agency or the successor agency to any other public agency or private party and the purpose of each transfer. The review shall provide documentation of any enforceable obligation that required the transfer.

3. Procedure: If the State Controller’s Office has completed its review of transfers required under Section 34178.8 and issued its report regarding such review, attach a copy of that report as an exhibit to the due diligence AUP report. If this has not yet occurred, perform the following procedures:

A. Obtain a list prepared by the Successor Agency of all transfers (excluding payments for goods and services) from the former redevelopment agency to any other public agency or to private parties for the period from January 1, 2011 through January 31, 2012. For each transfer, the Successor Agency should describe the purpose of the transfer and describe in what sense the transfer was required by one of the Agency’s enforceable obligations or other legal or accounting requirements. Provide this listing as an attachment to the AUP report.
Results:

The former redevelopment agency did not transfer any assets relating to the Low and Moderate Income Housing Fund to any other public agency or private party for the period January 1, 2011 through January 31, 2012.

B. Obtain a list prepared by the Successor Agency of all transfers (excluding payments for goods and services) from the Successor Agency to any other public agency or private parties for the period from February 1, 2012 through June 30, 2012. For each transfer, the Successor Agency should describe the purpose of the transfer and describe in what sense the transfer was required by one of the Agency’s enforceable obligations or other legal or accounting requirements. Provide this listing as an attachment to the AUP report.

Results:

The Successor Agency did not transfer any assets relating to the Low and Moderate Income Housing Fund to any other public agency or private party for the period February 1, 2012 through June 30, 2012.

C. For each transfer, obtain the legal document that formed the basis for the enforceable obligation that required any transfer. Note in the AUP report the absence of any such legal document or the absence of language in the document that required the transfer.

Results:

N/A. Refer to procedures 3A and 3B above.

34179.5(c)(5) A separate accounting for the balance for the Low and Moderate Income Housing Fund for all other funds and accounts combined shall be made as follows:

A. A statement of the total value of each fund as of June 30, 2012.

5. Procedure: Obtain from the Successor Agency a listing of all assets of the Low and Moderate Income Housing Fund as of June 30, 2012 for the report that is due October 1, 2012 and a listing of the assets of all other funds of the Successor Agency as of June 30, 2012 (excluding the previously reported assets and liabilities of the Low and Moderate Income Housing Fund) for the report that is due December 15, 2012. When this procedure is applied to the Low and Moderate Income Housing Fund, the schedule attached as an exhibit will include only those assets of the Low and Moderate Income Housing Fund that were held by the Successor Agency as of June 30, 2012 and will exclude all assets that were held by the entity that assumed the housing function previously performed by the former redevelopment agency. Agree the assets so listed to recorded balances reflected in the accounting records of the Successor Agency. The listings should be attached as an exhibit to the appropriate AUP report.
Results:

Refer to Appendices 5 for a listing of the assets held by the Successor Agency related to the Low and Moderate Income Housing Fund.

34179.5(c)(5)(B) An itemized statement listing any amounts that are legally restricted as to purpose and cannot be provided to taxing entities. This could include the proceeds of any bonds, grant funds, or funds provided by other governmental entities that place conditions on their use.

6. Procedure: Obtain from the Successor Agency a listing of asset balances held on June 30, 2012 that are restricted for the following purposes:

A. Unspent bond proceeds:
   i. Obtain the Successor Agency's computation of the restricted balances (e.g., total proceeds less eligible project expenditures, amounts set aside for debt service payments, etc.)
   ii. Trace individual components of this computation to related account balances in the accounting records, or to other supporting documentation (specify in the AUP report a description of such documentation).
   iii. Obtain from the Successor Agency a copy of the legal document that sets forth the restriction pertaining to these balances. Note in the AUP report the absence of language restricting the use of the balances that were identified by the Successor Agency as restricted.

Results:

There are no amounts that are legally restricted for unspent bond proceeds and cannot be provided to taxing entities for the Low and Moderate Income Housing Fund.

B. Grant proceeds and program income that are restricted by third parties:
   i. Obtain Successor Agency's computation of the restricted balances (e.g., total proceeds less eligible project expenditures)
   ii. Trace individual components of this computation to related account balances in the accounting records, or to other supporting documentation (specify in the AUP report a description of such documentation).
   iii. Obtain from the Successor Agency a copy of the grant agreement that sets forth the restriction pertaining to these balances. Note in the AUP report the absence of language restricting the use of the balances that were identified by the Successor Agency as restricted.

Results:

There are no amounts that are legally restricted by third parties and cannot be provided to taxing entities for the Low and Moderate Income Housing Fund.
C. Other assets considered to be legally restricted:

i. Obtain Successor Agency's computation of the restricted balances (e.g., total proceeds less eligible project expenditures.)

ii. Trace individual components of this computation to related account balances in the accounting records, or to other supporting documentation (specify in the AUP report a description of such documentation).

iii. Obtain from the Successor Agency a copy of the legal document that sets forth the restriction pertaining to these balances. Note in the AUP report the absence of language restricting the use of the balances that were identified by Successor the Agency as restricted.

Results:

There are no other amounts that are legally restricted and cannot be provided to taxing entities for the Low and Moderate Income Housing Fund.

D. Attach the above mentioned Successor Agency prepared schedule(s) as an exhibit to the AUP report.

N/A. No amounts have been identified as a result of procedures 6A, 6B or 6C.

34179.5(c)(5)(C) An itemized statement of the values of any assets that are not cash or cash equivalents. This may include physical assets, land, records, and equipment. For the purpose of this accounting, physical assets may be valued at purchase cost or at any recently estimated market value. The statement shall list separately housing-related assets.

7. Procedure: Perform the following procedures:

A. Obtain from the Successor Agency a listing of assets as of June 30, 2012 that are not liquid or otherwise available for distribution (such as capital assets, land held for resale, long-term receivables, etc.) and ascertain if the values are listed at either purchase cost (based on book value reflected in the accounting records of the Successor Agency) or market value as recently estimated by the Successor Agency.

B. If the assets listed at 7(A) are listed at purchase cost, trace the amounts to a previously audited financial statement (or to the accounting records of the Successor Agency) and note any differences.

C. For any differences noted in 7(B), inspect evidence of disposal of the asset and ascertain that the proceeds were deposited into the Successor Agency trust fund. If the differences are due to additions (this generally is not expected to occur), inspect the supporting documentation and note the circumstances.

D. If the assets listed at 7(A) are listed at recently estimated market value, inspect the evidence (if any) supporting the value and note the methodology used. If no evidence is available to support the value and/or methodology, note the lack of evidence.
Results:

Refer to Appendices 7 for a listing of assets that are not liquid or otherwise available for distribution that relate to the Low and Moderate Income Housing Fund.

An itemized listing of any current balances that are legally or contractually dedicated or restricted for the funding of an enforceable obligation that identifies the nature of the dedication or restriction and the specific enforceable obligation. In addition, the successor agency shall provide a listing of all approved enforceable obligations that includes a projection of annual spending requirements to satisfy each obligation and a projection of annual revenues available to fund those requirements. If a review finds that future revenues together with dedicated or restricted balances are insufficient to fund future obligations and thus retention of current balances is required, it shall identify the amount of current balances necessary for retention. The review shall also detail the projected property tax revenues and other general purpose revenues to be received by the successor agency, together with both the amount and timing of the bond debt service payments of the successor agency, for the period in which the oversight board anticipates the successor agency will have insufficient property tax revenue to pay the specified obligations.

8. Procedure: Perform the following procedures:

A. If the Successor Agency believes that asset balances need to be retained to satisfy enforceable obligations, obtain from the Successor Agency an itemized schedule of asset balances (resources) as of June 30, 2012 that are dedicated or restricted for the funding of enforceable obligations and perform the following procedures. The schedule should identify the amount dedicated or restricted, the nature of the dedication or restriction, the specific enforceable obligation to which the dedication or restriction relates, and the language in the legal document that is associated with the enforceable obligation that specifies the dedication of existing asset balances toward payment of that obligation.

i. Compare all information on the schedule to the legal documents that form the basis for the dedication or restriction of the resource balance in question.

ii. Compare all current balances to the amounts reported in the accounting records of the Successor Agency or to an alternative computation.

iii. Compare the specified enforceable obligations to those that were included in the final Recognized Obligation Payment Schedule approved by the California Department of Finance.

iv. Attach as an exhibit to the report the listing obtained from the Successor Agency. Identify in the report any listed balances for which the Successor Agency was unable to provide appropriate restricting language in the legal document associated with the enforceable obligation.

Results:

The Successor Agency has not asserted that asset balances need to be retained to satisfy enforceable obligations.
B. If the Successor Agency believes that future revenues together with balances dedicated or restricted to an enforceable obligation are insufficient to fund future obligation payments and thus retention of current balances is required, obtain from the Successor Agency a schedule of approved enforceable obligations that includes a projection of the annual spending requirements to satisfy each obligation and a projection of the annual revenues available to fund those requirements and perform the following procedures:

i. Compare the enforceable obligations to those that were approved by the California Department of Finance. Procedures to accomplish this may include reviewing the letter from the California Department of Finance approving the Recognized Enforceable Obligation Payment Schedules for the six month period from January 1, 2012 through June 30, 2012 and for the six month period July 1, 2012 through December 31, 2012.

ii. Compare the forecasted annual spending requirements to the legal document supporting each enforceable obligation.
   a. Obtain from the Successor Agency its assumptions relating to the forecasted annual spending requirements and disclose in the report major assumptions associated with the projections.

iii. For the forecasted annual revenues:
   a. Obtain from the Successor Agency its assumptions for the forecasted annual revenues and disclose in the report major assumptions associated with the projections.

Results:

The Successor Agency has not asserted the need to retain any current balances to pay for enforceable obligations.

C. If the Successor Agency believes that projected property tax revenues and other general purpose revenues to be received by the Successor Agency are insufficient to pay bond debt service payments (considering both the timing and amount of the related cash flows), obtain from the Successor Agency a schedule demonstrating this insufficiency, and apply the following procedures to the information reflected in that schedule.

i. Compare the timing and amounts of bond debt service payments to the related bond debt service schedules in the bond agreement.

ii. Obtain the assumptions for the forecasted property tax revenues and disclose major assumptions associated with the projections.

iii. Obtain the assumptions for the forecasted other general purpose revenues and disclose major assumptions associated with the projections.

Results:

The Successor Agency has not asserted the need to retain any current balances to pay for debt service obligations.
D. If procedures A, B, or C were performed, calculate the amount of current unrestricted balances necessary for retention in order to meet the enforceable obligations by performing the following procedures.

i. Combine the amount of identified current dedicated or restricted balances and the amount of forecasted annual revenues to arrive at the amount of total resources available to fund enforceable obligations.

ii. Reduce the amount of total resources available by the amount forecasted for the annual spending requirements. A negative result indicates the amount of current unrestricted balances that needs to be retained.

iii. Include the calculation in the AUP report.

34179.5(c)(5)(E) An itemized list and analysis of any amounts of current balances that are needed to satisfy obligations that will be placed on the Recognized Obligation Payment Schedules for the current fiscal year.

9. Procedure: If the Successor Agency believes that cash balances as of June 30, 2012 need to be retained to satisfy obligations on the Recognized Obligation Payment Schedule (ROPS) for the period of July 1, 2012 through June 30, 2013, obtain a copy of the final ROPS for the period of July 1, 2012 through December 31, 2012 and a copy of the final ROPS for the period January 1, 2013 through June 30, 2013. For each obligation listed on the ROPS, the Successor Agency should add columns identifying (1) any dollar amounts of existing cash that are needed to satisfy that obligation and (2) the Successor Agency's explanation as to why the Successor Agency believes that such balances are needed to satisfy the obligation. Include this schedule as an attachment to the AUP report.

Results:

The Successor Agency has not asserted the need to retain any cash balances to satisfy obligations on the ROPS for the period of July 1, 2012 through June 30, 2013.

34179.5(c)(6) The review shall total the net balances available after deducting the total amounts described in subparagraphs (B) to (E), inclusive, of paragraph (5). The review shall add any amounts that were transferred as identified in paragraphs (2) and (3) of subdivision (c) if an enforceable obligation to make that transfer did not exist. The resulting sum shall be available for allocation to affected taxing entities pursuant to Section 34179.6. It shall be a rebuttable presumption that cash and cash equivalent balances available to the successor agency are available and sufficient to disburse the amount determined in this paragraph to taxing entities. If the review finds that there are insufficient cash balances to transfer or that cash or cash equivalents are specifically obligated to the purposes described in subparagraphs (B), (D), and (E) of paragraph (5) in such amounts that there is insufficient cash to provide the full amount determined pursuant to this paragraph, that amount shall be demonstrated in an additional itemized schedule.

10. Procedure: Include (or present) a schedule detailing the computation of the Balance Available for Allocation to Affected Taxing Entities. Amounts included in the calculation should agree to the results of the procedures performed in each section above. The schedule should also include a deduction to recognize amounts already paid to the County Auditor-Controller on July 12, 2012 as directed by the California
Department of Finance. The amount of this deduction presented should be agreed to evidence of payment. The attached example summary schedule may be considered for this purpose. Separate schedules should be completed for the Low and Moderate Income Housing Fund and for all other funds combined (excluding the Low and Moderate Income Housing Fund).

Results:

Refer to Appendix 10 for the schedule detailing the computation of the Balance Available for Allocation to Affected Taxing Entities.
**Appendix 1**

**Successor Agency for the Redevelopment Agency of the City of Porterville**

**Balance Sheet**

**Low Moderate Housing Fund**

**February 1, 2012**

<table>
<thead>
<tr>
<th>Fund No 011 Low Mod Housing Fund</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ASSETS</strong></td>
<td></td>
</tr>
<tr>
<td>Cash, cash equivalents and investments</td>
<td>$ 209,747</td>
</tr>
<tr>
<td>Accounts receivable</td>
<td>318,908</td>
</tr>
<tr>
<td>Notes receivable</td>
<td>930,000</td>
</tr>
<tr>
<td><strong>Total assets</strong></td>
<td>$ 1,458,655</td>
</tr>
</tbody>
</table>

| Liabilities:                     |       |
| Accounts payable                 | $ 4,213 | $ 4,213 |
| Deferred revenue                 | 1,248,908 | 1,248,908 |
| **Total liabilities**            | 1,253,121 | 1,253,121 |

| Fund balances:                   |       |
| Assigned for various purposes    | 205,534 | 205,534 |
| **Total fund balances**          | 205,534 | 205,534 |
| **Total liabilities and fund balances** | $ 1,458,655 | $ 1,458,655 |
Appendix 5  
Successor Agency for the Redevelopment Agency of the City of Porterville  
Low Moderate Housing Fund

<table>
<thead>
<tr>
<th>Successor Agency</th>
<th>5 Months Ending</th>
<th>6/30/2012</th>
</tr>
</thead>
</table>

| Assets:          |                 |           |
| Cash and cash equivalents | $ 199,208 |           |
| Receivables - housing       | 313,930       |           |
| Note receivable            | 930,000       |           |
| **Total Assets**           | **$ 1,443,138** | to step 10 schedule |

| Liabilities:       |                 |           |
| Accounts and other payables | $ 3,693 |           |
| Deferred revenue   | 1,243,930      |           |
| **Total Liabilities** | **$ 1,247,623** |           |

| Equity             |                 |           |
| **Total Liabilities + Equity** | **$ 1,443,138** |           |

| Total Revenues:    |                 | $ 10,161  |
| Total Expenditures/Expenses: | $ 106,263 |           |
| Total Transfers:   |                 | $ -       |
| Net change in equity | $ (96,102)   |           |
| **Beginning Equity:** | **$ 291,617** |           |
| **Ending Equity:** | **$ 195,516** |           |

   Plus: Capital Assets                   -
   Less: Long-term liabilities            -
   **Government-Wide balances**           **$ 195,516**

Amounts obtained from City's trial balance report - Fund 011 Porterville Housing Authority
# Appendix 7

**Successor Agency to the Porterville Redevelopment Agency**  
**Health and Safety Code Section 34179.5(c)**

**Procedure 7A - List of assets not liquid or otherwise available for distribution (capital assets, land held for resale, LT receivables etc) at June 30, 2012**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>If listed at purchase cost, trace amounts to a previously audited statements or to successor accounting records and note any differences</th>
<th>If assets have been disposed, inspect evidence that proceeds were deposited into trust fund</th>
<th>If listed at estimated market value cost, inspect evidence supporting value and document methodology used</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Receivables - housing</td>
<td>313,930</td>
<td></td>
<td></td>
<td>Listed at outstanding loan value including accrued interest</td>
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<tr>
<td>2 Note receivable</td>
<td>930,000</td>
<td></td>
<td></td>
<td>Listed at outstanding loan value</td>
</tr>
<tr>
<td>3 GASB 31 - FMV adjustment of cash and investments</td>
<td>1,419</td>
<td></td>
<td></td>
<td>Listed at fair market value of underlying cash and investments</td>
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<tr>
<td><strong>Total</strong></td>
<td>1,245,349</td>
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</table>

To Schedule 10
Appendix 10

Procedure:
Include (or present) a schedule detailing the computation of the Balance Available for Allocation to Affected Taxing Entities pursuant to section 34179.5 (c)(6) of AB 1484.

Results:
Schedule for City of Porterville Low Moderate Income Housing Fund is shown below

<table>
<thead>
<tr>
<th>BALANCE AVAILABLE FOR ALLOCATION TO AFFECTED TAXING ENTITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total amount of assets held by the successor agency as of June 30, 2012</td>
</tr>
<tr>
<td>Less assets legally restricted for uses specified by debt covenants, grant restrictions, or restrictions imposed by other governments.</td>
</tr>
<tr>
<td>Less assets that are not cash or cash equivalents (i.e. physical assets)</td>
</tr>
<tr>
<td>Long term receivables:</td>
</tr>
<tr>
<td>First time home buyer loans</td>
</tr>
<tr>
<td>Other loans</td>
</tr>
<tr>
<td>GASB 31 - FMV adjustment of cash and investments</td>
</tr>
<tr>
<td>Accounts payable</td>
</tr>
<tr>
<td>Less balances that are legally restricted for the funding of an enforceable obligation (net of projected annual revenues available to fund those obligations)</td>
</tr>
<tr>
<td>Less balances needed to satisfy ROPS for the current fiscal year</td>
</tr>
<tr>
<td>Add the amount of any assets transferred to the city for which an enforceable obligation with a third party requiring such transfer and obligating the use of the transferred assets did not exist</td>
</tr>
<tr>
<td>Amount to be remitted to county for disbursement to taxing entities</td>
</tr>
</tbody>
</table>