
SOURCE: Finance Department

COMMENT: The Tulare County Jr. Livestock Show and Community Fair is requesting approval to set up this year's carnival on the City of Porterville's ten acre site next to the fair grounds during the annual fair, from Wednesday, May 15, to Sunday, May 19, 2013.

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

RECOMMENDATION: That Council approve the Community Civic Event Application and Agreement from the Tulare County Jr. Livestock Show and Community Fair, subject to the Restrictions and Requirements contained in Application, Agreement and Exhibit A and Exhibit B.


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? Posters? E-mail address? Website? Under construction

Application date: 4/22/13  Event date: May 15-19, 2013

Name of Event: Porterville Fair  Event time: 5/15 4pm-11pm, 5/17 4pm-12am

Sponsoring organization: Porterville Fair  Phone #(559) 781-6582
Address: 2700 W. Taopa & Dome Ave.

Authorized representative: Susie Godfrey, Manager  Phone #(559) 781-6582
   same as above

Event chairperson: Mitch Brown  Phone #(559) 333-2994

Location of event see attached  (Location map must be attached)

Type of event: Community Fair

Non-profit organization status: 501(c)3 B# 00358

(IRS Determination)

City services requested (fees associated with these services will be billed separately):
Barricades (quantity): Yes (10)  Street sweeping  Yes  No X
Police protection Yes X No Refuse pickup  Yes X No
Other: __________________________

Parks facility application required:  Yes ____ No X 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.
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

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

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

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

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

Porterville Fair
(Name of Organization)

(Signature)

4/19/13
(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 Fair

Sponsoring organization: Porterville Fair

5/16 SAT 4P-11P
5/17 SUN 9A-12P
5/19 TUE 9A-12P

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

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required?</th>
<th>Type of Activity</th>
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<tbody>
<tr>
<td>To be provided upon completion of booking.</td>
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*Municipal Code 15-20(E) Community Civic Events (16): Business License Fee: Any individual, company, firm, concessionaire, fair operator, carnival operator, etc., who engages in, conducts, organizes, or promotes business for profit shall pay a business license fee of one dollar ($1.00) per day per amusement, entertainment, exhibit, ride or per booth, space, stall, stand or other unenclosed location used for the purpose of advertising, promoting, or sale of, or asking order for, goods or services; except that no individual, company, firm concessionaire, fair operator, carnival operator, etc., who possesses a valid city business license shall be subject to separate licensing pursuant to this subsection E16.

The nonprofit sponsor shall collect said fee and remit the fee to the city within five (5) working days following the CCE. Said remittance shall be accompanied by a complete list of participants and consecutively numbered receipts written in triplicate, containing the name, address and telephone number of the licensee, and the licensee’s California seller’s permit number. Said receipts shall be furnished by the city. One copy of the receipts shall be furnished to the licensee, one copy filed with the finance department of the city, and one copy retained by the CCE sponsor for a period of three (3) years for audit purposes.
CITY OF PORTERVILLE
REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: NA

Sponsoring organization:

Event date: ____________________________ Hours: ____________________________

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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- **NONE**

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<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
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4 of 4
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

TULARE COUNTY JR. LIVESTOCK SHOW AND COMMUNITY FAIR

PORTERVILLE FAIR

MAY 15-19, 2013

Finance Director:  
  M. Bemis

Public Works Director:  
  B. Rodriguez

Community Development Director:  
  B. Dunlap

Field Services Manager:  
  B. Styles

No comment.

Barricades may be obtained for the event and returned at 555 N. Prospect.

Fire Chief:  
  G. Irish

Parks and Leisure Services Director:  
  D. Moore

No comments.

Police Captain:  
  D. Haynes

See attached Exhibit B.

Administrative Services Director:  
  P. Hildreth

Please see Exhibit A, page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor:   Tulare County Jr. Livestock Show and Community Fair
Event:    Porterville Fair
Event Chairman:  Mitch Brown
Location:  2700 W. Teapot Dome Ave.
Date of Event:  May 15-19, 2013

RISK MANAGEMENT:   Conditions of Approval

That the Tulare County Jr. Livestock Show and Community Fair provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $2,000,000 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; and a Certificate of Liquor 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 of a beer garden.

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 than A:VII, and the insurance company must be an "admitted" insurer in the State of California.
CITY OF PORTERVILLE
Community Civic Event Application

Porterville Fair- May 15-19, 2013

Proposed Conditions/Requirements

➤ A Beer Garden shall be established and alcohol may only be sold and consumed within the designated beer garden. A minimum of two (2) security guards shall be assigned to control the Beer Garden while it is in operation. No persons under the age of 21 shall be allowed to enter the beer garden and no alcohol shall be allowed to leave the beer garden.

➤ Porterville Fair officials shall have been granted a temporary license to sell alcohol from the CA Dept. of Alcoholic Beverage Control.

➤ Porterville Fair officials will meet with Police Dept. Sergeant Rick Carrillo (559-782-7408 or 559-782-7404) to coordinate and schedule appropriate number of law enforcement officers to provide security, police the fairgrounds, and ensure safety during the fair event.

➤ 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 the neighborhoods or businesses surrounding the area.

➤ Amplified music shall not continue after 12:00 midnight.

➤ Porterville Fair officials shall reserve no less than two (2) parking spaces for on-duty police vehicles “at” the front (main) entrance to the fair and the same amount “at” the rear entrance to the fair. This will guarantee the officers working the event will have immediate access to their vehicles to acquire equipment or detain/transport prisoners.

Dan Haynes, Captain
Porterville Police Department
(559) 782-7565

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: Porterville Fair
   2100 W. Teapot Dome Ave.

2 Address where amplification equipment is to be used: Same

3 Names and addresses of all persons who will use or operate the amplification equipment:
   Paul Serpa (owner) 1129 Batavia Ct., Tulare, CA 93274

4 Type of event for which amplification equipment will be used: Music on Coors & Rotary Stages

5 Dates and hours of operation of amplification equipment: May 15-19, 2013, no later than 12 AM - midnight

6 A general description of the sound amplifying equipment to be used: Microphones, speakers and amplification equipment

Section 18-9
It shall be unlawful for any person within the city to use or operate or cause to be used or 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 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 not 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 416.2
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

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

City of Porterville, Chief of Police/Designee

Date

Date
CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFER 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 (559)782-3896
Rural Ag Insurance Services
Douglas K. Schultz
341 North D Street
Porterville, CA 93257

CONTACT NAME: Doug Schultz
PHONE (559)782-3896 Ext.
FAX (559)782-0533
ADDRESS dougruralagins.com

INSURED
TULARE COUNTY JR. LIVESTOCK SHOW & COMMUNITY FAIR
2700 WEST TEAPOT DOME AVE.
PORTERVILLE, CA 93258

INSURER A: SCOTTSDALE INDEMNITY CO.
INSURER B: NATIONAL CASUALTY COMPANY
INSURER C:
INSURER D:
INSURER E:
INSURER F:

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

NOTICE TO THE INSURED: This certificate is for information only and does not confer rights to the certificate holder in lieu of such endorsement(s).

INSR. LTR. TYPE OF INSURANCE ADD'L SUBRINS. POLICY NUMBER POLICY EFF MM/DD/YYYY POLICY EXP MM/DD/YYYY LIMITS
A GENERAL LIABILITY
X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE OCCUR
8L KKI 00000028383 07/01/12 07/01/13 EACH OCCURRENCE $1,000,000 DAMAGE TO RENTED PREMISES (Ex occurrence) $300,000 MED EXP (Any one person) $5,000 PERSONAL & ADJ INJURY $1,000,000 GENERAL AGGREGATE $NONE PRODUCTS - COMPOP AGG $5,000,000

AUTOMOBILE LIABILITY
A ANY AUTO/OWNED AUTOS X OCCUR
8L KKI 00000028383 07/01/12 07/01/13 COMBINED SINGLE LIMIT (Ex accident) $1,000,000 BODILY INJURY (Per person) $
BODILY INJURY (Per person) $ PROPERTY DAMAGE (Per accident) $

UMBRELLA LIABILITY
B EXCESS LIABILITY CLAIMS-MADE
8L KKI 00000028386 07/01/12 07/01/13 EACH OCCURRENCE $1,000,000 AGGREGATE $1,000,000

WORKERS COMPENSATION AND EMPLOYERS' LIABILITY

N/A E.L. EACH ACCIDENT $
E.L. DISEASE - EA EMPLOYEE $
E.L. DISEASE - POLICY LIMIT $

Hired Auto P/D
A

8L KKI 00000028383 07/01/12 07/01/13 $1,000,000 ded Comp. $35,000 $1,000,000 ded Coll. $35,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES: For operations located at 2700 West Tea Pot Dome Ave. Porterville, CA 93257. The City of Porterville is named as additional insured with respects to operations at this location.

CERTIFICATE HOLDER
CANCELLATION

CITY OF PORTERVILLE
291 NORTH MAIN STREET
PORTERVILLE CA 93257

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

AUTHORIZED REPRESENTATIVE

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ACORD 25 (2010/05) The ACORD name and logo are registered marks of ACORD
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS OR OTHER INTERESTS FROM WHOM LAND HAS BEEN LEASED

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART.

SCHEDULE

Designation of Premises (Part Leased to You):

2700 W Teapot Dome Avenue
Porterville, CA 93257

Name of Person or Organization:

City of Porterville

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule but only with respect to liability arising out of the ownership, maintenance or use of that part of the land leased to you and shown in the Schedule and subject to the following additional exclusions:

This insurance does not apply to:
1. Any "occurrence" which takes place after you cease to lease that land;
2. Structural alterations, new construction or demolition operations performed by or on behalf of the person or organization shown in the Schedule.
ADDITIONAL INSURED — DESIGNATED 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>
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<tbody>
<tr>
<td>THOSE DESIGNATED PERSONS OR ORGANIZATIONS ON FILE WITH US UNLESS SPECIFICALLY DECLINED.</td>
</tr>
</tbody>
</table>

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

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

A. In the performance of your ongoing operations; or
B. In connection with your premises owned by or rented to you.
ADDITIONAL INSURED – MANAGERS OR LESSORS OF PREMISES

This endorsement modifies insurance provided under the following:
COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

1. Designation of Premises (Part Leased to You):
   THOSE PREMISES ON FILE WITH US UNLESS SPECIFICALLY DECLINED.

2. Name of Person or Organization (Additional Insured):
   THOSE MANAGERS/LESSORS ON FILE WITH US UNLESS SPECIFICALLY DECLINED.

3. Additional Premium: INCLUDED

(If no entry appears above, the information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule but only with respect to liability arising out of the ownership, maintenance or use of that part of the premises leased to you and shown in the Schedule and subject to the following additional exclusions:

This insurance does not apply to:
1. Any "occurrence" which takes place after you cease to be a tenant in that premises.
2. Structural alterations, new construction or demolition operations performed by or on behalf of the person or organization shown in the Schedule.