



CITY of CLOVIS

AGENDA • CLOVIS CITY COUNCIL
Council Chamber, 1033 Fifth Street, Clovis, CA 93612 (559) 324-2060
www.cityofclovis.com

In compliance with the Americans with Disabilities Act, if you need special assistance to access the City Council Chamber to participate at this meeting, please contact the City Clerk or General Services Director at (559) 324-2060 (TTY – 711). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the Council Chamber.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at City Hall, in the City Clerk's office, during normal business hours. In addition, such writings and documents may be posted on the City's website at www.cityofclovis.com.

September 5, 2017 (Tuesday)

6:00 PM

Council Chamber

The City Council welcomes participation at Council Meetings. Members of the public may address the Council on any item of interest to the public that is scheduled on the Agenda. In order for everyone to be heard, please limit your comments to 5 minutes or less, or 10 minutes per topic.

Meeting called to order by Mayor Whalen
Flag salute led by Councilmember Flores

ROLL CALL

PUBLIC COMMENTS (This is an opportunity for the members of the public to address the City Council on any matter within the City Council's jurisdiction that is not listed on the Agenda. In order for everyone to be heard, please limit your comments to 5 minutes or less, or 10 minutes per topic. Anyone wishing to be placed on the Agenda for a specific topic should contact the City Manager's office and submit correspondence at least 10 days before the desired date of appearance.)

ORDINANCES AND RESOLUTIONS (With respect to the approval of resolutions and ordinances, the reading of the title shall be deemed a motion to waive a reading of the complete resolution or ordinance and unless there is a request by a Councilmember that the resolution or ordinance be read in full, further reading of the resolution or ordinance shall be deemed waived by unanimous consent of the Council.)

CONSENT CALENDAR Consent Calendar items are considered routine in nature and voted upon as one item unless a request is made to give individual consideration to a specific item. (See Attached Consent Agenda.)

1. PUBLIC HEARINGS

- A. Consider Introduction – Ord. 17-____, An Ordinance of the City Council of the City of Clovis amending Section 1.6.01, and adding Sections 1.6.02 and 1.6.03 to Chapter 1.6, of Title 1, of the Clovis Municipal Code, pertaining to General Municipal Elections, which includes a plan to consolidate the election with a statewide election beginning with the November 8, 2022, statewide general election. (Staff: J. Holt)
- B. Consider Introduction - Ord. 17-____, R2017-07, A request to approve a prezone of approximately 7.34 acres of land located on the east side of De Wolf Avenue, between Shaw and San Jose Avenues from the County AE-20 Zone District to the Clovis R-3 (Medium Density Multiple Family Residential) Zone District. Virginia R. & David Simpson, Marcella A. Deanda Trs., Liru Huang & Michael Blackston, Herbert Paul Bethel, owners; Westgate Construction and Development, applicant; Burrell Consulting Group, representative. (Staff: G. Gonzalez)
- C. Consider Approval - Res. 17-____, RO295, A resolution of Application for the Annexation of the Territory known as the Shaw-Leonard Northwest Reorganization located on the north side of Shaw Avenue, between De Wolf and Leonard Avenues. Various owners; Westgate Construction and Development, applicant; Burrell Consulting Group, representative. (Staff: G. Gonzalez)

2. ADMINISTRATIVE ITEMS

A. ADMINISTRATION (City Manager, City Clerk, Finance)

- 1. Consider Approval - Confirmation of City Manager's Appointment of Public Utilities Director. (Staff: L. Serpa)
- 2. Consider Adoption – Ord. 17-16, An Ordinance of the City Council of the City of Clovis amending Chapter 8 of the Clovis Municipal Code Pertaining to expedited, streamlined permitting process for electrical vehicle charging stations. (Vote: 4-0-1 with Councilmember Ashbeck absent)
- 3. Consider Approval – Res. 17-____, A Resolution of the City Council of the City of Clovis Confirming Assessment for Costs for Abatement of Nuisance, 162 N. Peach Avenue, Clovis, CA, APN No: 410-361-21. (Staff: J. Holt)

3. CITY MANAGER COMMENTS

4. COUNCIL ITEMS

- A. Consider the League of California Cities' Annual Resolutions set for approval at the Annual Conference September 13-15, 2017. (Staff: L. Serpa)
- B. Council Comments

5. CLOSED SESSION

- A. Government Code Section 54957.6
CONFERENCE WITH LABOR NEGOTIATORS
Agency Designated Representatives: L. Serpa, L. Shively
Employee Organization: Clovis Fire Fighters Association
- B. Government Code Section 54956.9(a)
CONFERENCE WITH LEGAL COUNCIL- EXISTING LITIGATION
Workers Compensation Case in Regards to: Harry Jacks
- C. Government Code Section 54956.9
CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant Exposure to Litigation Pursuant to Paragraph (2) or (3)
of Subdivision (d) of Section 54956.9.
2 potential cases

ADJOURNMENT

Meetings and Key Issues			
Sep. 11, 2017 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Sep. 18, 2017 (Mon.)	6:00 P.M.	Joint Meeting with CUSD	CUSD
Oct. 2, 2017 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Oct. 9, 2017 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Oct. 16, 2017 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Nov. 6, 2017 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Nov. 13, 2017 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Nov. 20, 2017 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber

CONSENT CALENDAR - Items considered routine in nature are to be placed upon the Consent Calendar. They will all be considered and voted upon in one vote as one item unless a Councilmember requests individual consideration. A Councilmember's vote in favor of the Consent Calendar is considered and recorded as a separate affirmative vote in favor of each action listed. Motions in favor of adoption of the Consent Calendar are deemed to include a motion to waive the reading of any ordinance or resolution on the Consent Calendar. For adoption of ordinances, only those that have received a unanimous vote upon introduction are considered Consent items.

A. CITY CLERK

- 1) Approval - Minutes for the August 7, 2017 Council meeting.

B. ADMINISTRATION

- 1) Approval – Res. 17-____, Approving the submittal of an Application to the Fresno County Local Agency Formation Commission to expand the City of Clovis' Sphere of Influence in the Northeast Area of the City.

C. COMMUNITY AND ECONOMIC DEVELOPMENT

- 1) Receive and File – Economic Development Corporation Serving Fresno County Quarterly Report, April – June 2017.

D. FINANCE

- 1) Approval - Res. 17-____, A Resolution of Intention (ROI) to Annex Territory (Annexation #50) (T6174- Southeast Corner Ashlan/Leonard, T6102- Southeast Corner Shaw/Highland, PM2017-1 Southeast Corner Shepherd/Locan), to the Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes Therein and setting the Public Hearing for October 9, 2017.
- 2) Receive and File – Investment Report for the month of June 2017.
- 3) Receive and File – Treasurer's Report for the month of June 2017.
- 4) Approval – Waive the City's Standard Bid Procedure and Authorize the City Manager to execute a contract with Data Ticket, Inc., to process City of Clovis Parking Citations.

E. GENERAL SERVICES

- 1) Approval – Contract with Labor Finders for temporary labor services.
- 2) Approval - Claim Rejection of the General Liability claim submitted on behalf of Kathryn Marie Gunn.

F. PLANNING AND DEVELOPMENT SERVICES

- 1) Approval - Final Acceptance for CIP 14-24, Dry Creek Business Park Expansion.
- 2) Approval - Bid Award for CIP 16-06 Minnewawa/Cherry Lane and Cherry Lane/Oxford Alley Improvements.
- 3) Approval - Final Acceptance for CIP 16-13, ADA Ramp Project - Phase 9.

G. PUBLIC SAFETY

- 1) Approval - Res. 17-____, Authorizing the Police Department's use of funds from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program for one part-time Cadet in the amount of \$16,255.00.

H. PUBLIC UTILITIES

- 1) Receive and File – Public Utilities Report for the month of June 2017.

I. REDEVELOPMENT SUCCESSOR AGENCY

- 1) No items.

CLOVIS CITY COUNCIL MEETING

August 7, 2017

6:00 P.M.

Council Chamber

Meeting called to order by Mayor Whalen
Flag Salute led by Councilmember Bessinger

Roll Call: Present: Councilmembers Bessinger, Flores, Mouanoutoua, Mayor Whalen
 Absent: Councilmember Ashbeck

**6:02 - PRESENTATION BY CONSOLIDATED MOSQUITO ABATEMENT DISTRICT
MANAGER STEVE MULLIGAN REGARDING MOSQUITO ABATEMENT IN CLOVIS**

Consolidated Mosquito Abatement District Manager Steve Mulligan presented a report on mosquito abatement in Clovis.

6:13 - PUBLIC COMMENT

Robert Martin, resident, complained about the Police Department.

Resident, who lives at Cougar Estates near Clovis High School, requested City Council direct staff to work with residents of that location on safely exiting the property onto Barstow Avenue.

Erin Fanning, resident, commented on construction work near the southeast corner of Sunnyside and Nees Avenue. She was complaining about construction and speed at that intersection.

Robert Evans, Harlan Ranch resident, commented on the Mosquito Abatement presentation and thanked them and council on the ongoing program.

6:34 - CONSENT CALENDAR

Motion by Councilmember Flores, seconded by Councilmember Mouanoutoua, that the items on the Consent Calendar be approved, including the waiver of the reading of the ordinances. Motion carried 4-0-1 with Councilmember Ashbeck absent.

- A1) Approved - Minutes for the July 17, 2017 Council meeting.
- A2) Adopted – **Ord.-17-14**, An Ordinance of the City Council of the City of Clovis adding Chapter 31 to Title 5 of the Clovis Municipal Code Pertaining to Prevention of Credit Card Fraud at Public Lodging Facilities. (Vote: 5-0)
- A3) Adopted - **Ord. 17-15**, An Ordinance of the City Council of the City of Clovis amending section 8.12 of the Clovis Municipal Code Pertaining to Designation of Flood Hazard Areas and Building Regulations therein by making reference to the California Building Code. (Vote: 5-0)
- A4) Approved – Waive Normal Purchasing Process and approve the purchase of replacement desktop computers and servers using competitively bid contracts with purchasing provisions for California State and Local government agencies.

- A5) Approved - Waive normal purchasing process and authorize the renewal of Geographic Information System software maintenance and support from ESRI, Inc.
- B1) Approved - 2017 Master Service Plan Update.
- E1) Approved – Contract with Lamar Advertising for exterior transit bus advertising.
- E2) Approved – Authorization of an Agreement between the City of Clovis and the City of Fresno for Fixed Route Transit Services for FY 17-18.
- F1) Approved - Final Acceptance for CIP 14-16, Letterman Park ADA Improvements.
- F2) Approved - Bid Award for CIP 14-21, Shaw/Locan Traffic Signal & Widening, and; Authorize the City Manager to execute the contract on behalf of the City.
- F3) Approval - Final Acceptance for CIP 16-18, Trail Pavement Maintenance 2017.
- F4) Approved – **Res. 17-86**, Final Map for Tract 6080, located at the southwest area of Ashlan and Highland Avenues (Ashlan/Highland No.1, LP – McCaffrey Homes).
- F5) Approved – **Res. 17-87**, Annexation of Proposed Tract 6080, located at the southwest area of Ashlan and Highland Avenues, to the Landscape Maintenance District No. 1 of the City of Clovis (Ashlan/Highland No.1, LP – McCaffrey Homes).
- F6) Approved – **Res. 17-88**, Final Map Tract 6101, located on the southeast corner of Leonard Avenue and Dakota Avenue. (DeYoung Properties).
- F7) Approval – **Res. 17-89**, Annexation of Proposed Tract 6101, located on the southeast corner of Leonard Avenue and Dakota Avenue to the Landscape Maintenance District No. 1 of the City of Clovis. (DeYoung Properties).
- F8) Approval – **Res. 17-90**, Final Map for Tract 6068, located on the southeast corner of Shaw Avenue and Highland Avenue. (DYP 6068, L.P. – DeYoung Properties).
- F9) Approval – **Res. 17-91**, Annexation of Proposed Tract 6068, located on the southeast corner of Shaw Avenue and Highland Avenue to the Landscape Maintenance District No. 1 of the City of Clovis. (DYP 6068, L.P. – DeYoung Properties).
- G1) Approval – **Res. 17-92**, Confirming Weed and Rubbish Abatement Charges for 2017.
- H1) Approval – Contract Award for Landscape Maintenance Services in LMD Zone 1, LMD Zone 2, LMD Zone 3, LMD Zone Loma Vista, General Fund Right-of-Way, and General Fund Miscellaneous.
- H2) Approval – Authorizing the execution of a Purchase Agreement to acquire property designated as APN 300-080-04 located in Clovis, CA northwest and adjacent to the City of Clovis Landfill, from Daniel James Fleming in the amount of \$500,000; and Approval - **Res. 17-93**, Amending the 2017-2018 Community Sanitation budget to allocate funds for purchase of the property.
- H3) Approval – Authorizing the execution of a Purchase Agreement for property located at 1665 Tollhouse Road, Clovis, CA from Anlin Industries in the amount of \$7,200.
- H4) Receive and File – Public Utilities Report for the month of May 2017.

6:36 ITEM 1A1 - APPROVED – RES. 17-94, AUTHORIZE CHANGES TO THE CORE AREA DEVELOPMENT IMPACT FEE REDUCTION FOR IN-FILL DEVELOPMENT PROGRAM AND RECEIVE AND FILE REPORT ON STATUS OF THE CORE AREA DEVELOPMENT IMPACT FEE REDUCTION PROGRAM FOR IN-FILL DEVELOPMENT PROGRAM

Community and Economic Development Director Andy Haussler presented a report on a request to authorize changes to the Core Area Development Impact Fee Reduction for In-Fill Development Program and Receive and filed a report on status of the Core Area Development Impact Fee Reduction Program for In-Fill Development program. In September of 2013, Council approved the Core Area Development Impact Fee

Reduction for In-Fill Development Program. The program reduced development fees in the core area (south of Sierra Avenue and west of Locan Avenue) by eliminating sewer major facilities, parks, fire and police fees. Street fees were reduced to only what was necessary to reimburse developers in line for reimbursement and would apply to all properties within street fee service areas 2 and 3, including some properties outside the core area between Sierra and Herndon Avenues. All other development fees remained the same. This program reduced development fees within the core area by as much as 70%.

The issue of encouraging in-fill development of vacant parcels and redevelopment of underutilized parcels in the older part of the community has and continues to be a concern. The program was implemented to reduce development impact fees to make the development of in-fill parcels feasible and has had success at attracting development. Since program inception, 403 units have been developed in the core area.

The authorization indicated staff would report on the status on the program when 500 units had been developed or five years, whichever came first. To date, 403 units have been developed, 443 units have received entitlements, and 321 units are in the development pipeline. Despite not reaching the 500 developed units and four years into the program, staff deemed it appropriate to report to Council on the program given the large number of entitled units and upcoming entitlement requests. Staff is also recommending changes to the program that include closing the sewer, police and fire fee portions of the program while continuing the other fee reductions. There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council.

Motion by Councilmember Flores, seconded by Councilmember Bessinger, for the Council to authorize changes to the Core Area Development Impact Fee Reduction for In-Fill Development Program and Receive and filed a report on status of the Core Area Development Impact Fee Reduction Program for In-Fill Development program. Motion carried 4-0-1 with Councilmember Ashbeck absent.

6:46 ITEM 1B1 - RECEIVED AND FILED - REPORT ON A STRATEGY TO PROMOTE THE SIERRA GATEWAY COMMERCE DISTRICT AS A DESTINATION FOR MEDICAL RELATED BUSINESS

Community and Economic Development Director Andy Haussler presented a report on a strategy to promote the Sierra Gateway Commerce District as a destination for Medical Related Business. In the 2014 General Plan update the area near the intersection of the then planned Freeway 168 and Temperance Avenue was called out as the Sierra Gateway Commerce Corridor. Subsequently the City of Clovis Economic Development Strategy adopted in 2014 identified the medical industry as a focus area. The area has seen development into a growing medical hub in recent years. Staff began working to brand the area with a medical emphasis and have developed a logo, a tag line, a short and long-term strategy, and materials for presentation to City Council. Flo Dunn, President, Clovis Health Sciences University (CHSU), spoke in support of the promotion strategy. CHSU Assistant Professor spoke in support of the strategy. Discussion by the Council.

It was the consensus of City Council, with Councilmember Ashbeck absent, to receive and file the report on a strategy to promote the Sierra Gateway Commerce District as a destination for Medical Related Business.

7:08 ITEM 1C1 - APPROVED INTRODUCTION – ORD. 17-16, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING CHAPTER 8 OF THE CLOVIS MUNICIPAL CODE PERTAINING TO EXPEDITED, STREAMLINED PERMITTING PROCESS FOR ELECTRICAL VEHICLE CHARGING STATIONS

City Building Official Doug Stawarski presented a report on a request to approve the introduction of an ordinance of the City Council of the City of Clovis amending Chapter 8 of the Clovis Municipal Code Pertaining to expedited, streamlined permitting process for electrical vehicle charging stations. In 2015, the State of California adopted Assembly Bill 1236 (2015, Chiu, Codified as Government Code Section 65850.7), which requires local jurisdictions with a population less than 200,000 residents to adopt an ordinance to create an expedited, streamlined permitting process for electric vehicle charging stations on or before September 30, 2017. There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council.

Motion by Councilmember Flores, seconded by Councilmember Bessinger, for the Council to approve the introduction of an ordinance amending Chapter 8 of the Clovis Municipal Code pertaining to expedited, streamlined permitting process for electrical vehicle charging stations. Motion carried 4-0-1 with Councilmember Ashbeck absent.

7:12 ITEM 1D1 - RECEIVED AND FILED – UPDATE AND REVIEW OF THE POLICE DEPARTMENT

Police Chief Matt Basgall presented an update and review of the Police Department. Chief Basgall provided an overview of the impact of the recession over the past ten years and the challenges the department currently experiences. City Manager Luke Serpa commented on the path forward with discussions that need to take place over the next few months in preparation for the next budget.

Michael Cunningham, resident, commented on challenges with hiring good employees and problems other departments are facing. Hank Bar, volunteer chaplain, commented and spoke in support of the police department. Discussion by the Council.

It was the consensus of City Council, with Councilmember Ashbeck absent, to receive and file an update and review of the Police Department.

8:13 ITEM 2 - CITY MANAGER COMMENTS

City Manager Luke Serpa commented on proposed legislation (SB35) and requested authorization opposing the legislation.

8:15 ITEM 3A - COUNCIL COMMENTS

Councilmember Flores presented gifts from his trip abroad.

ADJOURNMENT

Mayor Whalen adjourned the meeting of the Council to September 5, 2017

Meeting adjourned: 8:16 p.m.

Mayor

City Clerk



AGENDA ITEM NO: **CC-B-1**
City Manager: *AA*

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: September 5, 2017

SUBJECT: Approval – Res. 17-____, Approving the submittal of an Application to the Fresno County Local Agency Formation Commission to expand the City of Clovis' Sphere of Influence in the Northeast Area of the City

ATTACHMENTS: Res. 17-____

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve the submittal of an Application to the Fresno County Local Agency Formation Commission to expand the City of Clovis' Sphere of Influence (SOI) in the Northeast Area of the City.

EXECUTIVE SUMMARY

The City of Clovis Sphere of Influence was last amended in 2015. In September 2014, City Council provided policy direction to move forward with a sphere change in the northwest and a portion of the northeast. Since that time, Fresno County and the Local Agency Formation Commission (LAFCo) approved the SOI in the northwest for adding approximately 860 acres. At that same meeting in 2014, Council directed staff to move forward with pursuing a sphere change in the northeast after completing the northwest sphere change. Staff has begun to work with Fresno County to amend the recently approved tax sharing memorandum of understanding to amend the SOI to include a portion of the northeast area. Staff has also begun work with LAFCo on a full application for a SOI change in the northeast. This application requires a resolution from Council approving its submittal.

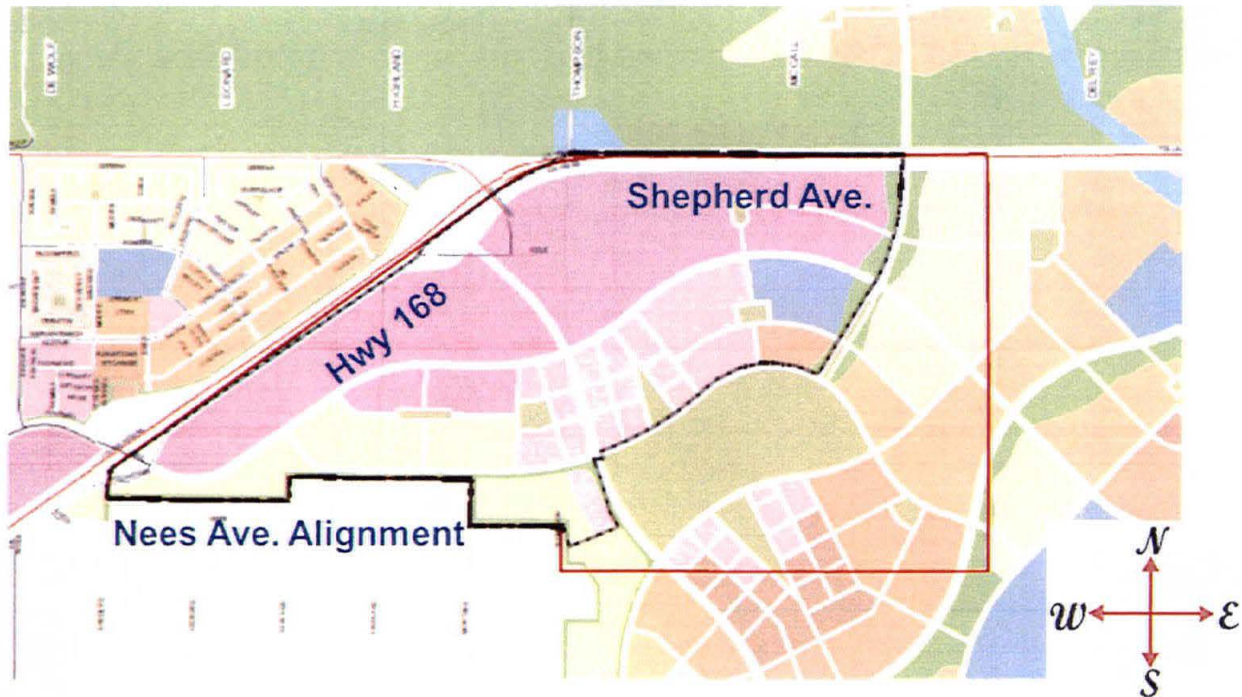
BACKGROUND

The City of Clovis last amended the SOI to include approximately 860 acres in the northwest area in 2015 as part of the work performed during the completion of the 2014 General Plan Update. The current undeveloped Sphere of Influence area is largely concentrated in the Loma Vista Urban Village Area and the Northwest Urban Village. Loma Vista is active with annexations occurring and development in progress. Per the current Memorandum of Understanding with Fresno County regarding tax sharing (MOU), this area must be committed to development to 60% before other growth areas can be considered. Loma Vista is nearing the 60% level of developed land and with the completion of the General Plan Update policy direction on Sphere of Influence expansions policy was brought before the City Council on September 15, 2014. In November 2016 City Council affirmed prior direction for pursuing a SOI change for approximately 1,000 acres in the northeast area.

Council directed staff to pursue an expansion to the east of the Northwest Urban Village Area immediately and a portion of the Northeast Urban Village Area adjacent to Highway 168 at a later date. Staff is now prepared to move forward with the SOI change in the northeast.

The City of Clovis is proposing to change the SOI in the Northeast area of the city to include approximately 1,000 acres with the justification of economic development and adding jobs to the city. The approximate 1,000 acre area is generally bounded by Highway 168 to the north, east of DeWolf Avenue, generally north of the Nees Avenue alignment on the southern boundary, and approximately halfway between McCall and DelRey Avenues to the east.

In the 2014 General Plan Update, the economic development analysis determined that in the next twenty years of growth, the City would add approximately 15,000 households, with most of this being absorbed in the currently developing Loma Vista Urban Village and then the Northwest Urban Village. A standard goal for communities to be economically viable is to have 1 job for every unit of housing. The analysis determined that only 10,892 jobs could be absorbed in these growth areas and the City as a whole. In order to continue the critical job growth to allow Clovis to be sustainable, additional land must be made available for job producing uses. The area in the City's Northeast Urban Village includes approximate capacity for 10,000 additional jobs. This area would be able to accommodate enough jobs for both the current growth areas and the future Northeast Growth area residents. In addition, the area is unique in that large tracts of land are available with just a few owners, allowing for large scale employers to be sought after. This would have a major impact regionally as there is relatively little acreage available for job generating uses in the region. Seeking the job producing land in the Northeast Urban Village is consistent with the City's General Plan Goal #1 in the Economic Development Element and critical to the fiscal sustainability of Clovis.



General Plan Designation / Code	Acreage	
Mixed Use Business Campus / Village (MU-BC, MU-V)	487	47%
Open Space / Park / School (OS, PK, S)	224	22%
Residential (H, L, M, MH)	324	31%
Total	1035	100%

The Fresno County Local Agency Formation Commission has begun to review a pre-application for the change to the City's Sphere of Influence in the northeast. A resolution approving the application submittal is required. If approved, it will be submitted as part of an application package to the Local Agency Formation Commission (LAFCo) where the Sphere of Influence expansion will be considered for final approval.

FISCAL IMPACT

The impact of expanding the City's Sphere of Influence is minimal at the time the Sphere of Influence is changed. At the point of annexation, and subsequent development of properties, an impact on the City's ability to provide services will be realized. The fiscal impacts on the City will be analyzed at the time of an annexation request for a specific project.

REASON FOR RECOMMENDATION

The submittal of the application to LAFCO for a sphere of influence expansion follows Council direction provided on September 15, 2014 and November 16, 2016.

ACTIONS FOLLOWING APPROVAL

Staff will submit the final application to change the City's Sphere of Influence to LAFCO.

Submitted by: John Holt, Assistant City Manager 

RESOLUTION NO. 17-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING AN APPLICATION FOR THE UPDATE OF THE CITY OF CLOVIS SPHERE OF INFLUENCE

WHEREAS, at a meeting on September 5, 2017, the Clovis City Council did consider Expansion of the City of Clovis Sphere of Influence (SOI) proposed pursuant to Chapter 4 of the Local Government Reorganization Act of 2000; and

WHEREAS, a SOI is the boundary adopted by the Fresno Local Agency Formation Commission (LAFCo) that designates a municipality's probable future urban area within which annexations to the City can take place; and

WHEREAS, said proposal consists of the addition of approximately 1,035 acres to the existing City of Clovis SOI consisting of parcels generally bounded by Highway 168 to the north, east of DeWolf Avenue, generally north of the Nees Avenue alignment on the southern boundary, and approximately halfway between McCall and DelRey Avenues to the east as shown as "Exhibit A" – Northeast Expansion Area; and

WHEREAS, the City of Clovis has determined that the parcels to be included in the SOI Expansion will facilitate and encourage orderly growth and development which are essential to the social, fiscal, and economic wellbeing of the community; and

WHEREAS, as required by California Government Code Section 56653(a) the City Council adopted the 2017 Master Service Plan in which the City's ability to service a portion of the Northeast Urban Village was reviewed and determined that urban services can feasibly be provided to the affected territory in an efficient and accountable manner; and

WHEREAS, prior to approving any Master Plan development standards for the Northeast Expansion Area, City shall notify and invite County to participate in development of the scope for the Master Plan; and

WHEREAS, prior to annexations proposed in the Northeast Expansion Area, City shall demonstrate that it has sufficient capacity to provide urban services to the annexation project area and areas within 1/8 mile of the site in accordance with the Clovis General Plan, Northeast Expansion Area Master Plan, and City adopted master service delivery plans for Sewer, Water, and Recycled Water; and

WHEREAS, the City Council considered and approved the Environmental Impact Report with the adoption of the 2014 General Plan Update which include the entirety of the Northeast Urban Village; and

WHEREAS, said proposal is made to facilitate urban development as planned by the City of Clovis General Plan and to achieve stated community goals and objectives for

providing residential, commercial, and industrial locations within the City to foster and promote needed economic development while assuring growth occurs in an orderly manner.

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Clovis approves the submittal of an Application to the Fresno Local Agency Formation Commission, requesting the Sphere of Influence Update proceedings be conducted pursuant to the Local Government Reorganization Act of 2000.

* * * * *

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on September 5, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:


ABSTAIN:

DATED: September 5, 2017

Mayor

City Clerk



AGENDA ITEM NO: **CC-C-1**
City Manager: 

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Community and Economic Development

DATE: September 5, 2017

SUBJECT: Receive and File – Economic Development Corporation Serving Fresno County
Quarterly Report, April – June 2017

ATTACHMENTS: EDC Fourth Quarter Report, April – June 2017

CONFLICT OF INTEREST

None

RECOMMENDATION

That the City of Clovis receive and file the Quarterly Report April – June 2017 (fourth quarter 2016-17 contract), from the Economic Development Corporation Serving Fresno County.

EXECUTIVE SUMMARY

The Economic Development Corporation serving Fresno County (EDC) has submitted their fourth quarter report of activities for the City Council to receive and file, as required per the 2016-17 Agreement with the City.

BACKGROUND

In the summer of 2016, the City of Clovis and the EDC entered into a contract for the 2016-17 fiscal year to provide regional marketing and businesses services to Clovis Businesses. The contract provides for \$40,000 in baseline funding and incentivizes the EDC with payment for site tours conducted in Clovis for a business looking to relocate into the region. This allows Clovis to be part of a regional effort in attracting commercial and industrial businesses to Clovis. Attached is a report detailing the progress of their activities to provide information to industrial/commercial representatives not currently located in Clovis for recruiting purposes, and continue to assist existing Clovis businesses with informational and/or technical assistance to access statewide business support programs.

Highlights of the EDC quarterly report include:

- The EDC attended three trade shows and marketed the City of Clovis.
- Forty-five targeted business retention visits were conducted in partnership with the City of Clovis staff to highlight state and regional assistance including job placement programs and tax credits available. Currently, the EDC has enrolled 19 Clovis businesses and in the New Employment Opportunities Program resulting in 178 employees.
- The EDC staff has contacted with 80 Clovis businesses and provided 45 referrals for business services including Energy Watch and the New Employment Opportunity program during the quarter.
- Eleven qualified business attraction leads were achieved during the quarter.
- Two site visits to locate a business in Clovis were conducted in the quarter.
- Summary of 2016-17 Results are below:

Type	Required	Q4	FY16-17	Completion
Top 50 Business	1	-	1	100%
Target Report Analysis	40	17	37	93%
New Business Leads	4	2	4	100%
Site Tour	5	3	12	180%
Trade Shows	2	1	2	100%
Broker Events				

FISCAL IMPACT

The City will forward the fourth quarter installment payment to EDC. The funds were budgeted in the 2016-17 fiscal year budget.

REASON FOR RECOMMENDATION

The attached report meets the requirement established in the 2016-17 Agreement between the EDC and the City of Clovis.

ACTIONS FOLLOWING APPROVAL

Staff will file the report.

Prepared by: Andy Haussler, Community and Economic Development Director

Submitted by: Andy Haussler, Community and Economic Development Director 



City of Clovis

Quarterly Activity Report

Quarter 4
Fiscal Year 2016-2017
April 1, 2017 – June 30, 2017

Nikki Newsome, Chief Operating Officer
Will Oliver, Director of Business Services
Andrea Reyes, Contract Compliance Manager
Jose Mora, Client Services Manager

Mark Mimms, Economic Development Coordinator
Katrina Ballard, Economic Development Coordinator
Jenna Lukens, Training Coordinator
Juan Carranza, Economic Development Analyst
Heidi Ecker, Retention Specialist
Sergio Hernandez, Staff Economist

Margaret Ingham, Retention Specialist
Tracy Tosta, Economic Development Specialist
Lavell Tyler, Economic Development Specialist
Jacob Villagomez, Economic Development Specialist
Amanda Bosland, Retail Business Development Specialist

City of Clovis Quarterly Activity Report

This report summarizes the agreement requirements between the City of Clovis and the Fresno County Economic Development Corporation (EDC).

Division Mission

To market Fresno County as the premier location for business prosperity.

Fresno County EDC Services

The Economic Development Corporation serving Fresno County is a nonprofit organization established to market Fresno County as the premier location for business prosperity. We strive to not only facilitate site selection for new businesses within Fresno County, we also assist in the retention and expansion of businesses through our alliance with collaborative partners and resources.

The EDC agrees to the following services:

1. Provide information to the industrial and office representatives not located in the City of Clovis for recruiting new businesses and industries;
2. Assist in the development of marketing materials to attract new investments, commercial and industrial brokers, developers, and site selectors. Assist in utilizing online marketing to advance economic and community development efforts;
3. Assist existing businesses and industries that contact the EDC with information and technical assistance through the BEAR Action Network;
4. Work to foster a closer working relationship with local business associations to enhance the EDC services provided to Clovis area employers;
5. Continue acting in a leadership role in promotion of high-speed rail and promote the Clovis area for related development;
6. Inform Clovis of legislation important to the economic and community development of the region and act on their behalf;
7. Assist in identifying economic development projects on the City's behalf for the inclusion in the County of Fresno's Comprehensive Economic Development Strategy (CEDS) for possible grant funding; and
8. Provide administrative staffing at all Executive Committee, Board, and related events.

Q4 Snapshot

The EDC team conducts outreach throughout communities, marketing business expansion and retention services by (but not limited to):

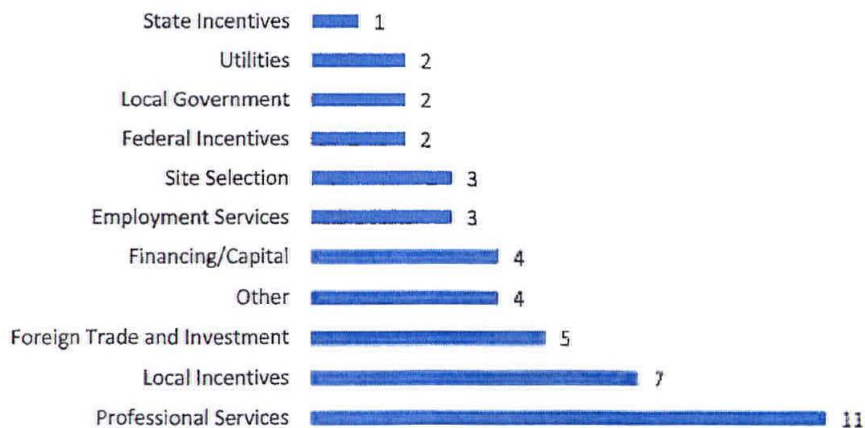
- Providing an operational analysis to evaluate the health of the business. This tool provides us with a deeper understanding of the appropriate referrals or resources needed for business growth or retention;
- Connecting businesses to wage subsidy programs;
- Promoting Fresno Energy Watch services;
- Providing education on Federal/State/Local Tax Incentives; and
- Providing referrals and information on financing assistance.

Stemming from direct outreach, workshops, one-on-one meetings, and marketing efforts, the areas of interest and number of referrals generated are included below:

	Q4 2016 -2017
Businesses Contacted	80
Business Referrals	45

Type	Required	Q4	FY16-17	Completion
Top 50 Business	1	-	1	100%
Target Report Analysis				
New Business Leads	40	17	37	93%
Site Tour	4	2	4	100%
Trade Shows	5	3	12	180%
Broker Events	2	1	2	100%

Referrals by Service Type



List of business contacts on following page

Businesses Contacted

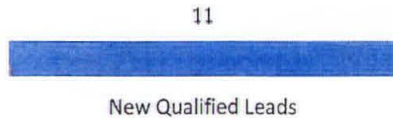
170616A1
84 Lumber
Absolute Plumbing
Advanced Energy Services, Inc.
Agee Construction Corporation
Agro Plantae Inc.
Air Comfort Solutions, Inc.
All Valley Automotive, Inc
Applied Engineering Solutions
Arise Ventures Incorporated
Arrow Tech Heating & Cooling
Baker Dillon Group
Beau Matthews
Best Party Rentals
Bethesda
Blue Ocean Development
Builders Flooring
California Health Sciences University
California Plumbing
Cars of Clovis
CenCal Solar
Central Valley Electric
Century 21 M&M and Associates
City of Clovis
Clovis Community College - Herndon Campus
Clovis IT Consulting & Service
Clovis Old World Precast

Clovis Storage and Executive Suites
Clovis Veterans Memorial District
Comfort Suites Hotel
Craftsman Concrete Construction
DAVID MENDEZ
Deborah Agajanian, NTP
DW Investment
Dynamite Car Audio
Eleventh Hour
Eventguru LLC
Fitness On Wheels
Fresno Ideaworks
Fresno Temp Pro
Galvan and Sons AC and Heating
Great Western Heating & Air Conditioning
Grizzly Construction
Hardin Public Scale
Harvey M0sk0witz Electrical
Hd Electric
Ie Innovations, Inc.
Jensen Electrical Services
Live Wire Electric
Lopez Export Import Co.
Mains Dean Electric Inc
Mann's Auto Center
Mark Allan Parker
Mark's Chevron

Martinez Air Conditioning
Matt Pittman Heating and Air Conditioning Inc.
Null Electric Consulting Service
Power Chiropractic Health
PR Farms
Quality Life Solutions Inc.
R & M Rooter & Plumbing
Real Property management Platinum
Revival 23
Roll Me Some Ice
Salem Plumbing
Shemin Garden LLC
Sierra Vista Mall
Signature Electric
Soltek Industries
Specialty Plumbing & Heating
The Plumbing Co Inc
The Trend Group / Turbine Trend Analysis
Tm Plumbing
Two Cities Coffee Roasters
Wawona Frozen Foods
Westech Systems
Western Dental
Woolf Farming dba Water Wise
Word of Mouth Hvac
Zone 9 Brewing

Business Expansion and Attraction Leads

City of Clovis Q4 Expansion and Attraction Activity



Leads by Industry



The EDC has agreed to provide a minimum of 40 new business attraction and expansion leads for the 2016-2017 year. During this quarter, the EDC generated **11** new business attraction and expansion leads and an additional **6** leads from clients initially contacted in prior quarters that had not previously considered Clovis. Additionally, Amazon Fulfillment officially announced that it would select Fresno for its west coast e-commerce fulfillment distribution center. The economic benefits of a project of this size will be felt throughout the County and region. Moreover, staff remains involved with ten additional prospective leads that may match Clovis' land and building inventory. See below for listing:

New Attraction and Expansion Project Announcements

Company	Client Number	Industry*	Project Size	Jobs	Location
Golden State FC, LLC dba Amazon Fulfillment	151118A1	Retail Trade	860,000 SF	2,000	North Pointe Business Park, Fresno, CA

Q4 Site Visits

Date	Client Number	Industry*	Site Requirements	Jobs	Sites or Area
6/20/2017	170612A2	Manufacturing	70,000 SF	50	Clovis Industrial Park DDG 553 DDG 112N
6/29/2017	150219A1	Accommodation and Food Services	2 AC	TBD	Fresno: CA-99 & CA-41 corridor Clovis: CA-168 corridor

BUSINESS ATTRACTION AND EXPANSION SELECTED HIGHLIGHTS

Amazon Fulfillment

In a highly anticipated announcement, Amazon officially announced that the company has selected Fresno as the location to build their new 860,000 SF e-commerce fulfillment center. A groundbreaking ceremony was held a few weeks later on June 19th. The \$200 million project, located at the North Pointe Business Park, plans to hire about 2,000 full-time employees with hundreds of additional part-time and seasonal positions and will have an economic impact on the region that will be felt countywide.



Site Tour: Foreign Direct Investment Client

The EDC was contacted by an international company specializing in food preservation technology interested in locating their first U.S. facility in Fresno County. The company is no stranger to the region as they have worked with Fresno State on food preservation and food quality R&D projects. EDC staff met with the client regarding their facility needs, provided incentive information and began to coordinate meetings with local city officials. In partnership with **DDG** and **Newmark Grubb Pearson Commercial's Ethan Smith**, the company toured the Clovis Industrial Park along with a few of DDG's available properties. Further meetings will be coordinated with local officials upon the client's return to the region.

Q4 New Business Attraction & Expansion Leads

	Client Number	Initial Contact Date	Industry*	Site Requirements	Jobs	Source
April	170424A1	4/24/2017	Wholesale Trade	TBD	TBD	Direct
	CCVEDC 1714	4/18/2017	Manufacturing	50,000 SF	15	CCVEDC
	170523A1	5/23/2017	Retail Trade	18,000 SF	TBD	Direct
May	170510A1	5/10/2017	Accommodation and Food Services	1,500 SF	TBD	Direct
	170510E1	5/10/2017	Accommodation and Food Services	5,000 SF	TBD	Broker
	CCVEDC 1715	5/9/2017	Professional, Scientific, and Technical Services	TBD	50	CCVEDC
	170504E1	5/4/2017	Accommodation and Food Services	1,200 SF	15	Direct
	170629E2	6/29/2017	Manufacturing	8,000 SF	TBD	Direct
June	170629E1	6/29/2017	Manufacturing	30,000 SF	60	Direct
	170616A1	6/16/2017	Manufacturing	TBD	TBD	Direct
	170612A2	6/12/2017	Manufacturing	70,000 SF	50	Direct

New Clovis Business Attraction & Expansion Leads From Prior Quarters

Client	Initial Contact Date	Industry*	Site Requirements	Jobs	Source
Project Spectrum	3/27/2017	Manufacturing	150,000 SF	92	GO-Biz
170125A2	1/25/2017	Manufacturing	30,000 SF	50	Direct
161209A1	12/9/2017	Health Care	TBD	TBD	Direct
CCVEDC 1624	12/5/2016	Transportation & Warehousing	300,000 SF	TBD	CCVEDC
160801E1	8/1/2016	Manufacturing	24,000 SF	100	Direct
CCVEDC 1619	6/29/2016	Manufacturing	15,0000 SF	20	CCVEDC

***Industry classification** is defined by the two-digit North American Industry Classification System (NAICS) code. The NAICS code system is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.

City of Clovis Economic Snapshot

Calendar Year 2nd Quarter (April – June) Industrial, Office, and Retail Vacancy

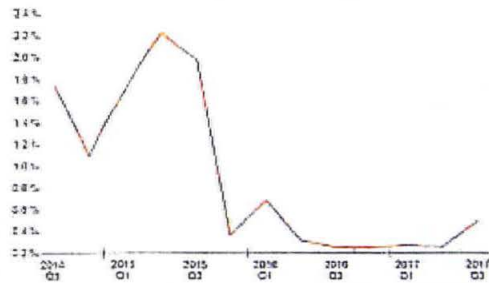
According to CoStar, the Industrial vacancy rate in the Fresno market area decreased to 3.9% at the end of the second quarter 2017. The vacancy rate was 4.3% at the end of the first quarter 2017, 4.7% at the end of the fourth quarter 2016, and 4.6% at the end of the third quarter 2016.

CoStar also reports that the office vacancy rate in the Fresno market area decreased to 8.8% at the end of the second quarter 2017. The vacancy rate was 9.0% at the end of the first quarter 2017, 9.0% at the end of the fourth quarter 2016, and 8.9% at the end of the third quarter 2016.

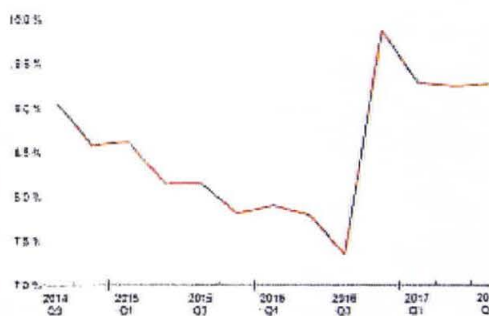
Finally, Fresno's retail vacancy rate increased in the second quarter 2017, ending the quarter at 7.4%. Over the past four quarters, the market has seen an overall increase in the vacancy rate, with the rate going from 6.7% in the third quarter 2016, to 6.5% at the end of the fourth quarter 2016, 7.1% at the end of the first quarter 2017, to 7.4% in the current quarter.

	Industrial	Office	Retail
Fresno County	3.9%	8.8%	7.4%
Clovis	0.50%	9.30%	8.10%
Fresno City	3.60%	10.00%	7.50%

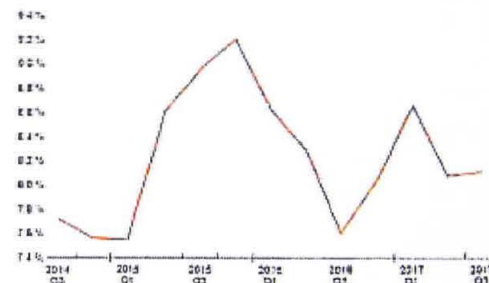
Vacancy Rate - Industrial



Vacancy Rate - Office



Vacancy Rate - Retail



Quarter 4 Unemployment Rates

Based on a labor force study produced by the State of California's Employment Development Department, year-over-year Fresno County's unemployment rate declined from 8.7% in May 2016 to **7.4%** in May 2017. During this same period, there was an increase of 5,600 in the number of employed county residents. The City of Clovis has a workforce of 52,500 and an unemployment rate of 5.7%.

Area	Labor Force	Unemployment Rate
Fresno County	447,900	7.4%
Clovis	52,500	5.7%

Marketing

The EDC continues to participate in trade shows and missions in partnership with the California Central Valley Economic Development Corporation (CCVEDC) and Team California to promote the City of Clovis and Fresno County.

TRADE SHOWS

SelectCA Investment Summit, Sacramento, CA

June 13, 2017

GO-Biz hosted an investment program to promote various state regions, specific investment projects, and California's unique value-proposition to Chinese businesses and investors. The program consisted of a Northern and Southern California segment including pitchfests, site visits and speaker series. The SelectCA Investment Summit follows Governor Brown's China trip where the Governor stressed the importance of expanding cooperation on green technology, innovation and trade. The summit kicks off and builds momentum for the California delegation ahead of the U.S. Department of Commerce's 2017 SelectUSA Investment Summit that took place the following week.

EDC President/CEO Lee Ann Eager was one of only three speakers invited representing various regions of California that presented to the entire group of investors. She took this opportunity to talk about Fresno County, the logistics and e-commerce industry, as well as the opportunity presented by the health care industry in the Clovis Sierra Gateway Commerce District.

SelectUSA Investment Summit, Washington D.C.

June 18, 2017 – June 20, 2017

Meetings: 64

The EDC attended the 2017 Select USA Summit in Washington, D.C. This year, the summit had a record of 4,000 attendees with just under 2,000 coming from outside the United States. The EDC met with over 60 businesses that are looking to expand into California. The EDC also exhibited at the California booth and facilitated multiple client meetings where marketing material was provided. Lee Ann Eager was one of only two participants from California to be invited by the White House to attend the Infrastructure Symposium that addressed the challenges and opportunities that lay ahead in meeting the Nation's infrastructure deficit. The keynote address for the Symposium was given by The Honorable Wilbur Ross, Secretary, U.S. Department of Commerce. EDC Staff are currently following up with all business contacts from the event.



ICSC RECon, Las Vegas, May 22 – May 24, 2017

Meetings & Contacts: 45

The EDC, along with the cities of Clovis, Coalinga, Firebaugh, Parlier and Sanger participated in ICSC RECon Las Vegas in association with TeamCalifornia. ICSC RECon is the world's largest retail real estate convention, drawing over 37,000 attendees and 1,200 exhibitors. The EDC coordinated meetings with key retailers and developers for the rural cities and attended 30 meetings along with city representatives. In addition to attending scheduled meetings, the EDC staff prospected retailers exhibiting at the show and attended ICSC's professional development programs. The EDC staff will follow up on the meetings scheduled for the cities and with the contacts made at ICSC RECon 2017.

Fresno County EDC
@fresnocountyedc



@fresnocountyedc representing #FresnoCounty at #ICSCRECon17 from May 22-24. Find them at booth S469Q with our partner @TeamCA_EDC!



CCVEDC BROKER EVENTS/MISSIONS:

CCVEDC German-American Chamber Bioenergy Mission

June 28, 2017 – June 30, 2017

In partnership with the German-American Chamber of Commerce, CCVEDC coordinated a San Joaquin Valley mission with a number of German bioenergy companies. In addition to coordinating meetings with local cities and companies, CCVEDC also held a Kick-off Roundtable event in Madera. Fresno County EDC President/CEO Lee Ann Eager represented the Central Valley and shared an informative presentation about our region with the group. Our German guests had an opportunity to learn about the Valley economy and industry clusters, and heard from local industry experts about bioenergy in the Valley. Fresno County EDC staff provided assistance to the CCVEDC in contacting municipalities and companies to explore potential meetings for the visiting companies. Staff will follow-up with the group of visiting companies in the following weeks.

New York Broker Mission: April 18th to April 20th, 2017

Meetings & Contacts: 16 broker meetings for a total of 221 total contacts.

SIOR Southern California Transaction Awards, Newport Beach: May 4, 2017

Contacts: 50

SIOR Northern California Golf Tournament, Livermore: May 17, 2017

Contacts: 150

REVERSE ATTRACTION

Meet the Consultants 2017

Economic Development Coordinator Mark Mimms attended the 6th annual Meet the Consultants forum in Ontario, CA. The forum featured multiple industry site selectors from around the nation. Each site selector spoke about their particular industry and how they work with Economic Development offices in California. Mr. Mimms was able to receive valuable information on specific information site selectors want to see in the 'Requests for Properties' and how best to market their sites. He also spoke to each site selector about Fresno County and how the Fresno EDC can work with them in the future.

Retail

With the hiring of Amanda Bosland in May as the EDC's Retail Development Specialist, staff has begun to strategize with our Fresno County cities on further developing their retail sector. One of the first steps taken with this effort was to understand the current retail landscape in Fresno County. Staff Economist,

Sergio Hernandez, developed an analysis on the structure and performance of the Retail Industry for each Fresno County region. Below are some highlights from his analysis:

From 2008 to 2013, Retail in all Fresno County shows a clear negative performance under multiple economic indicators: total output, number of establishments and total employment (see Table-1 below). When broken down by regions, this trend remains consistent with a couple of notable differences:

- With a small growth of 0.62 percent during this 5-year period, employment in the Metro region is an exception of the negative trend.
- The Westside Retail industry had a remarkable two digits decline on total employment, total output, and total number of establishments.
- The Eastside performs below the Metro region on establishment and employment formation. It has a slightly better performance than the Metro region on total output change.

Table-1.

Total Retail Percent Change by	East	Metro	West	Fresno County
Establishments	-9.02%	-4.58%	-18.58%	-6.17%
Employment	-5.17%	0.62%	-10.27%	-0.71%
Output (Current USD)	-4.36%	-4.84%	-16.28%	-5.36%

Source: Fresno EDC Analysis with 2013 NETS Database

Below is a chart outlining the best performing retail industries (on survival, establishment formation, and revenue formation) from 2008 to 2013 by Fresno County region: mid-size businesses with multiple locations generally show a positive performance, while micro and/or entrepreneur businesses generally demonstrate a significant negative performance.

Region and Business Location Type	Business Size Category	Industry Title (from NAICS Code)
Metro		(Top 10 Best Performing Industries)
Multiple-Locations	Mid-Size	Supermarkets and Other Grocery (except Convenience) Stores
Multiple-Locations	Mid-Size	Full-Service Restaurants
Multiple-Locations	Mid-Size	Pharmacies and Drug Stores
Multiple-Locations	Mid-Size	Home Centers
Multiple-Locations	Mid-Size	Hotels (except Casino Hotels) and Motels
Multiple-Locations	Mid-Size	Women's Clothing Stores
Multiple-Locations	Mid-Size	Family Clothing Stores
Multiple-Locations	Mid-Size	Office Supplies and Stationery Stores
Multiple-Locations	Mid-Size	All Other Miscellaneous Store Retailers (except Tobacco Stores)
Multiple-Locations	Mid-Size	All Other General Merchandise Stores
Eastside		(All Best Performing Industries)
Multiple-Locations	Mid-Size	Pharmacies and Drug Stores

Multiple-Locations	Mid-Size	Other Building Material Dealers
Multiple-Locations	Mid-Size	Automotive Parts and Accessories Stores
Multiple-Locations	Mid-Size	All Other General Merchandise Stores
Multiple-Locations	Mid-Size	Sporting Goods Stores
Multiple-Locations	Micro	All Other General Merchandise Stores
Multiple-Locations	Micro	Pharmacies and Drug Stores
Multiple-Locations	Mid-Size	Mobile Food Services
Multiple-Locations	Micro	Cosmetics, Beauty Supplies, and Perfume Stores
Westside		(All Best Performing Industries)
Multiple-Locations	Mid-Size	Pharmacies and Drug Stores
Multiple-Locations	Mid-Size	Other Gasoline Stations
Multiple-Locations	Mid-Size	Automotive Parts and Accessories Stores
Multiple-Locations	Micro	Other Building Material Dealers
Multiple-Locations	Mid-Size	Drinking Places (Alcoholic Beverages)

Comprehensive Economic Development Strategy (CEDS)

The EDC has lead the charge to update the Comprehensive Economic Development Strategy (CEDS). The update has been completed over the past year with the collaboration of county staff, cities, and various community stakeholders who were engaged throughout the year. The revised CEDS is a policy and planning document that will direct United States Department of Commerce, Economic Development Administration (EDA) funding assistance to deserving projects that are consistent with current economic development goals and objectives. This document was presented to the Board of Supervisors and was approved on May 2, 2017.

Global Cities Initiatives & Exchange (GCI)

The second portion of the Global Cities Initiative that consists of completion of a regional foreign investment plan is anticipated to be finalized before the end of July. This will include the release of the final draft to the planning committee who will deliver a last round of input prior to a quiet release in August. EDC staff will be working on an official release in October in conjunction with the Annual Event as they anticipate the participation of a Brookings and/or JP-Morgan representative as a guest speaker.

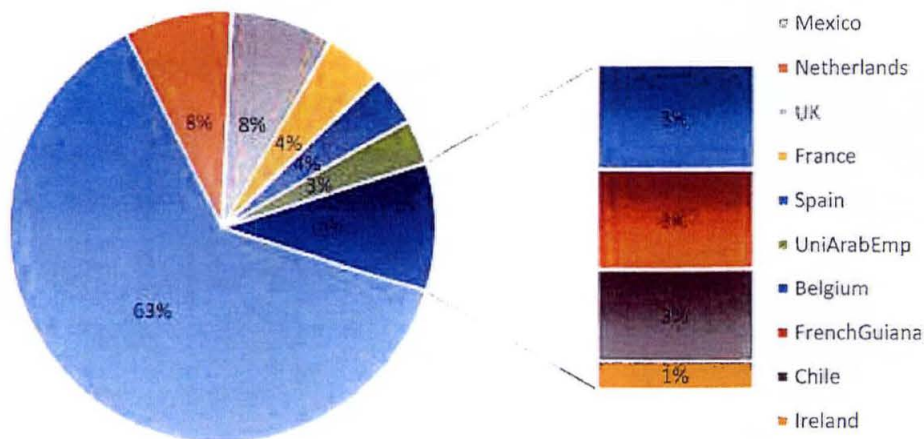
Although the California Central Valley's application was not formally accepted to participate in the third portion of the project which includes market prioritization, Brookings will continue to provide support as we plan implementation of this next stage. Market prioritization is still a clear next step and is fundamental to combine both export and foreign direct investment initiatives.

Therefore, Staff Economist Sergio Hernandez has developed a comprehensive export scoring system to identify feasible export prospects among Fresno County businesses. The scoring system developed uses a multiple variable analysis to identify California's main export partners by export destination. As outlined in the table below, Fresno County businesses are then assigned a "level" number to categorize their export prospect potential.

The system targets promising international markets for California and focuses on large and growing countries of destination for California exports ranks businesses following the threshold criteria:

Threshold Levels	Description
Level 1	Top 5% California Trade Opportunity Rank[1]/ Top 25% of Fresno MSA Exporting Industries/ Export Growth in Fresno MSA
Level 2	Top 25% California Trade Opportunity Rank/ Top 25% of Fresno MSA Exporting Industries/ Export Growth in Fresno MSA
Level 3	Top 5% California Trade Opportunity Rank / Top 25% of Fresno MSA Exporting Industries/ Export Decreased in Fresno MSA
Level 4	Top 5% California Trade Opportunity Rank / Under 25% of Fresno MSA Exporting Industries/ Export Growth in Fresno MSA
Level 5	Top 25% California Trade Opportunity Rank/ Under 25% of Fresno MSA Exporting Industries/ Export Growth in Fresno MSA
Level 6	Top 5% California Trade Opportunity Rank/ Under 25% of Fresno MSA Exporting Industries/ Export Decreased in Fresno MSA
Level 7	Top 25% California Trade Opportunity Rank/ Under 25% of Fresno MSA Exporting Industries/ Export Decreased in Fresno MSA
Special Services	(Large and Growing Export Services in Fresno MSA)

2016 California Exports to Promising Export Markets



A total of 31 countries make up 92% of California's export destinations. As demonstrated by the chart above, Mexico is the top destination for California exports, comprising 63% of all export destinations, followed by the United Kingdom and French Guiana at 8%.

As the Global Cities Initiative Export Plan is implemented, this scoring system will help the EDC identify Fresno County companies that demonstrate great export potential but are not currently exporting their products or services.

Legislation

SB661—New Employment Credit

The New Employment Credit provides a credit for hiring qualified full-time employees within specific economic development areas equal to 35% of the qualified wages paid between 150% and 350% of minimum wage.

SB661 would revise and improve the New Employment Credit to provide additional flexibility and benefits to employers as they adjust to minimum wage increases by 2022. The proposed changes would provide a more lucrative incentive for businesses and job-seekers in the Central Valley, as the credit applies to areas where the unemployment rate is 150% of the state's average or has a poverty rate of 125% of the state's average (which includes Fresno County). It would eliminate the 150% to 350% threshold to just 35% of qualified wages paid. SB 661 would also propose extending the incentive from 2021 to 2031.

The bill is currently on hold and staff will continue to monitor its progress.

AB301—Commercial Motor Vehicle Licensing

The EDC, in partnership with the Fresno County Department of Social Services, helps administer a Truck Drivers Training program and has experienced significant delays, sometimes as long as 12 to 16 weeks for participants to take the driving skills test. In addition to the delays, this is costing additional tax payer dollars as people are unable to obtain work in an industry that has a large demand for truck drivers.

To address this issue, Assemblymember Patterson proposed legislation that would require the Department of Motor Vehicles to decrease the maximum wait time for individuals wanting to take a driving skills tests for commercial vehicles. Based on the current proposed provisions, this legislation would require DMV to establish performance goals to reduce the average maximum wait time to take the driving skills test to 14 days by July 1, 2019 and to 7 days by July 1, 2021.

AB301 passed the Assembly on May 31st, 2017 and will be before the Senate Transportation and Housing Committee and Appropriations Committee in July. The EDC is proud to have worked with Assemblyman Patterson and his staff on supporting this needed legislation.

Partnership with Department of Social Services

The EDC has been contracted to assist the Fresno County Department of Social Services in marketing the New Employment Opportunity (NEO) program, or Ready 2 Hire, and identify prospective employers to hire from the pool of eligible NEO job seekers.

New Employment Opportunities (NEO)	2016-2017
YTD - New NEO Participating Businesses	49/150
YTD - Positions filled by Businesses	298/200
YTD - Job Postings	524/500
YTD - Job Fairs	3/4
YTD - Employer Training	9/4
YTD - Recruitments	7

*Contract Start Date October 1, 2016

City of Clovis jobseekers enrolled in NEO: 178

City of Clovis businesses enrolled in NEO: 19

Customized Training

Realizing the current labor demands among our local businesses, the EDC, Department of Social Services and educational partners have worked with industry stakeholders to develop customized training to fulfil today's workforce needs. Utilizing input from industries such as technology, truck driving, skilled welding, and trades, each training curriculum is developed to create career pathways to meet tomorrow's industry needs, help businesses grow, and put people back to work. Below is a list of customized training programs underway:

Fresno Career Development Institute (FCDI)

Pre-Apprenticeship Program. The partnership between Fresno County EDC, the Department of Social Services, and Fresno Career Development Institute moves forward a 12 week program comprised of classroom and construction based training.

Northern CA Laborers Test Administered	23
Passed Northern CA Laborers Testing	20
Entered Employment	20

Truck Drivers Training-- West Hills College

Class A Truck Driving Class implemented in partnership between the Fresno County EDC, the Department of Social Services, West Hills College, and Lawson Rock and Oil to facilitate the training of commercial drivers.

Licensed Class A Drivers	105
Entered Employment	75
<i>* Since inception of program</i>	

BitWise Industries, Fresno:

The EDC, Department of Social Services and BitWise has entered into a partnership to help train the next generation of technologists through the GeekWise Academy. Classes focus on Computer/Web Coding, training, and preparing job-seekers for a wide range of career opportunities. The EDC gathered valuable data from the 1st cohort, and the partners made adjustments for the 2nd cohort to meet the business need for entry-level coders.

GeekWise Stats Cohort (1-3)	Status
Graduated	22
Employed	14
Clients in Work Experience	1

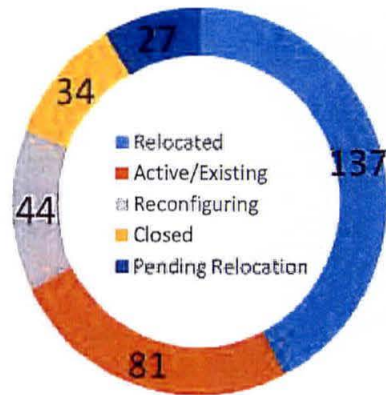
High-Speed Rail

To date, the EDC has assisted **323 property** owners throughout the County of Fresno. During this quarter alone, our Business Support Specialists have assisted **55 businesses and property owners** in various ways.

Q4 Business Assistance



Client Status	County	City
Closed	-	34
Active/Existing	69	12
Pending Relocation	1	26
Reconfiguring	5	39
Relocated	20	117
Total	95	228



“Thank You” Reception for Jeff Morales

Fresno EDC, Fresno State, and the Fresno Chamber of Commerce jointly hosted a reception recognizing Jeff Morales’ service during his tenure as CEO of the California High-Speed Rail Authority. About 50 people attended the event at the Smittcamp Alumni House at Fresno State, including Central Valley Regional Director Diana Gomez, Madera County Supervisor Max Rodriguez, Denise Altouian from Congressman Jim Costa’s office, Dr. Joseph Castro of Fresno State, and EDC Board Members Ed Dunkel, Brian Angus, and Al Solis.

Mr. Morales was further honored by the City of Fresno proclaiming “Jeff Morales Day” and awarded a Certificate of Appreciation. Certificates were also awarded from Supervisor Joaquin Arambula’s office and by the Greater Fresno Area Chamber of Commerce. In addition, a notation was added in the House of Representatives Congressional Record in his honor.

Mr. Morales spoke briefly in regard to his work in Fresno County, commenting that “without the true believers in Fresno, this wouldn’t have happened.”

Highlights

2017 Real Estate Forecast

We were proud to host our 14th Annual Real Estate Forecast on April 19, 2017 at the DoubleTree By Hilton Fresno Convention Center. Over 400 people attended the event to glean the latest market and industry insights from premier industrial, retail, multi-family, agricultural, investment and finance experts from around the region. The theme of the event included our recently adopted slogan, "Growing the California Dream", and President/CEO Lee Ann Eager provided remarks highlighting the good work and efforts of our organization and its partners in realizing this mission. Following the featured speakers' presentations, guests were able to network and visit with exhibiting cities, businesses and organizations, including Precision Engineering, Dumont Printing, Immodo Energy, EDC, Fresno Energy Watch and the City of Firebaugh. Staff received very positive feedback from event attendees and the Real Estate Forecast was largely a success.



San Joaquin Valley Manufacturing Alliance Manufacturing Summit

The San Joaquin Valley Manufacturing Alliance hosted its 2017 Manufacturing Summit on April 20th. EDC Director of Business Services Will Oliver was pleased to serve on the Planning Committee over the past year. The annual summit included keynote speakers, over 90 exhibitors and 24 breakout sessions. President/CEO Lee Ann Eager and Community & Economic Development Director Andy Haussler served on the "Relocating Your Company to the San Joaquin Valley" panel. Over 800 people were in attendance to gain valuable insight from the manufacturing industry's leading experts. Moreover, in partnership with the Department of Social Services, the EDC provided a Bronze level sponsorship for the event. Economic Development Specialists Lavell Tyler and Tracy Tosta and Economic Development Analyst Juan Carranza exhibited at the booth and networked with prospective clients and partners on the show floor, yielding 33 contacts.

Moreover, Economic Development Specialist Tosta also attended an export seminar for manufacturers and connected with the speakers for development of export referrals. Staff will be following up with each prospective business.

Fresno County Businesses Awarded \$5,750,000 in Tax Credits

On June 15th, Economic Development Specialist Jacob Villagomez attended the California Competes Tax Credit (CCTC) Committee hearing in Sacramento to offer support for the 10 Fresno County businesses who submitted applications totaling \$5,750,000 (see list below). Clovis based business CenCal Solar, Inc. was among the awardees. EDC staff continues to increase public awareness to encourage participation in the program to supplement local projects among existing and prospective companies. The CCTC is available to any company within any industry looking to grow in California.

Company	Award Amount
Actagro LLC	\$840,000
Green Chef Corporation	\$2,500,000
CenCal Solar, Inc.	\$100,000
Dockstader & Dockstader, Inc.	\$280,000
Initiative Foods	\$750,000
Tom Malloy Corporation	\$595,000

DDs Bakery, Inc.	\$200,000
KDR Pet Treats LLC	\$200,000
Excelsior Metals, Inc.	\$135,000
MJ Avila Company, Inc.	\$150,000

Shemin Garden

Economic Development Specialist Tracy Tosta met with Shemin Garden, a fertilizer and soil amendment company that seeks to finalize their expansion plans for a new manufacturing and packaging facility. In the initial meeting, the company expressed desire to sign-up for the NEO program for approximately 5 positions. Shemin Garden requires extensive assistance due to their stated goal of exportation to China, Europe and South Africa and the minimal familiarity with California regulations. To assist with this goal, Ms. Tosta connected the business to several resources including the City of Clovis, insurance referrals, SBA assistance as well as offering support on their current efforts with the SBDC. Future assistance will develop in the areas of marketing, trade show attendance and financial assistance, and connection to various credits as well as the development of a second company belonging to one of the partner's sons which will be an agriculture technology company.

Old Town Clovis Broker Reception

The City of Clovis, in partnership, with the EDC, coordinated an afternoon reception with local businesses and retail commercial brokers to talk about the new Old Town Clovis Specific Plan. Over 40 area brokers and Old Town Clovis business owners attended the event held on May 9th at Michelangelo's Pizzeria in Old Town Clovis. The Old Town Clovis Specific Plan will set the stage for the future of retail and office development in Old Town Clovis, with particular focus on Bullard Avenue between Harvard Avenue and Pollasky Avenue. The updated development standards are designed to increase pedestrian traffic and make this section of Old Town Clovis a vibrant shopping, dining, and entertainment district destination for Clovis.



Clovis Small Business Expo

Economic Development Analyst Juan Carranza and Economic Development Specialists Tracy Tosta and Lavell Tyler spoke with 35 businesses while exhibiting at the 2017 Clovis Expo. The event, hosted by the Clovis Chamber of Commerce, was held at the Clovis Veteran's Memorial Building and included over 70 vendors and approximately 200 visitors. One of the attending businesses, Roll Me Some Ice, an ice cream start-up is looking for two locations in Fresno and Clovis. EDC staff met with the owners and are assisting them with site selection and providing information on various incentives. The Fresno Bee featured a story on the ice cream start-up in May.

Other Activities

- EDC staff Go-Biz Quarterly Conference Call
- EDC staff attended Clovis City Council Meeting
- EDC staff attended Fresno 4 Biz Quarter Partner Meeting
- EDC staff attended Clovis Mayor's Breakfast
- EDC staff attended Clovis Veterans Memorial District Collaboration Meeting
- EDC staff attended Fresno County Board of Supervisors meeting
- EDC staff attended Smart Money for Small Business Workshop

ATTACHMENT 1

FY 16-17 Overview of Work Product	Deliverables	FY 2016 – 2017 Target Outcomes	Status as of Q4 2016-2017
<p>Economic Development Corporation Serving Fresno County</p> <p>Contract: \$40,000</p> <p>Performance Base: \$10,000 (\$2,500 per site tour)</p> <p>Staff: President & CEO Lee Ann Eager</p> <p>Vice President Esther Cuevas</p> <p>Director of Business Services Will Oliver</p>	<p>Retention: Targeted businesses will be contacted by a variety of methods to educate Clovis businesses on local, regional and statewide incentive programs</p> <ul style="list-style-type: none"> Conduct Analysis to determine top 50 companies in Clovis that should be focused on for retention and expansion <p>New Business Recruitment: Provide information and tours to industrial and commercial representatives not currently located in Clovis for the purpose of recruiting new businesses and industries to the City of Clovis. Assist the City of Clovis in marketing identified industrial parks or industrial areas to new clients.</p> <ul style="list-style-type: none"> Coordinate site tours for the purpose of business attraction and expansion. Create and update marketing materials. Coordinate commercial and industrial broker events for the city of Clovis. Conduct analysis to determine expansion industries and companies to target for expansion. Attend trade shows/missions and market Clovis. 	Top 50 target business analysis for expansion completed	The list of Top 50 target business was finalized during Q3 in collaboration with City of Clovis staff.
		Respond all City of Clovis Business inquires and connect them to appropriate resources	80 businesses contacted and 45 direct referrals made providing appropriate resources in Q4.
		4 Site Tours	4/4 – two site tours were provided during Q4. The EDC will continue to market Clovis and available properties.
		2 Broker Events	2 of 2 completed – 1 broker event was held during Q4.
		40 new business leads	37/40 business leads provided, with 11 qualified leads during Q4. Additionally, 6 prospective leads from previous quarters became Clovis qualified leads.
		5 Trade shows/missions attended	12/5 tradeshow/missions attended. 3 tradeshow attended in Q4.
		Economic Profile Demographic Information Business Park Brochures	<p>Economic profile updated and completed in Q4.</p> <p>Demographic information updated and completed in Q4.</p> <p>Business park brochures completed. Incentive brochure created and distributed to Clovis businesses in cooperation with City staff.</p>



AGENDA ITEM NO: **CC-D-1**

City Manager: LS

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: September 5, 2017

SUBJECT: Approval - Res. 17- A Resolution of Intention (ROI) to Annex Territory (Annexation #50) (T6174- Southeast Corner Ashlan/Leonard, T6102- Southeast Corner Shaw/Highland, PM2017-1 Southeast Corner Shepherd/Locan), to the Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes Therein and setting the Public Hearing for October 9, 2017.

ATTACHMENTS: Resolution
Map

CONFLICT OF INTEREST

None

RECOMMENDATION

That the Council approve Res. 17-____, A Resolution of Intention to Annex Territory (Annexation #50) to Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes therein and setting the Public Hearing for October 9, 2017.

EXECUTIVE SUMMARY

Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004 must petition to be annexed to the existing CFD. This action is required to begin the process of annexation provided by the conditions of approval of the development entitlements.

BACKGROUND

Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004 must petition to be annexed to the existing CFD. Recently a developer has submitted a petition to annex territory to the Community Facilities District

2004-1 and to include his subdivision within the District as provided by the conditions of approval of the development entitlements.

To initiate the process for annexation of territory to a CFD, the Council must approve a Resolution of Intention (ROI) to annex territory to the CFD. The ROI included with this report includes various actions necessary for the annexation to the CFD. The Rate and Method of Apportionment (RMA) referred to in the ROI is as adopted by the Council with the Resolution of Formation adopted March 8, 2004.

The area to be annexed T6174- Southeast Corner Ashlan/Leonard, T6102- Southeast Corner Shaw/Highland, PM2017-1 Southeast Corner Shepherd/Locan is shown in the attached map.

FISCAL IMPACT

No fiscal impact by this action.

REASON FOR RECOMMENDATION

All requirements to begin the process for annexation of territory to the CFD have been completed, and the Council may take action on the ROI.

ACTIONS FOLLOWING APPROVAL

The Staff will take appropriate steps to schedule the Public Hearing on the Annexation of Territory to the CFD for October 9, 2017 and will provide the notices in accordance with law.

Prepared by: Steve Nourian

Submitted by: Jay Schengel, Finance Director 

RESOLUTION NO. 17-__

**A RESOLUTION OF INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES
DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN**

**CITY OF CLOVIS
Community Facilities District No. 2004-1
(Police and Fire Services)
Annexation No. 50**

The City Council of the City of Clovis resolves as follows:

WHEREAS, this Council has conducted proceedings to establish Community Facilities District No. 2004-1 (Police and Fire Services) (the "CFD") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing at Section 53311, of the California Government Code; and

WHEREAS, under the Act, this Council, as the legislative body for the CFD, is empowered with the authority to annex territory to the CFD, and now desires to undertake proceedings to annex territory to the CFD.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. **Findings.** This Council hereby finds and determines that public convenience and necessity require that territory be added to the CFD.
2. **Territory Described.** The name of the existing CFD is "Community Facilities District No. 2004-1 (Police and Fire Services)". The territory included in the existing CFD is as shown on the map thereof filed in Book 40 of Maps of Assessment and Community Facilities Districts at Page 57, in the office of the County Recorder, County of Fresno, State of California, to which map reference is hereby made. The territory now proposed to be annexed to the CFD is as shown on the Annexation Map No. 50 to the CFD, on file with the Clerk, the boundaries of which territory are hereby preliminarily approved and to which map reference is hereby made for further particulars. The City Clerk is hereby directed to cause to be recorded said Annexation Map No. 50 to the CFD, showing the territory to be annexed, in the office of the County Recorder of the County of Fresno within fifteen days of the date of adoption of this resolution.
3. **The Services.** The types of public services financed by the CFD and pursuant to the Act consist of those of the police and fire services (the "Services") as described in Exhibit A to Resolution No. 04-33, adopted by the Council on March 8, 2004 (the "Resolution of Formation"). It is presently intended that the Facilities (and the Services) will be shared, without

preference or priority, by the existing territory in the CFD and the territory proposed to be annexed to the CFD.

4. **Special Tax.** Except to the extent that funds are otherwise available to the CFD to pay for the Services, a special tax sufficient to pay the costs thereof is intended to be levied annually within the CFD, and collected in the same manner as ordinary *ad valorem* property taxes. The proposed rate and method of apportionment of the special tax among the parcels of real property within the CFD, as now in existence and following the annexation proposed herein, in sufficient detail to allow each landowner within the territory proposed to be annexed to the CFD to estimate the maximum amount such owner will have to pay, are described in Exhibit B attached to the Resolution of Formation, by which this reference is incorporated herein.
5. **Hearing.** Monday, October 9, 2017, at 6:00 p.m. or as soon as possible thereafter, in the City Hall, Council Chambers, 1033 Fifth Street, Clovis, California, be, and the same are hereby appointed and fixed as the time and place when and where this Council, as legislative body for the CFD, will conduct a public hearing on the annexation of territory to the CFD and consider and finally determine whether the public interest, convenience and necessity require said annexation of territory to the CFD and the levy of such special tax therein.
6. **Notice.** The City Clerk is hereby directed to cause notice of said public hearing to be given by publication one time in a newspaper of general circulation in the area of the CFD. The publication of said notice shall be completed at least seven (7) days before the date herein set for said hearing. The City Clerk shall also cause a copy of such notice and a copy of the Resolution of Formation to be mailed to each landowner (and to each registered voter, if any) within the territory proposed to be annexed, which notice and resolution shall be mailed at least fifteen (15) days before the date of said hearing. Such notice shall be substantially in the form specified in Section 53339.4 of the Act, with a summary form specifically authorized.
7. **Annexation Contingency.** Section 53316 of the Act shall apply to the proceedings of the Council for the CFD to the extent that the proceedings, if appropriate, include territory which on the date of adoption of this Resolution of Intention are not annexed to the City and which territory is proposed to be annexed to the City. This Council determines that the City has filed appropriate documents, including a "resolution of application", with the Fresno County Local Agency Formation Commission ("LAFCO") for the annexation of territory as therein described, which territory includes all or a portion of the lands proposed for inclusion in the boundaries of the CFD as herein described. A certificate of filing of such application has been issued by the official who is the executive officer of LAFCO, a copy of which certificate of filing is on file with the City Clerk. It is hereby specifically

provided that these proceedings for the CFD, to the extent applicable to such territory subject to such LAFCO annexation to the City, shall be contingent upon and shall be completed only if the annexation of such territory to the City by LAFCO is completed. It is further provided that this Council shall not authorize the levy of the Special Tax nor cause any amended notice of special tax lien to be recorded for the territory to be annexed to the CFD unless and until such annexation proceedings through LAFCO are completed to the satisfaction of this Council.

8. Effective Date. This resolution shall take effect upon its adoption.

* * * * *

The foregoing resolution was approved at the regularly scheduled meeting of the Clovis City Council on the 5th day of September, 2017, by the following vote to wit:

AYES:

NOES:

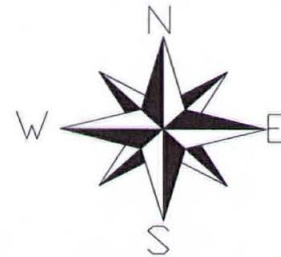
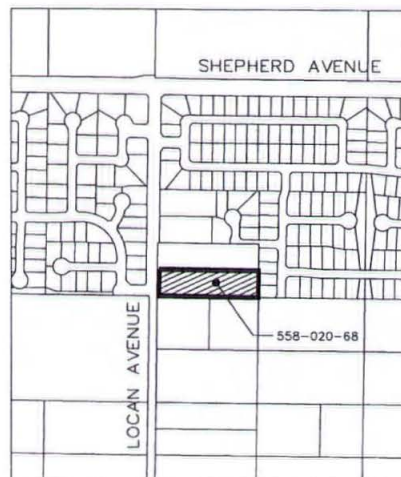
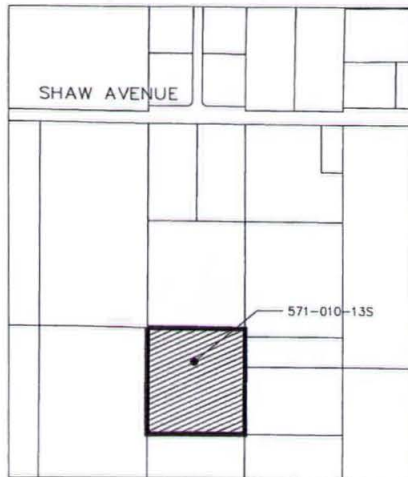
ABSENT:

ABSTAIN:

Dated: September 5, 2017

Mayor

City Clerk



LEGEND

- PARCEL
- ANNEXATION BOUNDARY
- APN 571-010-13S
- APN 558-020-68
- APN 310-300-63

FILED IN THE OFFICE OF THE CITY CLERK THIS _____ DAY OF _____, 2017. I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. 50 TO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES), CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLOVIS AT A REGULAR MEETING THEREOF, HELD ON THE N/A DAY OF _____, 2017, BY ITS RESOLUTION NO. 17-_____.

JOHN HOLT
CITY CLERK
CITY OF CLOVIS

FILED THIS _____ DAY OF _____, 2017, AT THE HOUR OF _____ O'CLOCK _____ M. IN THE BOOK _____ PAGE _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AND AS INSTRUMENT NO. _____ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA.

PAUL A. DICTOS, C.P.A. BY: DEPUTY COUNTY RECORDER
COUNTY ASSESSOR-RECORDER
COUNTY OF FRESNO
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF COMMUNITY FACILITIES DISTRICT NO 2004-1 (POLICE AND FIRE SERVICES) OF THE CITY OF CLOVIS RECORDED WITH THE FRESNO COUNTY RECORDER'S OFFICE ON FEBRUARY 19, 2004, IN BOOK 40 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 57.

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE FRESNO COUNTY ASSESSORS MAPS FOR THOSE PARCELS LISTED.

THE FRESNO COUNTY ASSESSORS MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OF PARCELS.

ANNEXATION MAP NO. 50

COMMUNITY FACILITIES DISTRICT NO. 2004-1
(POLICE AND FIRE SERVICES)

0 250' 500'
SCALE : 1" = 500'

CITY OF CLOVIS
COUNTY OF FRESNO
STATE OF CALIFORNIA



AGENDA ITEM NO: **CC-D-2**
City Manager: LS

CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: September 5, 2017

SUBJECT: Receive and File - Investment Report for the Month June 2017

Exhibits: (A) Distribution of Investments
(B) Monthly Investment Transactions
(C) Certificates of Deposit
(D) Graph of June 30, 2017 Treasury Rates

Attached is the Investment Report for the month of June 2017. Shown in Exhibit A is the distribution of investments which lists all the individual securities owned by the City with the book and market values. Book value is the actual price paid for the investment. Market value is the amount that the investment is worth if sold in the open market. The market value (which fluctuates daily) that is used in the report is as of the last working day of the month. Exhibit B reflects the monthly investment transactions for the month of June 2017. Exhibit C lists the certificates of deposit. Exhibit D is a graph of Treasury rates on June 30, 2017.

The investment of the City's funds is performed in accordance with the adopted Investment Policy. Funds are invested with the following objectives in mind:

1. Assets are invested in adherence with the safeguards and diversity of a prudent investor.
2. The portfolio is invested in a manner consistent with the primary emphasis on preservation of the principal, while attaining a high rate of return consistent with this guideline. Trading of securities for the sole purpose of realizing trading profits is prohibited.
3. Sufficient liquidity is maintained to provide a source for anticipated financial obligations as they become due.
4. Investments may be made, consistent with the Investment Policy Guidelines, in fixed income securities maturing in three years or less and can be extended to five years with the City Manager's approval.

The Finance Department invests the City's assets with an expectation of achieving a total rate of return at a level that exceeds the annualized rate of return on short-term government guaranteed or insured obligations (90 day Treasury bills) and to assure that the principal is preserved with minimal risk of depreciation or loss. In periods of rising interest rates the City of Clovis portfolio return may be less than that of the annualized 90 day Treasury bill. In periods of decreasing interest rates, the City of Clovis portfolio return may be greater than the annualized 90 day Treasury bill. The current 90 day Treasury bill rate (annualized) is 0.57%. The rate of return for the City of Clovis portfolio is 1.08%. The goal for the City of Clovis investment return is 120% of the 90 day Treasury bill rate. The current rate of return is 189% of the Treasury bill rate.

In accordance with the Investment Policy the investment period on each investment does not exceed three years and can be extended to five years with the City Manager's approval. As of June 2017 the average investment life of the City's investment portfolio is 0.86 years.

Current Investment Environment and Philosophy

During the month of June 2017 the Federal Reserve did not adjust the federal funds rate and it remained at 0.75 - 1.00%.

On June 30, 2017 the Treasury yield curve shows a steady increase that is only slightly more pronounced at the interval between three and ten years.

Certificates of Deposit (CD's)

The City purchases both negotiable and non-negotiable Certificates of Deposit (CD's). Although negotiable CD's can be traded, it is the City's policy to buy and hold all CD's. Negotiable CD's are held by U.S. Bank, a third party custodian. Non-negotiable CD's are held in the City's safe.

Purchases and Maturities


- 2 government securities totaling \$5,000,000.00 were purchased.
- 1 government securities totaling \$3,000,000.00 was called or matured.
- 2 certificates of deposit totaling \$500,000.00 were purchased.
- 3 certificates of deposit totaling \$735,000.00 were called or matured.

Market Environment

- During June, the federal funds rate was maintained at .75% - 1.00%.
- On June 30, the yield curve increased steadily for shorter term treasuries (through six months) and shows larger increases beyond six month treasuries. See Exhibit D, Graph of Treasury Rates on June 30, 2017.

Prepared by: Haley Lynch, Deputy Finance Director

Submitted by: Jay Schengel, Finance Director



**CITY OF CLOVIS
DISTRIBUTION OF INVESTMENTS
AS OF JUNE 30, 2017**

Exhibit A

	<u>COST</u>	<u>NET BOOK VALUE</u>	<u>MARKET VALUE *</u>	<u>YIELD TO MATURITY</u>	<u>STATED INTEREST RATE</u>	<u>INVEST DATE</u>	<u>MATURITY DATE</u>	<u>DAYS TO MATURITY FROM 6/30/2017</u>
<u>GOV'T SECURITIES</u>								
FHLMC	3,007,944	3,007,944	2,999,910	1.000%	1.000%	12/01/15	07/28/17	28
FHLB	3,015,870	3,015,870	2,999,100	1.125%	1.125%	07/02/15	12/08/17	161
FNMA	2,998,479	2,998,479	2,989,740	0.875%	0.875%	09/29/15	05/21/18	325
FNMA	3,018,480	3,018,480	2,989,350	1.125%	1.125%	06/09/16	12/14/18	532
FHLB	3,000,000	3,000,000	2,978,430	1.250%	1.250%	04/29/16	04/29/19	668
FFCB	3,007,560	3,007,560	2,975,160	1.300%	1.300%	06/09/16	06/06/19	706
FNMA	3,006,150	3,006,150	2,984,250	1.250%	1.250%	07/13/16	06/28/19	728
FNMA	3,002,400	3,002,400	2,974,080	1.125%	1.125%	07/26/16	07/26/19	756
FNMA	3,000,000	3,000,000	2,976,000	1.250%	1.250%	11/16/16	11/15/19	868
FHLMC	3,000,000	3,000,000	2,981,730	1.300%	1.300%	11/28/16	11/27/19	880
FFCB	994,500	994,500	992,330	1.400%	1.400%	03/30/17	02/24/20	969
FHLB	1,008,597	1,008,597	1,007,450	1.875%	1.875%	03/22/17	03/13/20	987
FNMA	3,006,210	3,006,210	3,001,950	1.700%	1.700%	05/02/17	04/27/20	1,032
FNMA	3,007,770	3,007,770	3,003,300	1.800%	1.800%	05/02/17	04/27/20	1,032
FHLMC	2,498,750	2,498,750	2,493,975	1.550%	1.550%	05/25/17	05/22/20	1,057
FFCB	2,500,000	2,500,000	2,490,250	1.670%	1.670%	06/01/17	06/01/20	1,067
FHLB	2,500,000	2,500,000	2,494,375	1.625%	1.625%	06/26/17	06/26/20	1,092
SECURITIES TOTAL	\$ 45,572,710	\$ 45,572,710	\$45,331,380					
LAIF		\$ 64,409,669	\$ 64,409,669					
MONEY MARKET		\$ 9,691,963	\$ 9,691,963					
TOTAL CD'S		\$ 13,554,000	\$ 13,531,877					
TOTAL INVESTMENTS		\$ 133,228,342	\$ 132,964,889					

* Market values for securities obtained from US Bank.

Exhibit B

CITY OF CLOVIS
MONTHLY INVESTMENT TRANSACTIONS
FOR THE MONTH OF JUNE 2017

Institution	Description	Activity	Amount	Market Value	Rate	Activity Date	Maturity Date
MERRICK BANK CORP	CD	Maturity	(245,000)	(245,000)	0.900%	06/12/17	06/12/17
NORTHBROOK BK TRST	CD	Maturity	(245,000)	(245,000)	1.000%	06/27/17	06/27/17
FIRSTTRUST SAVINGS BK	CD	Maturity	(245,000)	(245,000)	1.000%	06/30/17	06/30/17
FNMA	GOV SEC	Full Call	(3,000,000)	(3,000,000)	1.700%	06/30/17	06/30/17
FFCB DEB	GOV SEC	Purchase	2,500,000	2,500,000	1.670%	06/01/17	06/01/17
NTHWT DIST CH8	CD	Purchase	250,000	250,000	1.700%	06/16/17	6/16/2017
TBK BANK SSB	CD	Purchase	250,000	250,000	1.800%	06/23/17	6/23/2017
FHLB DEB	GOV SEC	Purchase	2,500,000	2,500,000	1.625%	06/29/17	6/29/2017
FHLB DEB	GOV SEC	Interest	(339)			06/29/17	

PORTFOLIO DATA

Current Month (6/17)

	Book	Market
CD'S	\$ 13,554,000	\$13,531,877
Gov't Securities*	45,572,710	45,331,380
LAIF	64,409,669	64,409,669
Money Market	9,691,963	9,691,963
Premium IOC	0	0
TOTAL	\$ 133,228,342	\$132,964,889

One Month Previous (5/17)

	Book	Market
CD'S	\$ 13,789,000	\$13,775,003
Gov't Securities*	43,572,710	43,393,935
LAIF	64,409,669	64,409,669
Money Market	9,691,963	9,691,963
Premium IOC	0	0
TOTAL	\$ 131,463,342	\$ 131,270,570

Three Months Previous (3/17)

	Book	Market
CD'S	\$ 14,524,000	\$14,512,502
Gov't Securities*	35,059,980	34,860,570
LAIF	64,299,746	64,299,746
Money Market	9,691,963	9,691,963
Premium IOC	0	0
TOTAL	\$ 123,575,689	\$ 123,364,781

Six Months Previous (12/16)

	Book	Market
CD'S	\$ 14,769,000	\$ 14,777,687
Gov't Securities*	36,066,936	35,850,450
LAIF	50,214,214	50,214,214
Money Market	9,691,963	9,691,963
Premium IOC	0	0
TOTAL	\$ 110,742,113	\$ 110,534,314

One Year Previous (6/16)

	Book	Market
CD'S	\$ 16,479,000	\$ 16,552,311
Gov't Securities*	33,058,669	33,094,870
LAIF	50,069,913	50,069,913
Money Market	9,691,963	9,691,963
Premium IOC	0	0
TOTAL	\$ 109,299,545	\$ 109,409,057

*Adjusted Quarterly for Premium/Discount Amortization

**CITY OF CLOVIS
CERTIFICATES OF DEPOSIT
AS OF JUNE 30, 2017**

Exhibit C

Negotiable CDs	COST	MARKET PRICE	INTEREST RATE	INVEST DATE	MATURITY DATE	MATURITY FROM 06/30/17	INTEREST FREQUENCY
APPLE BK	245,000	245,020	1.000%	01/13/16	07/13/17	13	SEMI-ANNUALLY
BANK HAPOLIM	245,000	245,020	1.150%	07/17/14	07/17/17	17	SEMI-ANNUALLY
EVERBANK FLORIDA	230,000	230,030	1.250%	06/24/14	07/17/17	17	SEMI-ANNUALLY
AMERICAN EXPRESS	245,000	245,056	1.200%	08/07/14	08/07/17	38	SEMI-ANNUALLY
CUSTOMER'S BANK	245,000	245,152	1.350%	09/10/14	09/11/17	73	SEMI-ANNUALLY
CAMBRIDGE TRUST	245,000	245,015	1.050%	07/22/15	09/22/17	84	MONTHLY
CAPITAL ONE BANK	245,000	245,010	1.350%	10/01/14	10/02/17	94	SEMI-ANNUALLY
PINNACLE BANK SCOTTSDALE	245,000	245,081	1.100%	10/30/14	10/30/17	122	MONTHLY
DOLLAR BANK FED	245,000	245,074	1.200%	11/17/14	11/17/17	140	SEMI-ANNUALLY
BANKUNITED	245,000	245,064	1.200%	11/21/14	11/21/17	144	SEMI-ANNUALLY
FLUSHING BANK	245,000	245,103	1.300%	12/12/14	12/12/17	165	MONTHLY
CATHAY BANK	245,000	245,120	1.150%	07/07/15	12/29/17	182	MONTHLY
GUARANTY BANK	245,000	244,613	0.900%	05/15/15	01/16/18	200	MONTHLY
MERCANTILE BANK	245,000	244,787	1.050%	01/30/15	01/30/18	214	MONTHLY
JP MORGAN CHASE	245,000	245,394	1.200%	02/27/15	02/27/18	242	QUARTERLY
CONNECTONE BANK	245,000	245,304	1.150%	03/13/15	03/13/18	256	MONTHLY
WEBBANK CORP	245,000	244,946	1.200%	03/27/15	03/27/18	270	MONTHLY
PEOPLES UNITED	245,000	244,601	1.050%	04/15/15	04/16/18	290	SEMI-ANNUALLY
INVESTORS BANK	245,000	245,238	1.100%	04/30/15	04/30/18	304	SEMI-ANNUALLY
YADKIN BANK	245,000	245,015	1.050%	05/08/15	05/08/18	312	MONTHLY
WORLDS FOREMOST	200,000	199,912	1.300%	05/13/15	05/14/18	318	MONTHLY
B-BAY LLC PROMI	245,000	244,865	1.300%	05/22/15	05/22/18	326	SEMI-ANNUALLY
COMMERCE BANK	245,000	244,809	1.250%	06/18/15	06/18/18	353	MONTHLY
FIRST COMMERCIAL	245,000	244,748	1.250%	06/26/15	06/26/18	361	MONTHLY
ENERBANK	245,000	245,103	1.400%	07/14/15	07/13/18	378	MONTHLY
WELCH STATE BANK	245,000	245,326	1.350%	07/17/15	07/17/18	382	MONTHLY
CAPITAL ONE N.A.	245,000	245,571	1.650%	07/29/15	07/30/18	395	SEMI-ANNUALLY
FIRST BUSINESS	245,000	245,039	1.400%	08/18/15	08/17/18	413	SEMI-ANNUALLY
BUCKS COUNTY BANK	245,000	245,840	1.300%	08/31/15	08/31/18	427	MONTHLY
WASHINGTON COUNTY	129,000	129,454	1.250%	09/23/15	09/24/18	451	MONTHLY
KEY BANK	245,000	245,804	1.300%	11/12/15	11/13/18	501	SEMI-ANNUALLY
WELLS FARGO BANK	245,000	245,635	1.400%	11/12/15	11/13/18	501	MONTHLY
GOLDMAN SACHS BK	245,000	246,470	1.750%	01/13/16	01/14/19	563	SEMI-ANNUALLY
FIRST SAVINGS BANK	245,000	243,932	1.250%	02/19/16	02/19/19	599	MONTHLY
FIRST WESTERN	245,000	245,461	1.150%	02/26/16	02/26/19	606	MONTHLY
KATAHDIN TRUST	245,000	245,059	1.200%	02/26/16	02/26/19	606	MONTHLY
BRYN MAWR TR	245,000	244,542	1.200%	03/30/16	03/29/19	637	MONTHLY
PRIVATE BANK	245,000	243,829	1.100%	05/20/16	05/20/19	689	SEMI-ANNUALLY
HORIZON BANK	245,000	243,123	1.100%	05/25/16	05/24/19	693	MONTHLY
QUANTUM NATIONAL BANK	245,000	242,996	1.150%	06/22/16	06/21/19	721	QUARTERLY
DISCOVER BANK	245,000	242,998	1.200%	07/01/16	07/01/19	731	SEMI-ANNUALLY
NORTHERN BANK TRUST	245,000	242,888	1.100%	07/12/16	07/12/19	742	QUARTERLY
WEX BANK	245,000	242,173	1.200%	08/12/16	08/12/19	773	SEMI-ANNUALLY
FNB OF MCGREGOR	245,000	242,222	1.100%	08/18/16	08/19/19	780	MONTHLY
ALLY BANK	245,000	241,960	1.300%	09/15/16	09/16/19	808	SEMI-ANNUALLY
ATLANTIC	245,000	241,864	1.200%	09/30/16	09/30/19	822	MONTHLY
MORTON COMMUNITY BANK	245,000	243,829	1.500%	12/15/16	12/16/19	899	MONTHLY
SALLIE MAE	245,000	245,230	1.750%	01/11/17	01/13/20	927	SEMI-ANNUALLY
STEARNS BANK	245,000	244,214	1.600%	02/10/17	02/10/20	955	SEMI-ANNUALLY
CRESCENT BANK	245,000	243,883	1.550%	02/15/17	02/14/20	959	MONTHLY
PYRAMAX BANK	245,000	244,184	1.600%	02/17/17	02/18/20	963	MONTHLY
AMERICAN EXPRESS	245,000	245,970	1.900%	04/17/17	04/06/20	1,011	MONTHLY
FIRST BANK	245,000	243,932	1.600%	04/17/17	04/20/20	1,025	MONTHLY
ION BANK	245,000	243,932	1.600%	04/17/17	04/20/20	1,025	MONTHLY
NTHWT DIST CH8	250,000	249,373	1.700%	06/16/17	06/16/20	1,082	MONTHLY
TBK BANK SSB	250,000	250,070	1.800%	06/23/17	06/23/20	1,089	MONTHLY
Negotiable CD TOTAL	\$ 13,554,000	\$ 13,531,877					
CD TOTAL	\$ 13,554,000	\$ 13,531,877					

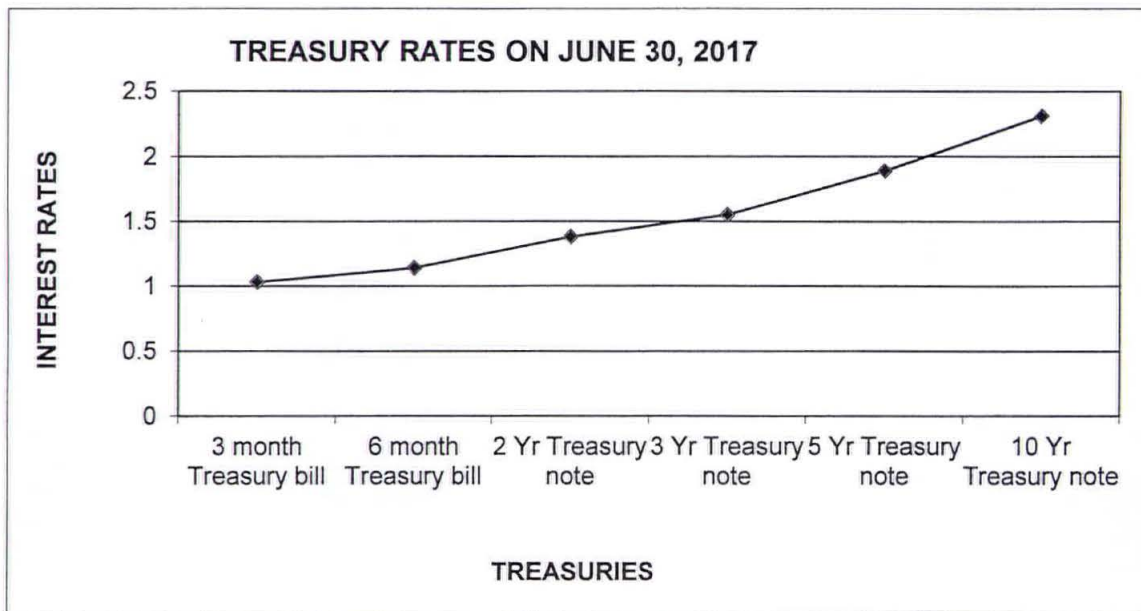
Exhibit C

**CITY OF CLOVIS
FINANCE DEPARTMENT
JUNE 30, 2017 TREASURY RATES**

Exhibit D

Treasury Rates as of June 30, 2017

3 month Treasury bill	1.03
6 month Treasury bill	1.14
2 Yr Treasury note	1.38
3 Yr Treasury note	1.55
5 Yr Treasury note	1.89
10 Yr Treasury note	2.31



As indicated in the above graph, treasuries climb at a steady pace with an increase that is only slightly more pronounced at the interval between 3 years and 10 years.



AGENDA ITEM NO: **CC-D-3**
City Manager: LS

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: September 5, 2017

SUBJECT: Receive and File - Treasurer's Report for the Month of June 2017

ATTACHMENTS: (A) Statement of Cash Balances
(B) Summary of Investment Activity
(C) Investments with Original Maturities Exceeding One Year

Attached for the Council's information is the Treasurer's Report for the month ended **June 30, 2017**.

Pursuant to Section 41004 of the Government Code of the State of California, the City Treasurer is required to submit a monthly report of all receipts, disbursements and fund balances. The first page of the report provides a summary of the beginning balance, total receipts, total disbursements, ending balance for all funds, and a listing, by fund, of all month end fund balances. The second page of the report summarizes the investment activity for the month and distribution, by type of investment, held by the City. The third page lists all investments with original maturities exceeding one year as of the month ended **June 30, 2017**.

Prepared by: Haley Lynch, Deputy Finance Director

Submitted by: Jay Schengel, Finance Director 

CITY OF CLOVIS
STATEMENT OF CASH BALANCES
AS OF June 30, 2017

Previous Balance	\$	54,127,957.88
Deposits		12,947,210.20
Disbursements		(14,196,135.14)
Current Balance	\$	52,879,032.94

<u>FUNDS</u>	<u>BALANCE</u>
100 General Fund	\$ 9,115,472.69
201 Local Transportation	11,154,191.22
202 Parking and Business Improvements	91,295.97
203 Off Highway Use	66,546.38
205 Senior Citizen Memorial Trust	49,133.67
207 Landscape Assessment District	3,039,250.01
208 Blackhorse III (95-1) Assessment District	124,167.43
275 HCD Block Grant Fund	325,778.72
301 Park & Recreation Acquisition	4,818,360.20
305 Refuse Equipment Reserve	1,369,226.27
310 Special Street Deposit Fund	17,406,017.31
313 Successor Agency	791.94
314 Housing Successor Agency	860,695.91
402 1976 Fire Bond Redemption	25,591.17
404 1976 Sewer Bond Redemption Fund	383,454.76
501 Community Sanitation Fund	14,473,154.65
502 Sewer Service Fund	31,219,098.38
504 Sewer Capital Projects-Users	723,638.31
506 Sewer Capital Projects-Developer	2,997.30
507 Water Service Fund	43,265,954.17
508 Water Capital Projects-Users	3,051,748.76
509 Water Capital Projects-Developer	2,134,178.26
515 Transit Fund	2,679,751.42
540 Planning & Development Services	8,845,132.72
601 Property & Liability Insurance	1,481,909.05
602 Fleet Maintenance	10,218,723.75
603 Employee Benefit Fund	7,201,685.20
604 General Government Services	10,340,524.53
701 Curb & Gutter Fund	150,585.57
702 Sewer Revolving Fund	133,036.65
703 Payroll Tax & Withholding Fund	684,664.64
712 Temperance/Barstow Assmt Dist (98-1)	71,110.37
713 Shepherd/Temperance Assmt Dist (2000-1)	5,462.66
715 Supp Law Enforcement Serv	176,602.63
716 Asset Forfeiture	10,666.18
720 Measure A-Public Safety Facility Tax	330,092.27
736 SA Admin Trust Fund	1,421.40
741 SA Debt Service Trust Fund	74,123.74
747 Housing Successor Trust Fund	1,137.98
SUBTOTALS	\$ 186,107,374.24
999 Invested Funds	(133,228,341.30)
TOTAL	\$ 52,879,032.94

**CITY OF CLOVIS
SUMMARY OF INVESTMENT ACTIVITY
FOR THE MONTH OF JUNE 2017**

<u>Balance of Investments Previous Month End</u>		<u>\$ 131,463,341.30</u>
<u>Time Certificates of Deposit Transactions</u>		
Investments	500,000.00	
Withdrawals	<u>(735,000.00)</u>	
Total CD Changes		(235,000.00)
<u>Other Changes</u>		
Government Securities	2,000,000.00	
US Treasury Notes	0.00	
Local Agency Investment Fund	0.00	
Money Market	<u>0.00</u>	
Total Other Changes		<u>2,000,000.00</u>
Balance of Investments Current Month End		<u>\$ 133,228,341.30</u>


**CITY OF CLOVIS
DISTRIBUTION OF INVESTMENTS
AS OF June 30, 2017**

Insured CD's	13,554,000.00
Government Securities	45,572,709.72
US Treasury Notes	0.00
Local Agency Investment Fund	64,409,668.75
Money Market	<u>9,691,962.83</u>
Investment Total	<u>\$ 133,228,341.30</u>

CITY OF CLOVIS
ORIGINAL MATURITIES EXCEEDING ONE YEAR
AS OF June 30, 2017

Institution	Face Value	Investment Balance At Amortized Cost	Maturity	Stated Rate
FHLMC-GOVT SEC	\$3,000,000	\$3,007,944	07/28/17	1.000%
FHLB-GOV SEC	\$3,000,000	\$3,015,870	12/08/17	1.125%
FNMA-GOVT SEC	\$3,000,000	\$2,998,479	05/21/18	0.875%
FNMA-GOVT SEC	\$3,000,000	\$3,018,480	12/14/18	1.125%
FHLB-GOV SEC	\$3,000,000	\$3,000,000	04/29/19	1.250%
FFCB-GOVT SEC	\$3,000,000	\$3,007,560	06/06/19	1.300%
FNMA-GOVT SEC	\$3,000,000	\$3,006,150	06/28/19	1.250%
FNMA-GOVT SEC	\$3,000,000	\$3,002,400	07/29/19	1.250%
FNMA-GOVT SEC	\$3,000,000	\$3,000,000	11/15/19	1.250%
FHLMCMTN-GOVT SEC	\$3,000,000	\$3,000,000	11/27/19	1.300%
FFCB-GOVT SEC	\$1,000,000	\$994,500	02/24/20	1.400%
FHLB-GOV SEC	\$1,000,000	\$1,008,597	03/12/20	1.875%
FNAMMTN-GOVT SEC	\$3,000,000	\$3,007,770	04/27/20	1.800%
FNAMMTN-GOV SEC	\$3,000,000	\$3,006,210	04/27/20	1.700%
FHLMCMTN-GOVT SEC	\$2,500,000	\$2,498,750	05/22/20	1.550%
FFCB-GOVT SEC	\$2,500,000	\$2,500,000	06/01/20	1.670%
FHLB-GOVT SEC	\$2,500,000	\$2,500,000	06/26/20	1.625%



AGENDA ITEM NO: **CC-D-4**
City Manager: 

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: September 5, 2017

SUBJECT: Approval – Waive the City's Standard Bid Procedure and Authorize the City Manager to Execute a Contract with Data Ticket, Inc., to Process City of Clovis Parking Citations.

ATTACHMENTS: Draft Data Ticket, Inc. Contract

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to waive the City's Standard Bid Procedure and authorize the City Manager to execute a contract with Data Ticket, Inc., to process City of Clovis parking citations.

EXECUTIVE SUMMARY

The City had utilized Judicial Data Systems Corporation (JDS) for its parking citation processing for over twenty years. However, the City was recently notified that, as of July 1, 2017, JDS had closed its doors and assigned its service contracts to Data Ticket, Incorporated (Data Ticket). As such, Data Ticket has been forwarded current outstanding citations, as well as the City's information from its agreement with JDS. Data Ticket has provided a scope of services and pricing model commensurate with that being formerly utilized with JDS; between that pricing model, the need for an ease and continuity of services, and the potential for onerous costs related to a formalized bidding process, staff feels it is in the City's best interest to utilize the services of Data Ticket. This vendor has many years of experience, hundreds of governmental clients (those surveyed rated them very highly), and the requisite staffing and infrastructure to provide the needed service levels to the City. Further, expanded services could be available to the City, should the needs of the program change or expand. Staff is recommending

that bidding procedures be waived and the City Manager be authorized to execute the contract with Data Ticket to perform the proposed services.

BACKGROUND

On March 1, 1995, the City entered into an agreement with Judicial Data Systems Corporation (JDS) for the processing of all parking citations issued by the City. Services provided under this agreement included management and data-entry of all parking citations, regular remittance of parking penalty amounts, communication with DMV and registered vehicle owners, and monthly reporting on parking penalty clearances.

Effective July 1, 2017, JDS assigned all of its service contracts to Data Ticket. Due to a variety of issues (City personnel retirements, lack of communication from JDS), this situation only arose after citation inquiries were made in late August. The citations have continued to be issued, and mail has been forwarded from JDS to Data Ticket; however, absent a formal contract, Data Ticket will not process any outstanding citations.

It is critical for the City's continued operations pertaining to issuance and processing of parking citations that services be continued with minimal interruption, similarity of service, and a manageable pricing structure. It remains in the City's best interest to outsource this citation processing to a vendor with the history and infrastructure well-suited to this endeavor.

City staff members have reviewed the scope of services and pricing provided by Data Ticket, and have also surveyed other entities, the majority of which utilize the services of Data Ticket (only two other vendors were noted by the seventeen entities surveyed). The scope and pricing appear to fit the City's operational and financial goals, and other entities utilizing the services have had high praise for the vendor. Further, this agreement in previous years has amounted to very minimal cost outlay (less than \$10,000/year), and the costs for facilitating the bidding process can be prohibitive. The vendor also has additional options (online service, other expanded options) that could be available should the City care to employ them. Staff members believe that, between these reasons and the ease of transition (Data Ticket already has all the citations and City information), it would be in the City's best interest to move forward with an agreement with Data Ticket.

FISCAL IMPACT

As this action is continuing currently provided services, sufficient funds have been included in the 2017-18 budget for the Police Department. It should be noted that the costs are citation-driven, with no minimum amount, so the revenue from these citations cover the costs of service.

REASON FOR RECOMMENDATION


The City continues to need the processing of citation services previously managed by JDS. The proposal brought forth by Data Ticket will allow the City a continuity of services and a similar pricing model to JDS, which served the City well for over 20 years.

Thus, staff is recommending that bidding procedures be waived and the City Manager be authorized to execute the contract with Data Ticket, Inc. to perform the services as described in their proposal.

ACTIONS FOLLOWING APPROVAL

The City Manager will execute the contract with Data Ticket, Inc., to process City of Clovis parking citations as described in the proposal.

Prepared by: Jeff Blanks, Accounting Supervisor

Submitted by: 
Jay Schengel, Finance Director



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Newport Beach, CA 92660
888-752-0512
Sales@DataTicket.com

SCOPE OF SERVICE AND PERFORMANCE AGREEMENT

Data Ticket, Inc.
4600 Campus Drive, Suite 200
Newport Beach, California 92660
(here-in-after sometimes referred to as "COMPANY")

AND

City of Clovis
1033 Fifth Avenue
Clovis, California 93612
(here-in-after sometimes referred to as "AGENCY"),

The Company intends to provide for the processing of fines, bail and forfeiture thereof, in connection with the issuance of citations for illegal parking pursuant to the laws of the California.

ARTICLE I - CITATION PROCESSING

1.1 Referral and Reconciliation: COMPANY shall receive and process parking citations which COMPANY shall receive from AGENCY. COMPANY will provide a reconciliation of the number of citations received from AGENCY.

1.2 Determination of Processable Citations: COMPANY shall screen the parking citations referred to it by AGENCY to determine if the citation is processable. If the citation is determined by COMPANY to be unprocessable (e.g., essential processing information is missing), COMPANY shall return the citation to AGENCY within seven (7) days of receipt, by COMPANY'S office, for clarification. COMPANY will be paid the contractual rate hereinafter provided, for citations properly returned to the AGENCY as unprocessable.

1.3 Collection and deposit of funds: A "direct deposit" system shall be employed for all funds received in payment of citations. The AGENCY shall own the account and deposits shall be made directly into the account by the COMPANY for the collecting AGENCY. The COMPANY will invoice the AGENCY for services rendered. Payment in full shall be due within thirty (30) days after which interest shall be accrued at the rate of 6%, (or lower if any statutes, rules or regulations prohibit this rate). If the COMPANY deposits into an account held jointly between the AGENCY and the COMPANY, the



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COMPANY shall reconcile the account the month following the banking activity, disburse all revenue due the AGENCY, the COMPANY, any tax or surcharge liability and all refunds and provide all supporting documentation for the AGENCY records.

1.4 Identification of Registered Vehicle Owners: COMPANY shall exert best efforts and attempt to obtain the name and address of the registered vehicle owner from the State Department of Motor Vehicles (DMV) for each vehicle for which a parking citation has been issued but payment for which has not been received within the required time period. COMPANY shall follow all procedures specified by the DMV, and be consistent with the Vehicle Code when identifying registered vehicle owners.

1.5 Verification of Ownership: COMPANY will take reasonable measures to identify and verify registered vehicle owners. Such measures will take into consideration factors such as issuance of new license plates; address changes; license plate transfers to other vehicles; name changes; and the validity of plates and registration during specific time periods applicable to individual cases.

1.6 Delinquency Notices: In accordance with State law, COMPANY will generate and mail (presorted, first-class postage) no sooner than allowable by law, a delinquency notice to all identified registered owners of vehicles who fail to pay their parking citation fines or to post bail in the required manner. The mailed notice will include all information required by the State Vehicle Code, including, but not limited to the following:

- A. The parking citation issuance date and number;
- B. The consequences of nonpayment (i.e., a hold on the vehicle registration and the imposition of penalties, towing, or issuance of a possible warrant for arrest);
- C. The amount of fines and fees due and payable;
- D. Affidavit of Non-Ownership.

1.7 Registration Holds: The COMPANY will provide the system and procedures and will interface with the State Department of Motor Vehicles to place a hold on vehicle registration having unpaid parking fines and fees due against those vehicles in accordance with the Vehicle Code and any other applicable State and local laws. The notification will be given within a reasonable period of time after issuance of a delinquency notice. The period of time will not exceed the time limits provided by state and local law.

1.8 Removal of Registration Holds: COMPANY will provide the system and procedures and will interface with the State Department of Motor Vehicles to remove registration holds when a registered vehicle owner satisfies the entire amount of parking citation



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finest, penalties, and fees due against the vehicle and establishes such payment to the satisfaction of COMPANY.

1.9 Contested Citations: In the event a registered vehicle owner disputes the liability for the outstanding parking citation, COMPANY will advise the registered vehicle owner of his/her right to request an appeal according to the laws in the state of citation issue. All contested citations will be forwarded to the appeals administrator or AGENCY within the prescribed time period so that the matter can be adjudicated.

1.10 Appeals: If requested by AGENCY, the COMPANY will schedule and conduct appeals in accordance with state law, to respond to parking violators wishing to contest their citations. The COMPANY will provide a toll-free number for contestants to call, correspond with contestants and notify them of decisions; maintain records of dispositions and appeal paperwork and refer all paperwork to Court if required. The COMPANY shall not be responsible for the AGENCY'S failure to provide correct or timely infraction information. The AGENCY shall be responsible to pay any court filing fees due, if appeals are sent to Court and earlier decisions are overturned by the Court.

1.11 Citations Disposed of by Hearing/Court: The COMPANY may be required, as a result of court action, to reduce or cancel, on an individual basis, parking citations which have been referred to it. COMPANY shall be paid the contractual rate hereinafter provided for processing the citation regardless of the outcome of court action. COMPANY will maintain records indicating any reduction or cancellations of parking citations as a result of hearing/ court action. Parking citations that are dismissed as a result of hearing/court action, will have the dismissal processed by the COMPANY promptly after receipt from the Hearing/Court.

1.12 Suspension of Processing: COMPANY will suspend processing on any citation referred to it for processing upon written notice to do so by an authorized officer of the AGENCY. COMPANY will promptly return any citation or facsimile properly requested by the AGENCY. COMPANY will maintain records indicating any suspension of citation as a result of AGENCY'S request. COMPANY shall be paid the contractual rate hereinafter provided for processing the citations suspended by the AGENCY.

1.13 Payments by U.S. Mail: It is the citizen's responsibility to ensure that payments are received on or before the date due. The date received by the COMPANY will be the criteria to establish any delinquent fees due.

1.14 Parking Citation System Master File Update: COMPANY will regularly, on a daily basis, update the parking citation database with new citations, payments, reductions, cancellations, dismissals and any other pertinent data.



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ARTICLE II - PAYMENT PROCESSING

2.1 Disposition Processing: COMPANY will maintain all citation dispositions for a minimum of two (2) years. Closed citations will remain on-line for at least one (1) year, for research and statistical purposes.

2.2 Payments Processing: COMPANY shall process citation payments within twenty-four (24) hours of receipt. Payments shall be immediately posted in one (1) of three (3) following categories:

"Regular Payments" are payments with the correct bail, paid on or before the due date. (This includes payments properly complying with prior Notices-of-Intent).

"Partial Payments" are payments paid for less than the amount of bail due. A notice or additional correspondence may advise defendant of late charges and/or incorrect bail.

"Court/Hearing Requests" are all requests for administrative/court hearings by defendants. These requests are sorted so that bail submitted is immediately posted, and if needed the original citations are retrieved.

2.3 Miscellaneous Letters Processing: COMPANY will receive and review all miscellaneous correspondence. These are generally letters requesting meter checks, refunds, voids, or otherwise setting forth complaints. These letters will be researched by COMPANY for proper follow-up either by AGENCY or by COMPANY.

2.4 Batching Procedures: COMPANY shall maintain an effective method of internal control procedures. Such procedures shall involve reconciliation of all payments received using generally accepted accounting principles. After proper reconciliation, deposit slips shall be prepared for and deposits made at the appropriate bank, including an itemized listing of all batch numbers included in the deposit. The batch of citation payment documentation shall then be scanned and stored electronically on the network for a minimum period of three (3) years.

2.5 Cash Payments: COMPANY shall maintain an effective method of handling cash payments. All cash received through the mail, shall be logged in a cash journal. Thereafter, effective internal control procedures shall be implemented to reconcile such payments, using generally accepted accounting principles.

2.6 Deposits: All deposits shall be made daily, subject to regular banking hours.



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Deposits shall be itemized and detailed information will be captured regarding submitted funds. Deposit slips shall be prepared in triplicate. If a joint account between COMPANY and AGENCY is opened, all deposits shall be directly deposited and COMPANY shall perform all reconciliation and check generation along with monthly invoicing. If only the AGENCY'S designated bank account is used, COMPANY will deposit directly into the designated account, but will have no authorization to perform any other duties. Monthly invoicing will be generated by the parking management system and AGENCY will be responsible to reconcile the account and cut all checks. In that case, AGENCY will supply deposit slips and endorsement stamp to COMPANY

2.7 Revenue Report: A monthly revenue report will list all revenues received during a given month. This report will also provide information regarding the AGENCY'S responsibility for any taxes on collected funds.

ARTICLE III – WEB SITE

3.1 Citation Management Web Site: The COMPANY offers a web site for AGENCY review and interface of its database, including all citations and information relating to changes in status.

3.2 Patron Web Site Access: When the AGENCY has web site access, the citizens who receive citations will be able to access the web site to review their individual citations, pay on-line and appeal on-line.

3.3 Web Site Interaction: The web site may be "view only" or "interactive," for AGENCY staff depending on requirements of the AGENCY.

3.4 Web Site Reports: Web site reports are available to the AGENCY on a daily 24/7 schedule and export into Excel for easy flexible reporting.

3.5 Web Site Cost: User ID's and passwords will be assigned to the AGENCY at no cost.

ARTICLE IV – ADDITIONAL SERVICES

4.1 CVC 40215: Services provided include accepting, scheduling, reviewing and hearing of first and second level administrative appeals, interfacing and providing backup for Court appearances and notifying AGENCY contestants by phone and in writing of decisions. The AGENCY shall be responsible to pay the \$25.00 Court filing fee if the review and administrative hearing decisions are overturned by the Court.



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4.2 Other Collections: COMPANY shall retain a percent of payments collected on delinquent citations which have been processed in accordance with the current Agreement, and meet the following criteria:

- A. Delinquent citations; those for which the California State Department of Motor Vehicles have been placed on a registration hold and/or dropped from the registration hold due to a transfer of ownership or non-renewal of registration or a registration hold has not been placed, but the normal daily processing cycle is complete.
- B. Citations with out-of-state license plates.
- C. Any other problem or special citations that AGENCY so designates and refers to COMPANY under this Agreement.

4.3 Postal Rate Increase: The COMPANY will maintain auditable records to document the COMPANY'S actual postage costs associated with the mailing of delinquency notices for unpaid citations and for other mailings related to the processing of correspondence. If there is a postal increase, that increase will be invoiced effective on the date that the postal rate increase goes into effect.

ARTICLE V - GENERAL

5.1 Public Inquiries: The COMPANY will respond to reasonable inquiry by telephone or letter of a nonjudicial nature. Inquiries of a judicial nature will be referred to the AGENCY for determination, unless the COMPANY has been designated to handle appeals.

5.2 COMPANY Limitations: COMPANY will not take legal action or threaten legal action in any specific case without AGENCY'S prior approval.

5.3 Use of Approved Forms: AGENCY shall have the right to reasonable approval of all forms, delinquency notices, and correspondence sent by the COMPANY. These must conform to State and local law.

5.4 Books and Records: COMPANY will maintain adequate books or records for parking citations issued within the AGENCY'S jurisdiction and referred to COMPANY for processing. Such books or records, and related computer processing data, shall be available for reasonable inspection and audit by AGENCY at the COMPANY'S location at reasonable times upon adequate prior notice to COMPANY.

5.5 Ownership: All reports, information, and data, including but not limited to computer tapes or discs, files, and tapes furnished or prepared by the COMPANY, (collectively



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the "Materials"), are and shall remain exclusively the sole property of COMPANY, and the AGENCY shall acquire no right or title to said Materials. All computer software and systems, related automated and manual procedures, instructions, computer programs, and data storage media containing same, and written procedures performed hereunder (collectively the "System") are and shall remain exclusively the sole property of COMPANY, and the AGENCY shall acquire no right or title to said Systems.

5.6 Property of AGENCY: All documents, records and tapes supplied by AGENCY to COMPANY in performance of this contract are agreed to be and shall remain the sole property of AGENCY. COMPANY agrees to return same promptly to AGENCY no later than forty-five (45) days following notice to the COMPANY. The AGENCY shall make arrangements with COMPANY for the transmission of such data to the AGENCY upon payment to COMPANY of the cost of copy and delivery of such tape from COMPANY'S computer facilities to AGENCY'S designated point of delivery, plus any open invoices.

5.7 Confidentiality: In order to enable COMPANY to carry out its work hereunder, to some extent it will have to impart to the AGENCY'S employees information contained in the Materials and Systems (collectively the "CONFIDENTIAL DATA"). The AGENCY agrees that information contained in the data that was marked in writing as "CONFIDENTIAL", "PROPRIETARY" or similarly, so as to give notice of its confidential nature, when submitted to the AGENCY by COMPANY shall be retained by AGENCY in the strictest confidence and shall not be used or disclosed in any form except in accordance with paragraph 5.8 hereinbelow. The PUBLIC AGENCY recognizes that irreparable harm could be occasioned to COMPANY by disclosure of CONFIDENTIAL DATA that is related to its business and that COMPANY may accordingly seek to protect such CONFIDENTIAL DATA by enjoining disclosure.

5.8 Consent for Disclosure: No report, information, data, files, or tapes furnished or prepared by COMPANY or its subcontractors, successors, officers, employees, servants, or agents shall be made available to any individual or organization without the prior written approval of AGENCY other than individuals or organizations that are necessary to properly effectuate the terms and conditions of this agreement. This Non-Disclosure obligation shall survive the Termination of this Agreement.

5.9 COMPANY Files: COMPANY shall maintain master files on parking citations referred to it for processing under the scope of services. Such files will contain records of payments, dispositions, and any other pertinent information required to provide a reasonable audit trail.

5.10 Storage for AGENCY:



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- A. COMPANY agrees to store original citations, manually scanned or received electronically, on the network for a minimum of three (3) years. AGENCY relieves COMPANY of all liability costs associated with data released by AGENCY to any other person or entity using such data.
- B. Subsequent to the termination of the contract, COMPANY will return all hard copies to the AGENCY or shred them. If requested, an electronic file, diskette or CD of all processed data will be available to the AGENCY.

ARTICLE VI - REPORTS

6.1 Periodic Reports: COMPANY will submit reports to AGENCY each month. The reports will provide activities relating to performance under this Scope of Services. Among the reports, which COMPANY will generate, are the following:

- A. Report of Revenue Collected for Period
- B. Report for Parking Citations Issued for Period
- C. A balanced summary report for issuing AGENCY providing the status of all parking citations at the beginning of the period, current period and at the end of the period.
- D. A report for issuing Agency identifying registered vehicle owners with multiple outstanding parking citations.
- E. A report for issuing Agency identifying the parking citations issued, location, and violation by officer.

6.2 PCI Compliance Reports/Certificates: Quarterly and Ad Hoc certificates will be sent to the Agency.

6.3 Annual Reports: Annually, COMPANY shall comply with existing state laws.

ARTICLE VII – TERM OF CONTRACT AND COSTS

7.1 Terms and Renewals: This Agreement shall be for five (5) years commencing as of the last date of signature. Unless notice of termination, is made in writing by either party to the other no less than ninety (90) days prior to the end of the scheduled term, this Agreement shall automatically renew for additional one (1) year periods. In conjunction with the automatic extension of the terms of this Agreement, COMPANY may give notice of reasonable price adjustments for its processing services. The AGENCY will have thirty (30) days to respond in writing to the purposed increase. Unless AGENCY gives notice in writing of its rejection of these price adjustments, the term shall be extended with these price adjustments as stated. If the AGENCY gives notice of its rejection of these price



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adjustments, unless there is a further written Agreement between the parties, the term of the Agreement shall not be extended and the Agreement shall terminate.

7.2 Cancellation: Upon a material breach or upon ninety (90) days written notice to the COMPANY, the AGENCY may cancel or terminate this Agreement. The COMPANY shall have thirty (30) days to cure any material breach or defect set forth in the written termination notice provided by the AGENCY.

7.3 Exclusivity: AGENCY agrees to utilize only the services of the COMPANY during the term of the Agreement for the processing of the citations referred to above. AGENCY agrees during the term of the Agreement, to not directly or indirectly engage a competitor of the COMPANY for the performance of the services provided by the COMPANY under this Agreement.

7.4 Costs: Please see Cost Proposal for all associated costs.

ARTICLE VIII – CLAIMS AND ACTIONS

8.1 AGENCY Cooperation: in the event any claim or action is brought against COMPANY relating to COMPANY'S performance or services rendered under this Agreement, COMPANY shall notify the AGENCY, in writing, within five (5) days, of said claim or action.

8.2 Hold Harmless: COMPANY and AGENCY agree to the following hold harmless Clauses:

- A. COMPANY agrees to indemnify, defend, and hold harmless the AGENCY and its officers and employees against all claims, demands, damages, costs, and liabilities arising out of, or in connection with the performance by COMPANY or AGENCY or any of their officers, employees or agency under this AGREEMENT, excepting only loss, injury or damage caused solely by the negligent acts or omissions of AGENCY or any of its officers or employees.
- B. AGENCY agrees to indemnify, defend and hold harmless the COMPANY and its officers and employees against all claims, demands, damages, costs and liabilities for loss, injury or damage caused solely by the negligent acts or omissions of AGENCY or any of its officers or employees arising out of or in connection with the performance by the AGENCY or any of its officers or employees under this AGREEMENT.

ARTICLE IX – SUBCONTRACTORS AND ASSIGNMENTS



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9.1 Subcontracting: COMPANY is authorized to engage subcontracts as permitted by law at COMPANY'S own expense, subcontracts shall be deemed agents of COMPANY.

9.2 Assignments: This contract may not be assigned without the prior consent of the AGENCY. It is understood and acknowledged by the parties that the COMPANY is uniquely qualified to perform the services in this Agreement.

ARTICLE X - INDEPENDENT COMPANY

10.1 COMPANY'S Relationship: COMPANY'S relationship to the AGENCY in the performance of this Agreement is that of an independent COMPANY. Personnel performing services under this Agreement shall at all times be under COMPANY'S exclusive direction and control and shall be employees of COMPANY and not employees of the AGENCY. COMPANY shall pay all wages and salaries and shall not be responsible for all reports and obligations respecting them relating to social security, income tax withholding, unemployment compensation, worker's compensation, and similar matters. Neither COMPANY nor any officer, agent, or employee of COMPANY shall obtain any right to retirement benefits or other benefits which accrue to employees of AGENCY, and COMPANY hereby expressly waives any claim it might have to such rights.

ARTICLE XI – INSURANCE

11.1 Insurance Provisions: COMPANY shall provide and maintain at its own expense during the term of this Agreement, the following policy or policies of insurance covering its operations hereunder. Such insurance shall be provided by insurer(s) satisfactory to the AGENCY and certificates of such insurance shall be delivered to the AGENCY on or before the effective date of this Agreement. Such certificates shall specifically identify this Agreement and shall not be cancelled, reduced in coverage or limits or non-renewed except after thirty (30) days written notice has been given to the AGENCY.

- A) Comprehensive general liability insurance covering bodily and personal injury and property damage. Limits shall be in an amount of not less than two million (\$2,000,000) dollars per occurrence. Such insurance policies shall name the AGENCY, its officers, agents and employees, individually and collectively, as additionally insured. Such coverage for additional insured shall apply as primary insurance and any other insurance or self-insured retention maintained by the AGENCY, its officers, agents and employees shall be excess only and not contributing with insurance provided under said policy.
- B) Comprehensive automobile liability, owned, non-owned and hired vehicles with not less than one million (\$1,000,000) dollars combined single limit, per occurrence for property damage and for bodily injury or death of persons. Such



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insurance shall include the same additional-insured and cancellation notice provisions as specified above and may be combined with the comprehensive general liability coverage required above.

- C) Throughout the period of the Agreement, COMPANY, at its sole cost, shall maintain in full force and effect a policy of worker's compensation insurance covering all of its employees as required by the labor code of the State of California.

ARTICLE XII – ENTIRE AGREEMENT

12.1 Integrated Agreement: This contract is intended by the parties as a final expression of their Agreement and also as a complete and exclusive statement of the terms thereof, any prior oral or written Agreement regarding the same subject matter notwithstanding. This Agreement may not be modified or terminated orally and no modification or any claim or waiver of any of the provisions shall be effective unless in writing and signed by both parties.

12.2 Law Applicable: This Agreement shall be construed in accordance with the Laws of the State of California.

12.3 Notice to Parties: Any notice required under this Agreement to be given to either party may be given by depositing in the United States mail, postage prepaid, first-class, addressed to the following:



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888-752-0512
Sales@DataTicket.com

AS TO THE AGENCY:

City of Clovis
1033 Fifth Avenue
Clovis, California 93612

AS TO THE COMPANY:

Data Ticket, Inc.
A California Corporation
4600 Campus Drive, Suite 200
Newport Beach, California 92660

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement as of the day and year last written below.

AGENCY:

COMPANY:

CITY OF CLOVIS

DATA TICKET, INC.

Signature

Signature

Print Name and Title

Print Name and Title

Date

Date



AGENDA ITEM NO: **CC-E-1**
City Manager: LS

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: September 5, 2017

SUBJECT: Approval – Contract with Labor Finders for temporary labor services.

ATTACHMENTS: 1) Exhibit I – Draft Contract for Labor Finders

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve the selection of Labor Finders to provide temporary labor services to the City.

EXECUTIVE SUMMARY

Staff recently conducted a request for proposal (RFP) process for temporary labor services. Staff recommends that the City Council award the contract to Labor Finders based on the quality and value of their proposal.

BACKGROUND

The City has contracted for temporary labor services since 2009. The services are used primarily by the Public Utilities Department and the General Service Department. The temporary agency workers are utilized on an as-needed basis to alleviate work shortages due to staff absences, special projects, or to assist with community clean up in the Public Utilities Department. The temporary workers are limited to work 1000 hours per fiscal year.

A Request for Proposals (RFP) was distributed via the City's web-based bid management system to vendors interested in providing temporary labor services. The RFP included specific requirements that ensure service needs of the City are met and the quality of each temporary agency worker meets the needs of the jobs that will be performed.

Sixteen (16) vendors received the electronically distributed invitation to respond, of which eleven (11) vendors downloaded RFP documents for review. Two (2) vendors

submitted proposals to the City. Of the two (2) vendors, Labor Finders was able to match the staffing needs of the City.

Labor Finders is a national company that has been a leader in the temporary staffing industry since 1975. Labor Finders has been the City's temporary labor service since 2009. Labor Finders currently serves many large and medium-sized agencies throughout the nation, and has been a reliable vendor for the Public Utilities and General Services Departments.

The draft agreement with Labor Finders, attached, is subject to review by the City Attorney prior to being fully executed.

FISCAL IMPACT

The projected cost for the services over the next three (3) years is \$810,000.

REASON FOR RECOMMENDATION

The proposal submitted by Labor Finders meets all of the City's criteria for the provisions of providing temporary labor services. Labor Finders has maintained a positive working relationship with the City and has successfully fulfilled its obligations for temporary staffing.

ACTIONS FOLLOWING APPROVAL

The draft contract will be reviewed by the City Attorney. Once approved and executed, the three-year contract may, upon mutual agreement, be extended with two one-year extensions. The five-year contract will begin on October 1, 2017 and will expire on September 30, 2022.

Prepared by: Lori Shively, Personnel/Risk Manager

Submitted by: Shonna Halterman, General Services Director



Exhibit I

DRAFT
CITY OF CLOVIS
TEMPORARY LABOR SERVICES AGREEMENT

This Temporary Labor Services Agreement ("Agreement") is entered into between the City of Clovis, a California general law city ("City") and Labor Finders with respect to the following recitals, which are a substantive part of this Agreement. This Agreement shall be effective on the date signed by City, which shall occur after execution by Labor Finders (September 15, 2017).

RECITALS

A. City desires to obtain services for the preparation of the associated services ("Services") described in Exhibit A, and as further set forth in the proposal from Labor Finders. If there is a conflict between the terms of the Proposal and this Agreement, this Agreement shall control.

B. Labor Finders is engaged in the business of furnishing the Services and hereby warrants and represents that it is qualified, licensed, and professionally capable of performing the Services.

C. City desires to retain the temporary labor Services with Labor Finders, and to provide the City with the Services, on the terms and conditions as set forth in this Agreement.

NOW, THEREFORE, in consideration of the promises and mutual agreements herein, City and Labor Finders agree as follows:

AGREEMENT

1. Scope of Services. Labor Finders perform the Services described in Recitals.
2. Commencement of Services; Term of Agreement. Labor Finders shall commence the Services upon City's issuance of a written "Notice to Proceed" and shall continue with the Services until Labor Finders, as determined by City, has satisfactorily performed and completed the Services, or until such time as the Agreement is terminated by either party pursuant to Section 14 herein, whichever is earlier.
3. Payment for Services. City shall pay Labor Finders a sum not to exceed the total set forth in **Exhibit B** for the Services performed pursuant to this Agreement. Labor Finders shall submit monthly invoices to City containing detailed billing information regarding the Services provided and unless otherwise specified in **Exhibit B**, City shall tender payment to Labor Finders within thirty (30) days after receipt of

invoice.

4. Independent Status. Labor Finders shall perform the Services as independent contractors and not as officers, employees, agents or volunteers of City. Nothing contained in this Agreement shall be deemed to create any contractual relationship between City and Labor Finders employees or subcontractors, nor shall anything contained in this Agreement be deemed to give any third party, including but not limited to Labor Finders International employees or any claim or right of action against the City.

5. Standard of Care. Labor Finders expressly represents it is an expert in the field for which Services are being provided under this Agreement and that to the extent Labor Finders utilizes subcontractors, such subcontractors are, and will be, experts in their fields. Labor Finders also expressly represents that both Labor Finders and its subcontractors, if any, are now, and will be throughout their performance of the Services under this Agreement, properly licensed or otherwise authorized to perform the Services required and contemplated by this Agreement. Labor Finders and its subcontractors, if any, shall utilize the standard of care and skill customarily exercised by members of their profession, shall use reasonable diligence and best judgment while performing the Services, and shall comply with all applicable laws and regulations.

6. Identity of Subcontractors and Sub-Consultants. Labor Finders shall, before commencing any work under this Agreement, provide to City in writing: (a) the identity of all subcontractors and sub-consultants (collectively referred to as "subcontractors"), if any, Labor Finders intends to utilize in Labor Finders' performance of this Agreement; and (b) a detailed description of the full scope of work to be provided by such subcontractors. Labor Finders shall only employ subcontractors pre-approved by City and in no event shall Labor Finders replace an approved subcontractor without the advance written permission of City, with the understanding that City's permission will not be unreasonably withheld. Notwithstanding any other provisions in this Agreement, Labor Finders shall be liable to City for the performance of Labor Finders subcontractors.

7. Subcontractor Provisions. Labor Finders shall include in its written agreements with its subcontractors, if any, provisions which: (a) impose upon the subcontractors the obligation to provide to City the same insurance and indemnity obligations that Labor Finders owes to City; (b) make clear that City intends to rely upon the reports, opinions, conclusions and other work product prepared and performed by subcontractors for Labor Finders; and (c) entitle City to impose upon subcontractors the assignment rights found elsewhere in this Agreement.

8. Power to Act on Behalf of City. Labor Finders not have any right, power, or authority to create any obligation, express or implied, or make representations on behalf of City except as may be expressly authorized in advance in writing from time to time by City and then only to the extent of such authorization.

9. Record Keeping; Reports. Labor Finders shall keep complete records showing the type of Services performed. Labor Finders shall be responsible and shall require its

subcontractors to keep similar records. City shall be given reasonable access to the records of Labor Finders for inspection and audit purposes. Labor Finders shall provide City with a working draft of all reports and five (5) copies of all final reports prepared by Labor Finders under this Agreement.

10. Confidentiality. Labor Finders shall not disclose or permit the disclosure of any confidential information acquired during performance of the Services, except to its agents, employees and subcontractors who need such confidential information in order to properly perform their duties relative to this Agreement.

11. Conflicts of Interest. Labor Finders warrants that neither Labor Finders nor any of its employees have an interest, present or contemplated, in the Services. Labor Finders further warrants that neither Labor Finders nor any of its employees have real property, business interests or income that will be affected by the Services. Labor Finders covenants that no person having any such interest, whether an employee or subcontractor shall perform the Services under this Agreement. During the performance of the Services, Labor Finders shall not employ or retain the services of any person who is employed by the City or a member of any City Board or Commission.

12. Non-liability of Officers and Employees. No officer or employee of City shall be personally liable to Labor Finders, or any successors in interest, in the event of a default or breach by City for any amount which may become due Labor Finders or its successor, or for any breach of any obligation under the terms of this Agreement.

13. City Right to Employ Other Temporary Labor Services. This Agreement is non-exclusive with Labor Finders. City reserves the right to employ other Temporary Labor Services in connection with the Services.

14. Termination of Agreement. This Agreement shall terminate upon completion of the Services, or earlier pursuant to the following.

a. Termination by City: Without Cause. This Agreement may be terminated by City at its discretion upon seven (7) days prior written notice to Labor Finders.

b. Termination by City or Labor Finders: For Cause. Either party may terminate this Agreement upon fourteen (14) days prior written notice to the other party of a material breach, and a failure to cure within that time period.

c. Compensation to Labor Finders Upon Termination. In the event termination is not due to fault attributable to Labor Finders, and provided all other conditions for payment have been met, Labor Finders shall be paid compensation for services performed prior to notice of termination. As to any phase partially performed but for which the applicable portion of Labor Finders compensation has not become due, Labor Finders shall be paid the reasonable value of its services provided. However, in no event shall such payment when added to any other payment due under the applicable part of the work exceed the total compensation of such part as specified

in Section 3 herein. In the event of termination due to Labor Finders failure to perform in accordance with the terms of this Agreement through no fault of City, City may withhold an amount that would otherwise be payable as an offset to City's damages caused by such failure.

d. Effect of Termination. Upon receipt of a termination notice (or completion of this Agreement), Labor Finders shall: (i) promptly discontinue all Services affected (unless the notice directs otherwise); and (ii) deliver or otherwise make available to the City, without additional compensation, all data, documents, procedures, reports, estimates, summaries, and such other information and materials as may have been accumulated by the Labor Finders in performing this Agreement, whether completed or in process. Following the termination of this Agreement for any reason whatsoever, City shall have the right to utilize such information and other documents, or any other works of authorship fixed in any tangible medium of expression, including but not limited to physical drawings, data magnetically or otherwise recorded on computer disks, or other writings prepared or caused to be prepared under this Agreement by Labor Finders. Labor Finders may not refuse to provide such writings or materials for any reason whatsoever.

15. Insurance. Labor Finders shall satisfy the insurance requirements set forth in **Exhibit C.**

16. Indemnity and Defense. Labor Finders hereby agrees to indemnify, defend and hold the City, its officials, officers, employees, agents, and volunteers harmless from and against all claims, demands, causes of action, actions, damages, losses, expenses, and other liabilities, (including without limitation reasonable attorney fees and costs of litigation) of every nature arising out of or in connection with the alleged or actual acts, errors, omissions or negligence of Labor Finders or its subcontractors relating to the performance of Services described herein. Labor Finders duty to defend and indemnify City shall exist even if the alleged injuries or damages sustained by the claimant are the result in part of City's active or passive negligence, but the duty to defend and indemnify City shall not extend to injuries or damages that are the result of City's sole negligence or willful misconduct.

Labor Finders duty to defend shall immediately arise when a claim is asserted and/or a lawsuit is initiated against the City arising out of or occurring in connection with the alleged or actual acts, errors, omissions or negligence of Labor Finders or its subcontractors relating to the performance of Services described herein and regardless of whether others may owe the City a duty of defense and/or indemnity. Labor Finders and City agree that said indemnity and defense obligations shall survive the expiration or termination of this Agreement for any items specified herein that arose or occurred during the term of this Agreement.

17. Assignment. Neither this Agreement nor any duties or obligations hereunder shall be assignable by Labor Finders without the prior written consent of City. In the event of an assignment to which City has consented, the assignee shall agree in writing to personally assume and perform the covenants, obligations, and agreements herein

contained. In addition, Labor Finders shall not assign the payment of any monies due Labor Finders from City under the terms of this Agreement to any other individual, corporation or entity. City retains the right to pay any and all monies due Labor Finders directly to Labor Finders.

18. Form and Service of Notices. Any and all notices or other communications required or permitted by this Agreement or by law to be delivered to, served upon, or given to either party to this Agreement by the other party shall be in writing and shall be deemed properly delivered, served or given by one of the following methods:

a. Personally delivered to the party to whom it is directed. Service shall be deemed the date of delivery.

b. Delivered by e-mail to a known address of the party to whom it is directed provided the e-mail is accompanied by a written acknowledgment of receipt by the other party. Service shall be deemed the date of written acknowledgement.

c. Delivery by a reliable overnight delivery service, ex., Federal Express, receipted, addressed to the addressees set forth below the signatories to this Agreement. Service shall be deemed the date of delivery.

d. Delivery by deposit in the United States mail, first class, and postage prepaid. Service shall be deemed delivered seventy-two (72) hours after deposit.

19. Entire Agreement. This Agreement, including the attachments, represents the entire Agreement between City and Labor Finders and supersedes all prior negotiations, representations or agreements, either written or oral with respect to the subject matter herein. This Agreement may be amended only by written instrument signed by both City and Labor Finders.

20. Successors and Assigns. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

21. Authority. The signatories to this Agreement warrant and represent that they have the legal right, power, and authority to execute this Agreement and bind their respective entities.

22. Severability. In the event any term or provision of this Agreement is declared to be invalid or illegal for any reason, this Agreement will remain in full force and effect and will be interpreted as though such invalid or illegal provision were not a part of this Agreement. The remaining provisions will be construed to preserve the intent and purpose of this Agreement and the parties will negotiate in good faith to modify any invalidated provisions to preserve each party's anticipated benefits.

23. Applicable Law and Interpretation and Venue. This Agreement shall be interpreted in accordance with the laws of the State of California. The language of all parts of this Agreement shall, in all cases, be construed as a whole, according to its fair

meaning, and not strictly for or against either party. This Agreement is entered into by City and Labor Finders in the County of Fresno, California. Labor Finders shall perform the Services required under this Agreement in the County of Fresno, California. Thus, in the event of litigation, venue shall only lie with the appropriate state or federal court in Fresno County.

24. Amendments and Waiver. This Agreement shall not be modified or amended in any way, and no provision shall be waived, except in writing signed by the parties hereto. No waiver of any provision of this Agreement shall be deemed, or shall constitute, a waiver of any other provision, whether or not similar, nor shall any such waiver constitute a continuing or subsequent waiver of the same provision. Failure of either party to enforce any provision of this Agreement shall not constitute a waiver of the right to compel enforcement of the remaining provisions of this Agreement.

25. Third Party Beneficiaries. Nothing in this Agreement shall be construed to confer any rights upon any party not a signatory to this Agreement.

26. Execution in Counterparts. This Agreement may be executed in counterparts such that the signatures may appear on separate signature pages. A copy or an original, with all signatures appended together, shall be deemed a fully executed Agreement.

27. Alternative Dispute Resolution. If a dispute arises out of or relating to this Agreement, or the alleged breach thereof, and if said dispute cannot be settled through negotiation, the parties agree first to try in good faith to settle the dispute by non-binding mediation before resorting to litigation or some other dispute resolution procedure, unless the parties mutually agree otherwise. The mediator shall be mutually selected by the parties, but in case of disagreement, the mediator shall be selected by lot from among two nominations provided by each party. All costs and fees required by the mediator shall be split equally by the parties, otherwise each party shall bear its own costs of mediation. If mediation fails to resolve the dispute within thirty (30) days, either party may pursue litigation to resolve the dispute.

Demand for mediation shall be in writing and delivered to the other party to this Agreement. A demand for mediation shall be made within reasonable time after the claim, dispute or other matter in question has arisen. In no event shall the demand for mediation be made after the date when institution of legal or equitable proceedings based on such a claim, dispute or other matter in question would be barred by California statutes of limitations.

Now, therefore, the City and Labor Finders have executed this Agreement on the date(s) set forth below.

28. Non-Discrimination. Labor Finders shall not discriminate on the basis of any protected class under federal or State law in the provision of the Services or with respect to any Labor Finders employees or applicants for employment. Labor Finders shall ensure that any subcontractors are bound to this provision. A protected class,

includes, but is not necessarily limited to race, color, national origin, ancestry, religion, age, sex, sexual orientation, marital status, and disability.

LABOR FINDERS

CITY OF CLOVIS

By: _____

By:
Luke Serpa, City Manager

Date: _____

Date:

Party Identification and Contact Information:

Attn: _____
_____ [Mail Address]
Address] _____
_____ [E-Mail Address]
_____ [Phone Number]

Attn: _____
_____ [Mail
_____ [E-Mail Address]
_____ [Phone Number]

ATTEST

_____, City Clerk

APPROVED AS TO FORM

_____, City Attorney

EXHIBIT A DESCRIPTION OF SERVICES

The Labor Finders shall perform certain services necessary for temporary filling positions for various departments which services shall include the following:

- Provide temporary employees willing to report to various City sites including, but not necessarily limited to, City Hall, 1033 5th Street, 908 Villa Avenue, and 155 N. Sunnyside.
- Coordinate directly with each City department's request for temporary services, scheduling and billing for services.
- Maintain a pool of employees sufficient to meet the City's temporary staffing needs within twenty-four (24) hours.
- Provide access to a wide range of employee skills including Microsoft Word, Excel, Access, Power Point and manual labor experience.
- Allow City departments to request a specific individual, when available, to fill a temporary service need.
- Provide training and orientation as necessary for the temporary employees, in order for them to be job-ready, at no cost or additional charge to the City.
- Allow the using department to transfer temporary employee(s) within the same department (where needed) upon notification by telephone to the agency, at no additional charge to the City.
- Handle all timesheets and paychecks for temporary employees.
- Charge no fee to the City for any temporary service agency employee hired into a regular City position, or otherwise restrict the City from offering regular City employment to such individuals.
- Handle all billing for temporary services with each department, with a summary report sent to City of Clovis, Human Resources Department, at 1033 Fifth Street, Clovis, CA 93612.
- Labor Finders shall be responsible to furnish the City with a monthly summary and analysis of the placement for the period. This report shall reflect the following information sorted by City Department. Total hours worked during the month by name, classification, pay rate, and bill rate with a running total of hours worked/paid per fiscal year (July 1 – June 30). Failure to provide the monthly report may result in cancellation of contract for being non-responsive.
- Monitor hours worked and notify City when temporary employee is nearing 1000 hours. Temporary employees may not exceed 1000 hours worked per fiscal year from July 1st to June 30th.
- Labor Finders shall inform the City of any temporary workers who are retired annuitants from the California Public Retirement System (CalPERS) prior to their start of work in order to determine their eligibility.
- Provide a designated contact person(s) who will coordinate requests under this contract with all City departments.

- Provide a 24-hour guarantee of no charge in the event a temporary employee placed is unsatisfactory and the department requests a replacement within the first 24-hour period.
- Agree to maintain an application process, which includes skill assessment and evaluation, custom matching of employees to job requirements, and reference checking of prospective employees.
- Administer and maintain all paperwork and be responsible for all costs related to social security, state and federal withholding taxes, unemployment claims, and workers compensation claims for all temporary workers placed as a result of this contract.
- Manage all paperwork and be responsible for compliance with all State and Federal mandated benefits.
- Agree to allow the City to conduct background checks on employees who would be working in certain high security, confidential, or youth-oriented assignments and reject candidates that are not deemed suitable for placement.
- Background checks and drug screens, are required by the City, will must be completed prior to any temporary employee beginning work. City live scans are required for all temporary employees working in Recreation.
- Be able to provide desired level of service required by the City of Clovis beginning approximately September 15, 2017.
- The agency's performance of the contract may be subject to AUDIT by the City. The agency shall make available to the City of Clovis' Accounting Division all records and information necessary for the performance of such audit. Such audit will be performed in compliance with general accepted auditing standards. Reports rendered will adhere to the confidentiality provisions (if any) of the contract.
- Pricing must remain fixed for the term of the contract and include all costs.
- There is no guarantee of any minimum or maximum number of hours or specific assignments that will be made during the life of this agreement.

EXHIBIT B

CONTRACT TERM, COST AND DUTIES PERFORMED:

The term of the contract will commence on September 15, 2017 for an initial three (3) year period with two (2) one (1) year options to extend the contract providing Labor Finders is performing to the City's satisfaction.

COST OF TEMPORARY SERVICES

Below are the titles of City positions that may typically require temporary staffing services. Current descriptions for identification of skills and duties required by temporary staff are attached.

Job Classification	September 2017			September 2018			September 2019		
	Hourly Rate	(%) Mark-Up	(\$) Hourly Rate including Mark Up	Hourly Rate	(%) Mark-Up	(\$) Hourly Rate including Mark Up	Hourly Rate	(%) Mark-Up	(\$) Hourly Rate including Mark Up
General Maintenance	\$11.00	57.73%	\$17.35	\$11.50	55.65%	\$17.90	\$12.50	58.00%	\$19.75
Skate Park Attendant	\$11.00	57.73%	\$17.35	\$11.50	55.65%	\$17.90	\$12.50	58.00%	\$19.75
Vehicle Washer	\$11.00	57.73%	\$17.35	\$11.50	55.65%	\$17.90	\$12.50	58.00%	\$19.75

JOB DESCRIPTIONS OF TEMPORARY SERVICES

Job Duties for General Maintenance

Under supervision delivers equipment, supplies, and mail; fills air bottles; assists in the collection of residential and commercial refuse, assists in the maintenance and repair of public parks, streets, sewers, water systems and facilities; performs a wide variety of unskilled duties; loads and unloads supplies, lifts and moves heavy objects, assists in maintenance and repair of public works facilities, digs trenches, uses air tools, performs other manual labor necessary to the completion of jobs; cleans up yards, alleys, and buildings; cleans and maintains tools used on the job; cleans and maintains grounds; may operate light equipment; assists in repairs of walks and cement structures; works as a helper, performing the more routine unskilled carpentry, painting, and minor work on buildings; assists with planting, watering, cultivating, fertilizing and caring for shrubbery, lawns and trees; mows and edges lawns; assists in spraying for pests and weed control; rakes grounds; prepares soil for planting and transplanting; cleans restrooms; clean and performs minor repairs on refuse bins; cleans lift stations; replaces broken light bulbs; keeps simple labor records; cleans, washes and polishes motor equipment; obtains equipment parts; steam cleans refuse trucks; cleans and maintains work areas, hand tools and equipment; and sweeps floors, picks up litter and keeps work area and property free of debris and performs related work as required.

Minimum Qualifications:

- Education: Equivalent to graduation from high school.
- Possession of: A valid California Driver's License and a good driving record.
- Knowledge of: Basic math, simple record keeping, personal computer operation, basic office and clerical practices, proper methods, materials, tools and equipment used in maintenance work and appropriate safety precautions and procedures.
- Ability to: Read and write at the level required for successful job performance (SOPs, SDS), use and properly maintain assigned tools and equipment, perform semi-skilled maintenance, repair and construction work, operate a vehicle observing legal and defensive driving practices, maintain simple records, sort and file accurately and locate materials in files, maintain accurate records, operate standard office equipment, read, understand and apply written materials, understand and carry out oral and written instructions and establish and maintain effective relationships with persons contacted in the course of work.

- Special Requirements: Must be willing to work flexible hours; including evenings, weekends, and holidays. Must be able to lift, carry and/or push 100 pounds with frequent lifting and/or carrying of objects weighing up to 60 pounds.

Job Duties for Skate Park Attendant

Duties: Responsible for opening and closing the skate park on a daily basis. Provide a high level of customer service. Monitor participants' behavior ensuring compliance with park rules and regulations by checking users in and periodically walking through the facility. Provide department information to facility users. Responsible for the cleanliness of the park. Assist with skate park office related functions including the completion and collection of forms, logs, and reports. Perform routine inspections of the skate park and surrounding areas to maintain cleanliness and safety. Notify supervisor regarding any problems or repairs needed to equipment or facilities. Report to supervisor of any accidents, incidents or injuries. Respond to critical incidents and act swiftly in emergency situations. Determine if medical assistance is necessary and ensure medical professionals are contacted in a timely manner. Perform other duties as assigned.

Minimum Qualifications:

- Education: Equivalent to graduation from high school.
- Must be able to work independently, often with limited/no supervision or direction; adhere to safety procedures, practices and policies of the Skate Park, Recreation Center and the City of Clovis; establish and maintain effective working relationships with staff and the general public, communicate effectively, orally and in writing;
Experience: Previous experience in the enforcement of rules is preferred.
- Special Requirements: Must be willing to work flexible hours; including evenings, weekends, and holidays. Must be able to lift boxes and other objects weighing up to 50 pounds. All Skate Park Attendants must be live scanned.

Job Duties Vehicle Washer

Duties: Example of duties include but are not limited to cleaning, vacuuming and washing vehicles; proper use, storage and maintenance of supplies and equipment; recognize, report and correct unsafe conditions and perform related work as required. The working hours will be on weekends.

Minimum Qualifications:

- Education: Sufficient to assure the ability to read and write at the level required for successful job performance.
- Possession of: A valid California Driver's License and a good driving record.
- Knowledge of: Routine record keeping procedures.
- Experience: One year of work experience.
- Ability to: Establish and maintain cooperative and effective working relationships in the course of work, understand and carry out oral and written directions, perform routine vehicle cleaning tasks and safely operate associated equipment and machines, be flexible and receptive to change.
- Special Requirements: Must be able to frequently walk, stand, climb, bend, kneel and crawl while performing the duties of this job.

EXHIBIT C INSURANCE REQUIREMENTS

Labor Finders shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or willful damage to property which may arise from or in connection with the performance of the work hereunder by Labor Finders, his/her agents, representatives, employees, or subcontractors.

A. Minimum Scope of Insurance:

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage ("Occurrence" Form CG 00 01).
2. Insurance Services Office Form No. CA 0001, covering Automobile Liability, Code 1 (any auto) or Code 8, 9 if no owned autos.
3. Workers' Compensation insurance as required by the Labor Code of the State of California and Employer's Liability insurance.

B. Minimum Limits of Insurance:

LABOR FINDERS shall maintain limits no less than:

1. General Liability: \$2,000,000 per occurrence for bodily injury, personal injury, and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability: \$1,000,000 per accident for bodily injury and property damage.
4. Workers' Compensation and Employer's Liability: Workers' Compensation limits as required by the Labor Code of the State of California and Employer's Liability limits of \$1,000,000 per accident for bodily injury and disease.

C. Deductibles and Self Insured Retentions:

Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions or the Labor Finders shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration and defense expenses.

D. Other Insurance Provisions:

The general liability and automobile liability policies are to contain, or be endorsed to contain the following provisions:

1. The City, its officers, officials, employees and volunteers are to be covered as insureds with respect to liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of the Labor Finders, and with respect to liability arising out of work or operations performed Labor Finders by or on behalf of the Labor Finders including materials, parts or equipment furnished in connection with such work or operations.
2. For any claims related to the services provided pursuant to an executed agreement the Labor Finders insurance coverage shall be primary insurance as respects the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City its officers, officials, employees or volunteers shall be excess of the Labor Finders insurance and shall not contribute to it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
4. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the Civil Code.

E. Acceptability of Insurers:

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII.

F. Verification of Coverage:

Labor Finders shall furnish the City with an original certificate and amendatory endorsements affecting coverage required by this clause. All certificates and endorsements are required to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements effecting coverage required by these specifications at any time.

All insurance documents are to be sent to:

City of Clovis
Attention: Lori Shively, Personnel/Risk Manager
Personnel/Risk Management
1033 Fifth Street
Clovis, CA 93612



AGENDA ITEM NO: **CC-E-2**

City Manager: LS

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: September 5, 2017

SUBJECT: Approval - Claim Rejection of the General Liability claim submitted on behalf of Kathryn Marie Gunn.

CONFLICT OF INTEREST

None

RECOMMENDATION

Reject the claim submitted on behalf of Kathryn Marie Gunn.

BACKGROUND

On August 17, 2017, a general liability claim was filed against the City of Clovis on behalf of Ms. Kathryn Marie Gunn. The claim was legally sufficient and timely. On August 7, 2017, Ms. Gunn alleges the City failed to adequately maintain a tree located within city limits near westbound Shaw Avenue in front of 1805 Shaw Avenue. The tree fell on Ms. Gunn's vehicle. After further investigation it was determined the tree causing damage to Ms. Gunn's vehicle doesn't belong, nor is maintained by the City.

The claim has been filed as a "civil unlimited case" in excess of \$25,000 in the amount sought.

FISCAL IMPACT

Rejection of the claim does not result in any fiscal impact.

REASON FOR RECOMMENDATION

It is recommended that the claim be rejected. The City is not liable for this claim. In addition, by rejecting this claim the time in which lawsuits may be filed against the City will begin to run.

ACTIONS FOLLOWING APPROVAL

A letter will be sent to the claimant informing them that the claim has been rejected.

Prepared by: Charles W. Johnson, Management Analyst

Submitted by: Shonna Halterman, General Services Director





AGENDA ITEM NO: CC-F-1

City Manager: 

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: September 5, 2017

SUBJECT: Approval - Final Acceptance for CIP 14-24 Dry Creek Business Park Expansion

ATTACHMENT: (A) Vicinity Map

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to accept the work performed as complete and authorize recording of the notice of completion.

EXECUTIVE SUMMARY

The project consisted of infrastructure for the Dry Creek Business Park (Tract 6077). The work involved demolition of existing buildings, clearing, grubbing, earthwork, and grading, construction of concrete curbs, gutters, valley gutters, drive approaches, sidewalks, ADA curb return ramps, asphalt-concrete pavements, public utilities including water, sewer, storm drain, electrical, gas, communication, cable facilities, street lighting, traffic striping, traffic signage, chain link fencing, and concrete mow strips.

BACKGROUND

Bids were received and the project was awarded to the contractor, Yarbs Grading and Paving, Inc., on July 18, 2016. The construction was completed in accordance with the construction documents and the contractor has submitted a request for acceptance of the project.

FISCAL IMPACT

- | | | |
|----|-----------------------------------------------------------------------------------------------------------------------|-----------------|
| 1. | Award | \$ 2,982,767.10 |
| 2. | Cost decrease resulting from differences between estimated quantities used for award and actual quantities installed. | (\$ 13,654.14) |
| 3. | Contract Change Orders | \$ 9,743.09 |
| | CCO1 – Removal of Irrigation Pipeline | \$7,464.00 |
| | CCO2 – Removal of Existing Facilities | \$2,279.09 |
| 4. | Liquidated Damages Assessed | \$ 0.00 |
-

Final Contract Cost **\$ 2,978,856.05**

REASON FOR RECOMMENDATION


The Public Utilities Department, the City Engineer, the engineering inspector, and the project engineer agree that the work performed by the contractor is in accordance with the project plans and specifications and has been deemed acceptable. The contractor, Yarbs Grading and Paving, Inc., has requested final acceptance.

ACTIONS FOLLOWING APPROVAL

1. The notice of completion will be recorded; and
2. All remaining retention funds will be released no later than 35 calendar days following recordation of the notice of completion, provided no liens have been filed. Retention funds may be released within 60 days after the date of completion, provided no liens have been filed, with "completion" defined as the earlier of either (a) beneficial use and occupancy and cessation of labor, or (b) acceptance by the City Council per Public Contract Code Section 7107(c)(2).

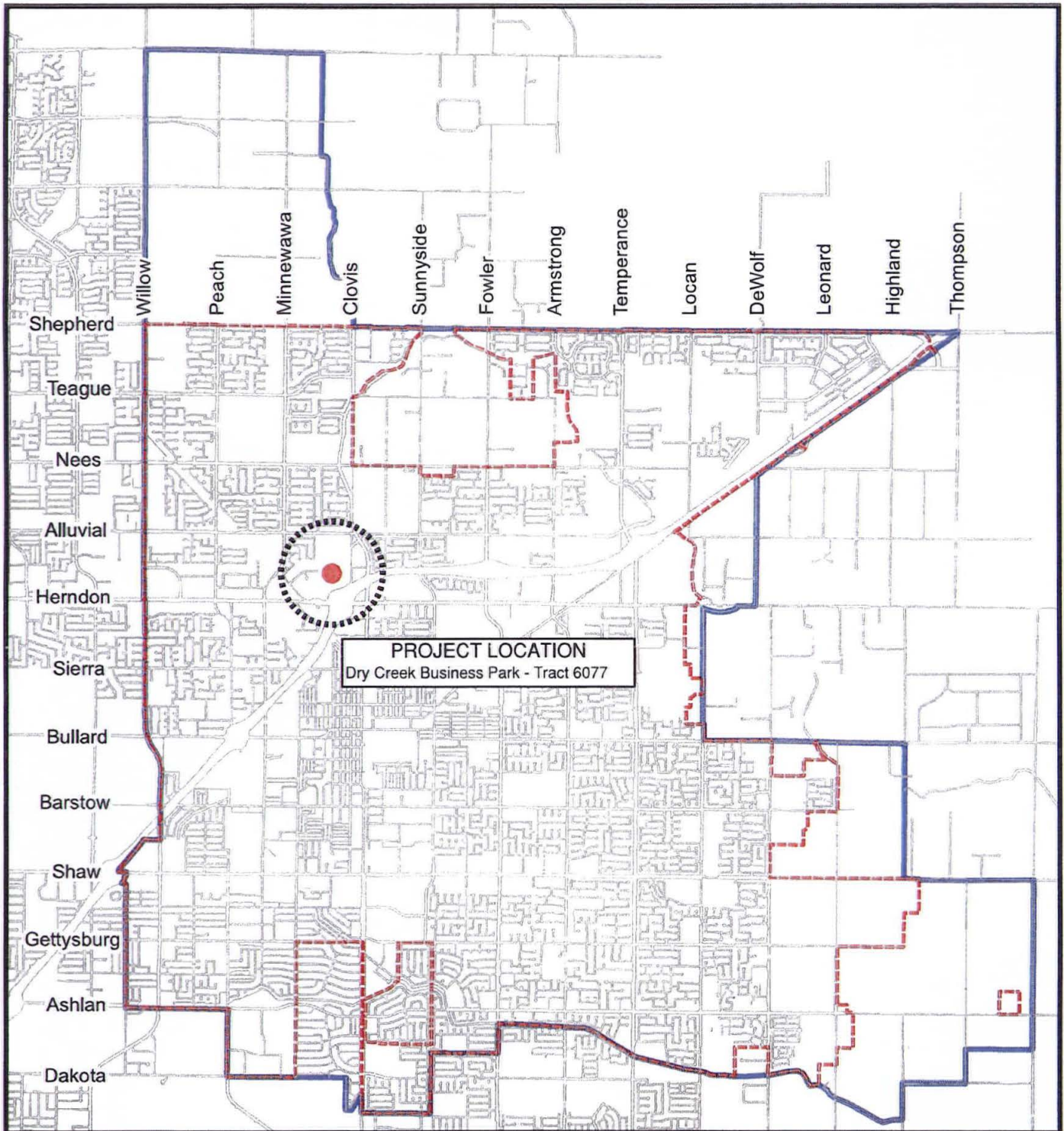
Prepared by: Thomas K. Cheng, Project Engineer

Submitted by: 
Michael Harrison
City Engineer

Recommended by: 
Dwight Kroll
Director of Planning and
Development Services

VICINITY MAP

CIP 14-24 Dry Creek Business Park Expansion



August 18, 2017

ATTACHMENT A

 CITY LIMITS  SPHERE OF INFLUENCE



Prepared By: Thomas Cheng



AGENDA ITEM NO: CC-F-2
City Manager: *AA*

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: September 5, 2017

SUBJECT: Approval - Bid Award for CIP 16-06 Minnewawa/Cherry Lane and Cherry Lane/Oxford Alley Improvements

ATTACHMENTS: (A) Vicinity Map

CONFLICT OF INTEREST

None

RECOMMENDATION

1. For the City Council to award a contract for CIP 16-06 Minnewawa/Cherry Lane and Cherry Lane/Oxford Alley Improvements to Pierce Construction in the amount of \$125,402.25 and;
2. For the City Council to authorize the City Manager to execute the contract on behalf of the City.

EXECUTIVE SUMMARY

The project is to perform alley reconstruction which includes installation of asphalt concrete paving, concrete valley gutters, drive approaches, curb and gutter, sidewalk and miscellaneous concrete work for the Minnewawa/Cherry Lane Alley from Cherry Lane to Ninth Street and the Cherry Lane/Oxford Alley from Ninth Street to Eighth Street.

Staff has evaluated the project site and all design aspects within the scope of this project for compliance with the Americans with Disabilities Act (ADA) accessibility standards as of September 5, 2017. The project will be ADA compliant upon completion.

FISCAL IMPACT

The following is a summary of the bid results as of August 29, 2017:

BIDDERS	BASE BIDS:
Pierce Construction	\$125,402.25
TriCounty Excavation Inc.	\$142,728.10
Dave Christian Construction	\$143,877.00
Central Valley Asphalt	\$164,290.00
Don Berry Construction, Inc.	\$168,581.00
DeAnda Company	\$195,641.00
Dawson-Mauldin Construction	\$250,938.00

Engineer's Estimate: \$120,894.00

All bids were examined and the bidders' submittals were found to be in order. Staff has validated the lowest responsive bidder contractor's license status; the contractor is in good standing with no record of complaints.

FISCAL IMPACT

This project was approved in the Community Investment Program 2017-2018 fiscal year budget and is fully funded by the Community Development Block Grant (CDBG) program.

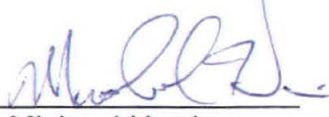
REASON FOR RECOMMENDATION

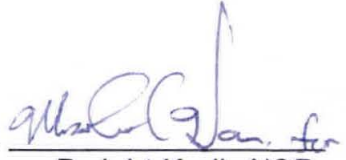
Pierce Construction is the lowest responsible bidder. There are sufficient funds available for the anticipated costs of this project.

ACTIONS FOLLOWING APPROVAL

1. The contract will be prepared and executed, subject to the contractor providing performance security that is satisfactory to the City.
2. Construction will begin approximately two (2) weeks after contract execution and be completed in thirty (30) working days thereafter.

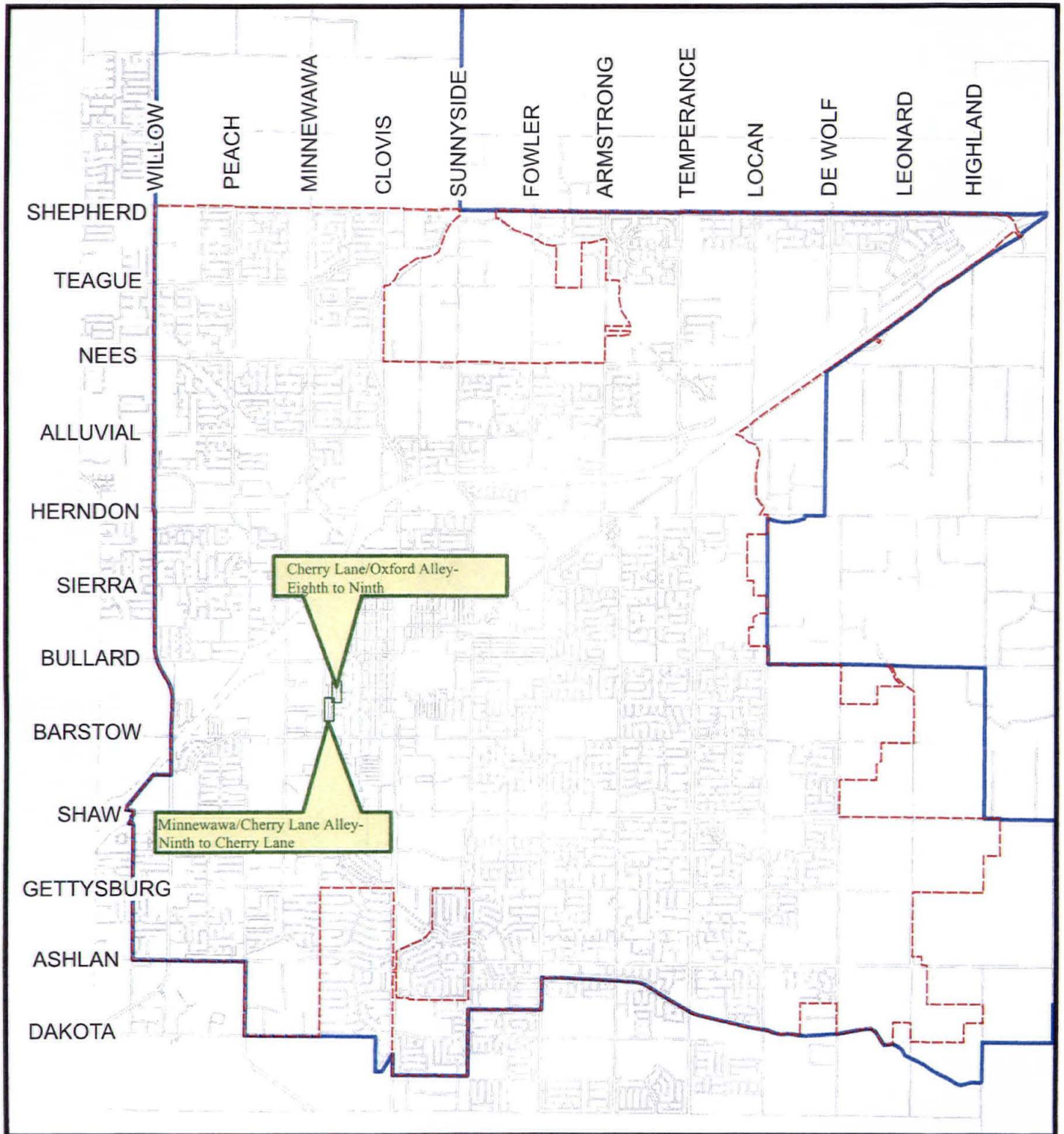
Prepared by: Colleen Vidinoff, Junior Engineer

Submitted by: 
Michael Harrison
City Engineer

Recommended by: 
Dwight Kroll, AICP
Director of Planning
And Development
Services

VICINITY MAP

Minnewawa/Cherry Lane and Cherry Lane/Oxford Alley
Improvements - Ninth to Cherry Lane and Eighth to Ninth



ATTACHMENT A

 CITY LIMITS  SPHERE OF INFLUENCE



1" = 5500'



AGENDA ITEM NO: CC-F-3

City Manager: AA

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: September 5, 2017

SUBJECT: Approval – Final Acceptance for CIP 16-13, ADA Ramp Project – Phase 9

ATTACHMENTS: (A) Vicinity map

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to accept the work performed as complete and authorize recording of the notice of completion.

EXECUTIVE SUMMARY

The project consisted of reconstruction of concrete curb ramps, curbs, gutters, valley gutters, and sidewalks at various locations within the City boundary.

Staff has evaluated the project sites and all design aspects within the scope of this project for compliance with the Americans with Disabilities Act (ADA) accessibility standards as of August 30, 2017. The project was constructed to meet current ADA standards.

BACKGROUND

The bid opening was on February 28, 2017, and the project was awarded by City Council on March 20, 2017. Witbro, Inc. DBA Seal Rite Paving was the low bidder and was awarded the project. The project was completed in accordance with the construction documents and within the total contract time allotted.

FISCAL IMPACT

1. Contract Award Amount	\$ 370,122.00
2. Contract Change Orders	\$ 0.00
3. Liquidated Damages Assessed	\$ 0.00
<hr/>	
Final Contract Cost	\$ 370,122.00

This project was approved in the Community Investment Program 2016-2017 fiscal year budget and is fully funded by the Community Development Block Grant (CDBG) program.


REASON FOR RECOMMENDATION


The Public Utilities Department, the City Engineer, the engineering inspector, and the project engineer agree that the work performed by the contractor is in accordance with the project plans and specifications, and has been deemed acceptable. The contractor, Witbro, Inc. DBA Seal Rite Paving, has requested final acceptance.

ACTIONS FOLLOWING APPROVAL

1. The notice of completion will be recorded; and
2. All remaining retention funds will be released no later than 35 calendar days following recordation of the notice of completion, provided no liens have been filed. Retention funds may be released within 60 days after the date of completion, provided no liens have been filed, with "completion" defined as the earlier of either (a) beneficial use and occupancy and cessation of labor, or (b) acceptance by the City Council per Public Contract Code Section 7107(c)(2).

Prepared by: Colleen Vidinoff, Project Engineer

Submitted by: 
Michael Harrison
City Engineer

Recommended by: 
Dwight Kroll, AICP
Director of Planning
And Development
Services



CIP 16-13
ADA Ramp Project
Phase 9

Vicinity Map

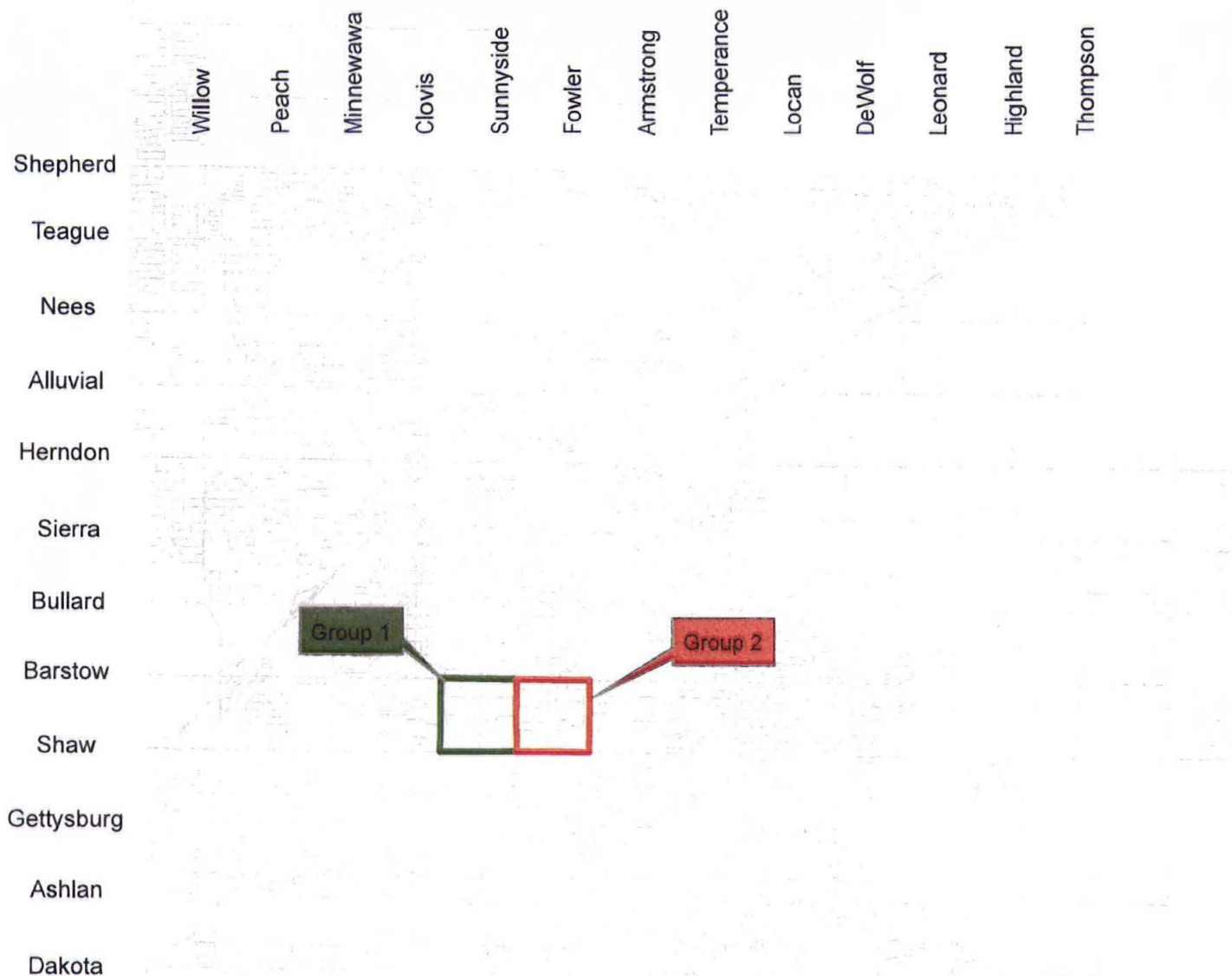
Group



1 in = 5,800 ft



Date: 12/5/2016





CIP 16-13
ADA Ramp Project
Phase 9

Group 1

1 in = 350 ft



Date: 12/5/2016

Copyright nearmap 2015



CIP 16-13
ADA Ramp Project
Phase 9

Group 2

1 in = 325 ft



Date: 1/26/2017



AGENDA ITEM NO: CC-G1
City Manager: LS

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Police Department

DATE: September 5, 2017

SUBJECT: Approval - Res. 17-___, Authorizing the Police Department's use of funds from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program for one part-time Cadet in the amount of \$16,255.00.

ATTACHMENTS: (A) Resolution

CONFLICT OF INTEREST

None

RECOMMENDATION

Approve the use of FY 17/18 Justice Assistance Grant (JAG) funds.

EXECUTIVE SUMMARY

The Clovis Police Department is applying for Bureau of Justice Assistance Edward Byrne Memorial Grant (JAG). The police department will be awarded \$16,255.00 in JAG funds for the federal fiscal year 2017-2018. The federal government requires as a condition of this grant, that the City Council approve the use of funds prior to receipt of the funds. The grant period starts October 1, 2017, and ends September 30, 2018.

The Police Department is proposing to maintain one part-time Community Service Officer to assist patrol in several functions within the Police Department. These functions could include but are not be limited to, patrol field work, jail duties, and community outreach events.

BACKGROUND

These funds are provided by the U.S. Department of Justice, Edward Byrne Memorial Justice Assistance Grant (JAG). This program furthers the Department of Justice's mission by assisting state and local efforts to prevent and/or reduce crime and violence.

FISCAL IMPACT

The Clovis Police Department could receive up to \$16,255.00 for law enforcement activities. There is no match required for this grant.

Acceptance of this grant is not expected to have any fiscal impact on the allocation of funds in the current city budget.

REASON FOR RECOMMENDATION

To approve the use of FY 2017-2018 Justice Assistance Grant funds.

ACTIONS FOLLOWING APPROVAL

A budget amendment and resolution will follow after notification of the receipt of funds.

Prepared by: Sandi Macy

Submitted by: Matt Basgall 

RESOLUTION NO. 17-_____

**A RESOLUTION OF CITY COUNCIL OF THE CITY OF CLOVIS
APPROVING THE POLICE DEPARTMENT USE OF JAG FUNDS FOR FISCAL YEAR
2017-2018**

WHEREAS, the City Council of the City of Clovis approved the 2017-2018 Budget on May 15, 2017; and

WHEREAS, the Police Department requests approval of the City Council to apply for and use grant funds from the Bureau of Justice Assistance Grant (JAG); and

WHEREAS, the Police Department has need for one part-time Community Service Officer; and

WHEREAS, the Police Department will receive JAG funds in the amount of \$16,255.00 to use towards law enforcement services; and

WHEREAS, the City Council determines that the expenditures are necessary.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clovis to approve the use of FY 2017-2018 Justice Assistance Grant funds.

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on September 5, 2017 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED:

Mayor

City Clerk



AGENDA ITEM NO: **CC-H-1**
City Manager: 

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
FROM: Public Utilities Department
DATE: September 5, 2017
SUBJECT: Receive and File - Public Utilities Monthly Report June 2017

No More Double Parking

At the request of the Water Production Section, the Street Maintenance crew increased the size of the existing parking lot of the Surface Water Treatment Plant.



The Concrete & Paving crew placed wooden forms and poured a concrete curb and sidewalk to create the new perimeter.



Next, the crew compacted the base rock within the interior of the lot and placed the asphalt.



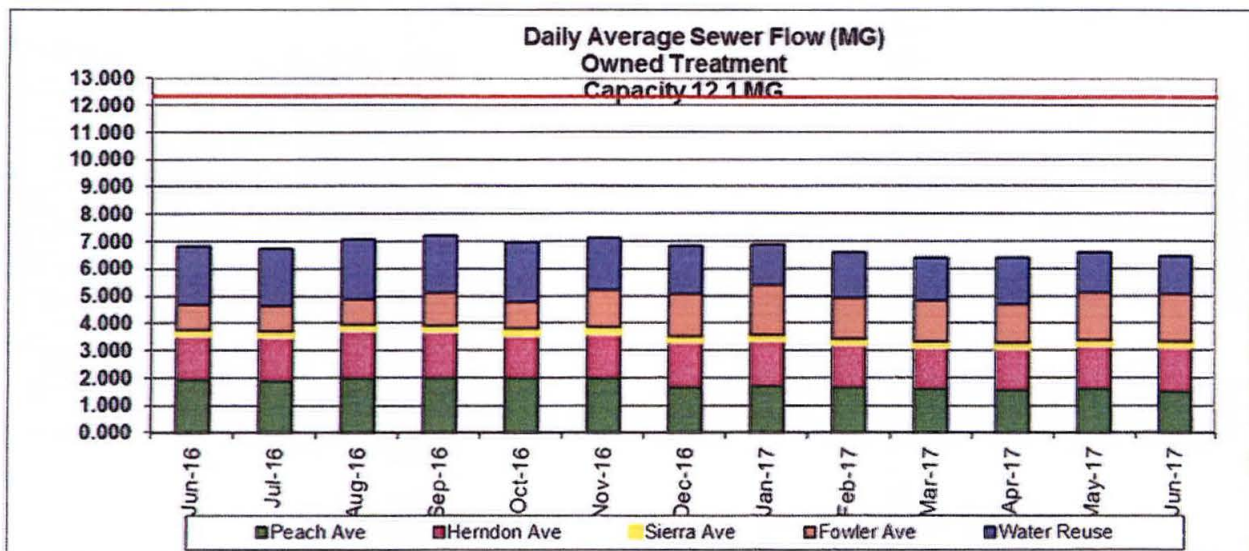
The Streets Signs & Striping crew will return and paint the new stalls soon. The new addition to the parking lot increased the capacity from 5 to 10 parking stalls.

WASTEWATER DISPOSAL SECTION

Sewer Flow

	Total Flow MG In June		Average Daily Flow MG/d		Owned Treatment Capacity MGD
	2017	2016	2017	2016	
Peach Avenue	44.490	54.950	1.483	1.895	3.0
Herndon Avenue	49.148*	47.806	1.638	1.648	2.8
Sierra Avenue	5.985	5.907	0.200	0.204	0.5
Fowler Avenue	51.140	26.090	1.705	0.900	3.0
Water Reuse	43.171	65.818	1.439	2.194	2.8
TOTAL			6.465	6.841	12.1

* Estimated

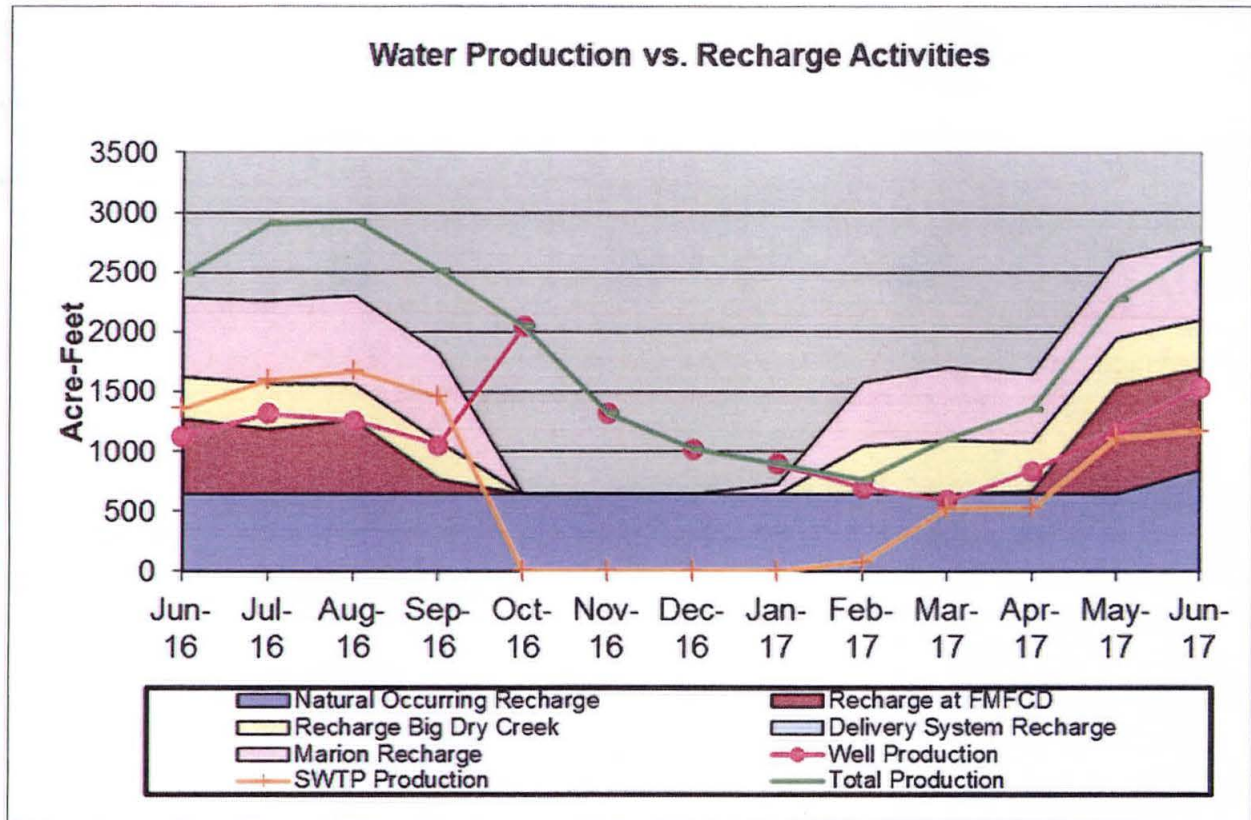


Storm Drain Maintenance

Summary of Activities	June 2017	June 2016	June 2015
Number of storms this month	0	1	1
Total rainfall this month (inches)	0	0.06	.01
Rainfall to date (inches)	17.20	14.84	6.61

WATER PRODUCTION

	This Month	Calendar Year to date
Recharge at FMFCD Basins (AF)	853	1,789
Recharge Upstream in Big Dry Creek (AF)	405	2,067
Marion Recharge per FID (AF)	654	3,101
Delivery System Recharge	0	0
Total Artificial Recharge (AF)	1,912	6,957
Natural Recharge	642	3,850
Total Well Production (AF)	1,530	5,660
Treatment Plant Production (AF)	1,166	3,380



Summary of Activities	2017	Year to Date	2016	Year to Date	2015	Year to Date
SWTP production (mg)	380.017	1101.417	442.490	1011.751	297.380	982.580
Well production (mg)	498.489	1844.170	366.962	1728.449	444.253	2,104.668
Total water production (mg)	878.506	2945.587	809.452	2740.200	741.633	3,087.248
Daily average	29.284	16.274	26.982	15.056	24.721	16.963
Days between readings	30	181	30	182	30	182



AGENDA ITEM NO: **1-A**
City Manager: LS

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: September 5, 2017

SUBJECT: Consider Introduction – Ordinance 17-___, An Ordinance of the City Council of the City of Clovis amending Section 1.6.01, and adding Sections 1.6.02 and 1.6.03 to Chapter 1.6, of Title 1, of the Clovis Municipal Code, pertaining to General Municipal Elections, which includes a plan to consolidate the election with a statewide election beginning with the November 8, 2022, statewide general election

ATTACHMENTS: (A) Draft Ordinance

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve the introduction of Ordinance 17-___, amending Section 1.6.01, and adding Sections 1.6.02 and 1.6.03 to Chapter 1.6, of Title 1, of the Clovis Municipal Code, pertaining to General Municipal Elections, which includes a plan to consolidate the election with a statewide election beginning with the November 8, 2022, statewide general election.

EXECUTIVE SUMMARY

SB 415, effective January 1, 2016, prohibits a city from holding an election on any date other than a statewide election date (i.e. March) if doing so in the past has resulted in turnout that is at least 25 percent below the average turnout in that jurisdiction in the last four statewide general elections. The City currently conducts its elections in March of odd years which is referred to as an "off-cycle election". Turnout for the City's off-cycle election is significantly below the threshold in SB 415 requiring the City to change to November even year elections beginning with the November 2022 election. The March 2019 and 2021 elections will continue to be held as standalone elections but the term of both elections will need to be adjusted to accommodate the November 2022 election.

BACKGROUND

SB 415 was signed by the governor on September 1, 2015, and became effective on January 1, 2016. This bill prohibits a local government, beginning January 1, 2018, from holding an election on any date other than a statewide election date if doing so in the past has resulted in turnout that is at least 25 percent below the average turnout in that jurisdiction in the last four statewide general elections, as specified.

Amendments permit a political subdivision to continue to hold elections on dates other than statewide election dates after January 1, 2018, notwithstanding the provisions of this bill, if the political subdivision adopts a plan not later than January 1, 2018, to consolidate future elections with the statewide election not later than the November 8, 2022, statewide election. Approval of this ordinance will allow the city to conduct the 2019 and 2021 elections in March.

	Clovis March Election		Clovis November Election	State	25% less than State
7-Mar-97	16.60%	3-Nov-98		57.60%	
2-Mar-99	15.70%	7-Nov-00		70.90%	
March 6, 2001*	26.30%	5-Nov-02		50.60%	
4-Mar-03	23.80%	2-Nov-04		76.00%	57.00%
8-Mar-05	15.90%	7-Nov-06		56.20%	42.15%
6-Mar-07	21.00%	4-Nov-08	72.00%	79.40%	59.55%
March 3, 2009*	33.00%	2-Nov-10	60.10%	59.60%	44.70%
1-Mar-11	N/A	6-Nov-12	72.00%	72.40%	N/A
1-Mar-13	N/A	4-Nov-14	43.10%	42.20%	N/A
1-Mar-15	N/A	8-Nov-16	66.70%	75.30%	50.03%
7-Mar-17	15.60%				
Average	20.99%		60.48%	62.38%	45.36%

* Voter turnout was higher in 2001 and 2009 because there was more on the ballot than just city council members.

The table above compares voter turnout in Clovis from 1997 through 2017. It should be noted that data for 2011 – 2015 is not available because those three elections were cancelled due to no opposition. Voter turnout in Clovis for a March odd year election averaged 20.99% between 1997 and 2017. Voter turnout for the March 2017 election was 15.6%. Voter turnout for the City for the November even year statewide election averaged 60.48% between 2010 and 2016 (the last four statewide elections).

SB 415 prohibits the City of Clovis from holding an election in March of an odd year if doing so results in turnout that is at least 25 percent below the average turnout in Clovis in the last four statewide general elections. The average of the last four statewide general elections was 60.48%, voter turnout would have to have been at least 45.36%, and was approximately one third of that.

Voter turnout for a March odd year city election is approximately one third of turnout for the November even year statewide election over the twenty year period. The last column shows what turnout would have to have been to be within 25% of the statewide average.

The plan going forward will be to forward the ordinance to the County for approval, conduct the 2019 and 2021 elections as standalone, and consolidate with the statewide election in November 2022.

The tentative plan would look similar to the following:

Current election cycle:

March 2017 Election:

- Council Member Ashbeck
- Council Member Mouanoutoua
- Council Member Bessinger (Replacing Councilmember Armstrong – two year term)

Full term to March 2021 – 4 years (except Council Member Bessinger)

March 2019:

- Council Member 3 (Office = Bessinger)
- Council Member 4 (Office = Flores)
- Council Member 5 (Office = Whalen)

They would normally stay in office until March 2023, but the new election in November 2022 would cut their term short by five months – Term is approximately 3.5 years.

March 2021: (last March odd year election)

- Council Member 1 (Office = Ashbeck)
- Council Member 2 (Office = Mouanoutoua)

They would normally stay in office until March 2025, but the new election in November 2024 would cut their term short by five months – Term is approximately 3.5 years.

November 2022:

- Council Member 3
- Council Member 4
- Council Member 5

November 2022 Elections and beyond will be a full 4 years.

FISCAL IMPACT

In the long run, the city will save money by consolidating with the County in 2022. The cost of the election in 2017 was approximately \$187,000. With a voter turnout of 15.6% of 60,000 voters meaning that 9,400 residents voted, the cost per vote was approximately \$20 per vote. Another interesting fact is that of the 9,400 residents who voted, 8,150 (87%) voted by mail, and 1,250 (13%) showed up at the polls.

Consolidating the election with the County shares the cost of an election with many more parties meaning that the cost per agency is lower.

REASON FOR RECOMMENDATION

SB 415 prohibits a local government, beginning January 1, 2018, from holding an election on any date other than a statewide election date if doing so in the past has resulted in turnout that is at least 25 percent below the average turnout in that jurisdiction in the last four statewide general elections.

ACTIONS FOLLOWING APPROVAL

If approved, staff will forward to the County for consideration.

Prepared by: John Holt, Assistant City Manager / City Clerk

Submitted by: John Holt, Assistant City Manager / City Clerk



ORDINANCE NO. 17- __

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING SECTION 1.6.01, AND ADDING SECTIONS 1.6.02 AND 1.6.03 TO CHAPTER 1.6, OF TITLE 1, OF THE CLOVIS MUNICIPAL CODE, PERTAINING TO GENERAL MUNICIPAL ELECTIONS, WHICH INCLUDES A PLAN TO CONSOLIDATE THE ELECTION WITH A STATEWIDE ELECTION BEGINNING WITH THE NOVEMBER 8, 2022, STATEWIDE GENERAL ELECTION.

WHEREAS, pursuant to California Elections Code section 1301 and Clovis Municipal Code Section 1.6.01, general municipal elections are currently held on the first Tuesday, following the first Monday in the month of March of each odd numbered year; and

WHEREAS, pursuant to California Elections Code section 14052, the City is required to have a plan to consolidate future elections with a statewide election beginning no later than the November 8, 2022, statewide general election; and

WHEREAS, this Ordinance sets forth the City's plan to consolidate the general municipal election with the statewide general election beginning with the November 8, 2022 statewide general election; and

WHEREAS, California Elections Code section 1301, subdivision (b), requires that an ordinance establishing the dates for a general municipal election be approved by the County Board of Supervisors; and

WHEREAS, since Fresno County regularly consolidates local elections with the statewide general election date, it is anticipated that the Fresno County Board of Supervisors will approve this Ordinance.

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

SECTION 1. AMENDMENT TO MUNICIPAL CODE.

Section 1.6.01 is hereby amended, and sections 1.6.02 and 1.6.03 are hereby added, to Chapter 1.6, of Title 1, of the Clovis Municipal Code to read as follows:

**Chapter 1.6
GENERAL MUNICIPAL ELECTIONS**

1.6.01 General municipal election dates through March 2021.

The provisions of this section are enacted pursuant to the provisions of section 1301, subdivision (b) of the Elections Code of the State of California authorizing the Council to provide, by

ordinance, that the general municipal elections shall be held on the first Tuesday, following the first Monday in the month of March of each odd numbered year.

1.6.02 General municipal election dates beginning November 2022.

Notwithstanding Section 1.6.01, beginning with the November 8, 2022 statewide general election, and pursuant to the provisions of section 1301, subdivision (b) of the Elections Code of the State of California, the general municipal elections shall be held on the date of the statewide general election.

1.6.03 Term of seats during election date transition.

Pursuant to section 10403.5, subdivision (b) of the Elections Code of the State of California, which provides that no city office term shall be increased or decreased by more than twelve (12) months when changing election dates, the term of seats for the elections during the transition period will be as follows: Election in March 2019 for three (3) council seats for a term through November 2022; Election in March 2021 for two (2) council seats for a term through November 2024.

SECTION 2: EFFECTIVE DATE.

This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption, and after approval by the Fresno County Board of Supervisors.

SECTION 3: TRANSMITTAL TO FRESNO COUNTY BOARD OF SUPERVISORS.

In accordance with section 1301, subdivision (b) of the Elections Code of the State of California, this Ordinance shall be submitted to the Fresno County Board of Supervisors for approval.

APPROVED:

Bob Whalen, Mayor

John Holt, City Clerk

* * * *

The foregoing ordinance was introduced at a regular meeting of the City Council held on _____ 2017 and was adopted at a regular meeting of said Council held on _____, 2017 by the following vote, to wit:

AYES:

NOES:

ABSENT:

DATED _____, 2017

CITY CLERK



AGENDA ITEM NO: 1-B

City Manager: *[Signature]*

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: September 5, 2017

SUBJECT: Consider Introduction, Ord. 17-____, **R2017-07**, A request to approve a prezone of approximately 7.34 acres of land located on the east side of De Wolf Avenue, between Shaw and San Jose Avenues from the County AE-20 Zone District to the Clovis R-3 (Medium Density Multiple Family Residential) Zone District. Virginia R. & David Simpson, Marcella A. Deanda Trs., Liru Huang & Michael Blackston, Herbert Paul Bethel, owners; Westgate Construction and Development, applicant; Burrell Consulting Group, representative.

ATTACHMENTS:

Figure 1:	Location Map
Attachment 1:	Draft Ordinance
Attachment 2:	Planning Commission Minutes
Attachment 3:	Letter from Cheri Reid & Pamela Tackett
Attachment 4:	Correspondence from Commenting Agencies

CONFLICT OF INTEREST

None.

RECOMMENDATION

Planning Commission and staff recommend that the City Council approve Prezone R2017-07.

EXECUTIVE SUMMARY

The applicant is requesting to prezone approximately 7.34 acres of property from the County AE-20 Zone District to the Clovis R-3 (Medium Density Multiple Family Residential) Zone District. The requested rezoning is necessary to accommodate an adjacent commercial

project to the east within the Loma Vista Community Center North encompassing an annexation of approximately 77 acres.

BACKGROUND

- General Plan Designation: High Density Residential (15.1 to 25.0 units per acre)
- Specific Plan Designation: High Density Residential (15.1 to 25.0 units per acre)
- Existing Zoning: County AE-20
- Lot Size: Total Area 7.34 acres
- Current Land Use: Rural Residential
- Adjacent Land Uses:

North:	Urban Development
South:	Rural Residential/ Agricultural
East:	Rural Residential/ Agricultural
West:	Urban Development

PROPOSAL AND ANALYSIS

The applicant is requesting to prezone approximately 7.34 acres from the County AE-20 Zone District to the Clovis R-3 (Medium Density Multiple Family Residential) Zone District (see Figure A Below). The project area's land use designation of High Density Residential in the Loma Vista Specific Plan is consistent with the proposed prezone.

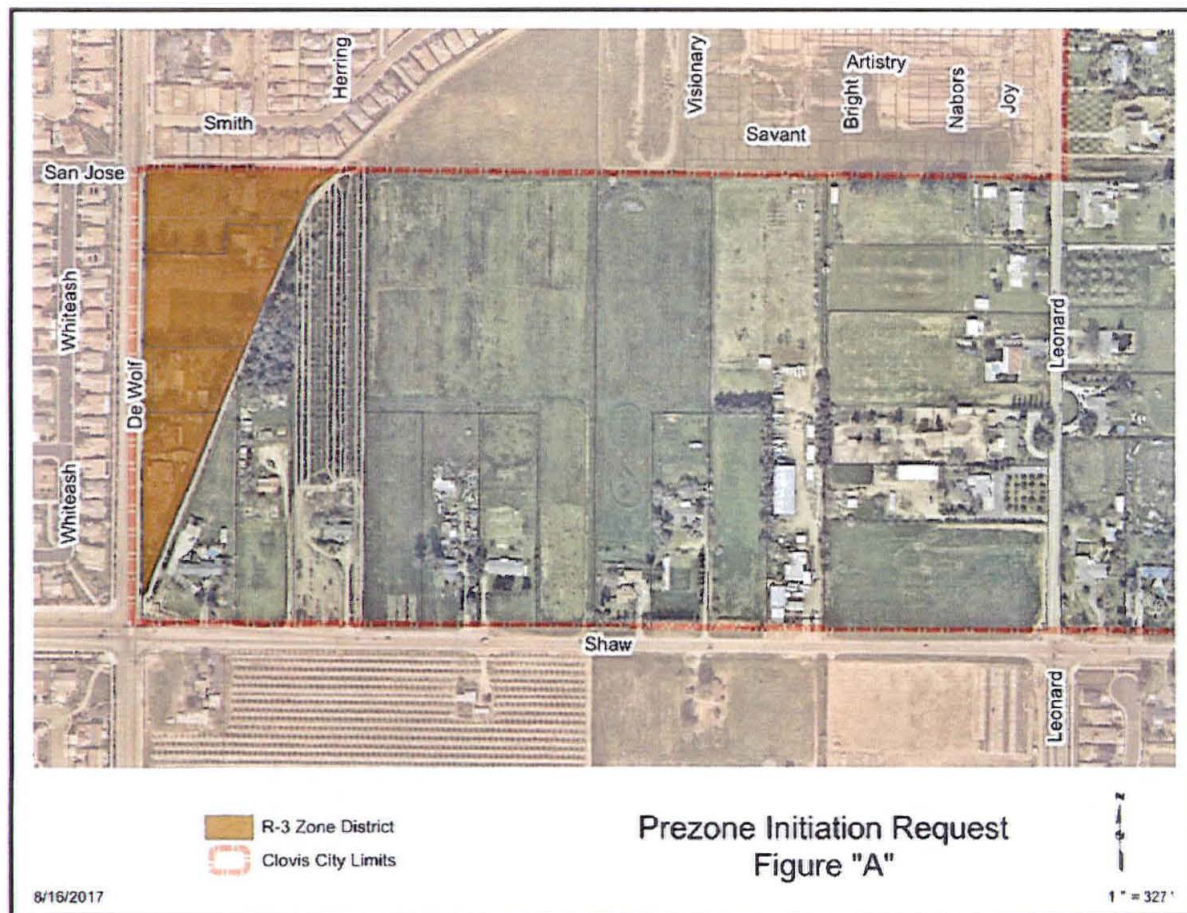


FIGURE A – Prezone Boundary

The prezone area is made up of four parcels which were outside of the master overlay zone district for Loma Vista Community Centers North and South adopted by the City Council on May 4, 2009. City staff and the applicant attempted to contact each of the property owners to obtain authorization to prezone their properties; however attempts were unsuccessful during the initial outreach efforts. Subsequently, the applicant requested City Council initiation of the prezone on behalf of the property owners. On Monday, July 10, 2017, the City Council unanimously voted to initiate the prezone.

Prior to consideration of this prezone by the Planning Commission on July 27, 2017, Mr. Dirk Poeschel continued to reach out to the affected property owners. Mr. Poeschel was successful in acquiring the authorization from one of the four property owners.

Approval of this prezone would bring the parcels into consistency with the General Plan upon annexation, consequently, in compliance with State Planning and Zoning Law.

Public Comments

A public notice was sent to area residents within 600 feet of the property boundaries. Staff has not received comments or concerns from the public upon finalization of this report.

Review and Comments from Agencies

The Project was distributed to all City Divisions as well as outside agencies, including Cal Trans, Clovis Unified School District, Fresno Irrigation District, Fresno Metropolitan Flood Control District, AT&T, PG&E, San Joaquin Valley Air Pollution Control District, State Department of Fish and Wildlife, LAFCo, and the County of Fresno.

Comments received are attached only if the agency has provided concerns, conditions, or mitigation measures. Routine responses and comment letters are placed in the administrative record and provided to the applicant for their records.

Planning Commission Comments

The Planning Commission considered this Project on Thursday, July 27, 2017. The Commission approved Prezone R2017-07 with a vote of 5-0. The Commission received a letter from Cheri Reid and Pamela Tackett opposing the subject prezone request (see Attachment 3).

Consistency with General Plan Goals and Policies

Staff has evaluated the Project in light of the General Plan Land Use goals and policies. The following goals and policies reflect Clovis' desire to maintain Clovis' tradition of responsible planning and well managed growth to preserve the quality of life in existing neighborhoods

and ensure the development of new neighborhoods with an equal quality of life. The goals and policies seek to foster more compact development patterns that can reduce the number, length, and duration of auto trips.

Goal 3: Orderly and sustainable outward growth into three Urban Centers with neighborhoods that provide a balanced mix of land uses and development types to support a community lifestyle and small town character.

Policy 3.3 Completion of Loma Vista. The City prioritizes the completion of Loma Vista while allowing growth to proceed elsewhere in the Clovis Planning Area in accordance with agreements with the County of Fresno and LAFCo policies.

Goal 6: A city that grows and develops in a manner that implements its vision, sustains the integrity of its guiding principles, and requires few and infrequent amendments to the General Plan.

Policy 6.2: Smart growth. The city is committed to the following smart growth goals.

- Create a range of housing opportunities and choices.
- Create walkable neighborhoods.
- Foster distinctive, attractive communities with a strong sense of place.
- Mix land uses.
- Strengthen and direct development toward existing communities.
- Take advantage of compact building design.

California Environmental Quality Act (CEQA)

The applicant's project is in substantial conformance with the environmental analysis performed for the 2014 General Plan Update, 2014 Development Code Update and Loma Vista Specific Plan EIR. No major revisions will be required with the adopted Environmental Impact Report to accommodate the proposed project; therefore, subject to California Government Code Section 65457, no further environmental review is required for this project.

The City published notice of this public hearing in *The Business Journal* on Wednesday, August 23, 2017.

Annexation

The prezone area is part of a larger annexation to the City of Clovis (see Figure B below). An application for Annexation has been submitted and identified as the Shaw-Leonard Northwest Reorganization (RO295). The project site is proposed to be annexed under the Reorganization RO295. The annexation boundary consists of twenty-one properties, two of which are related to the proposed commercial development and nineteen others which are required to create a logical boundary.

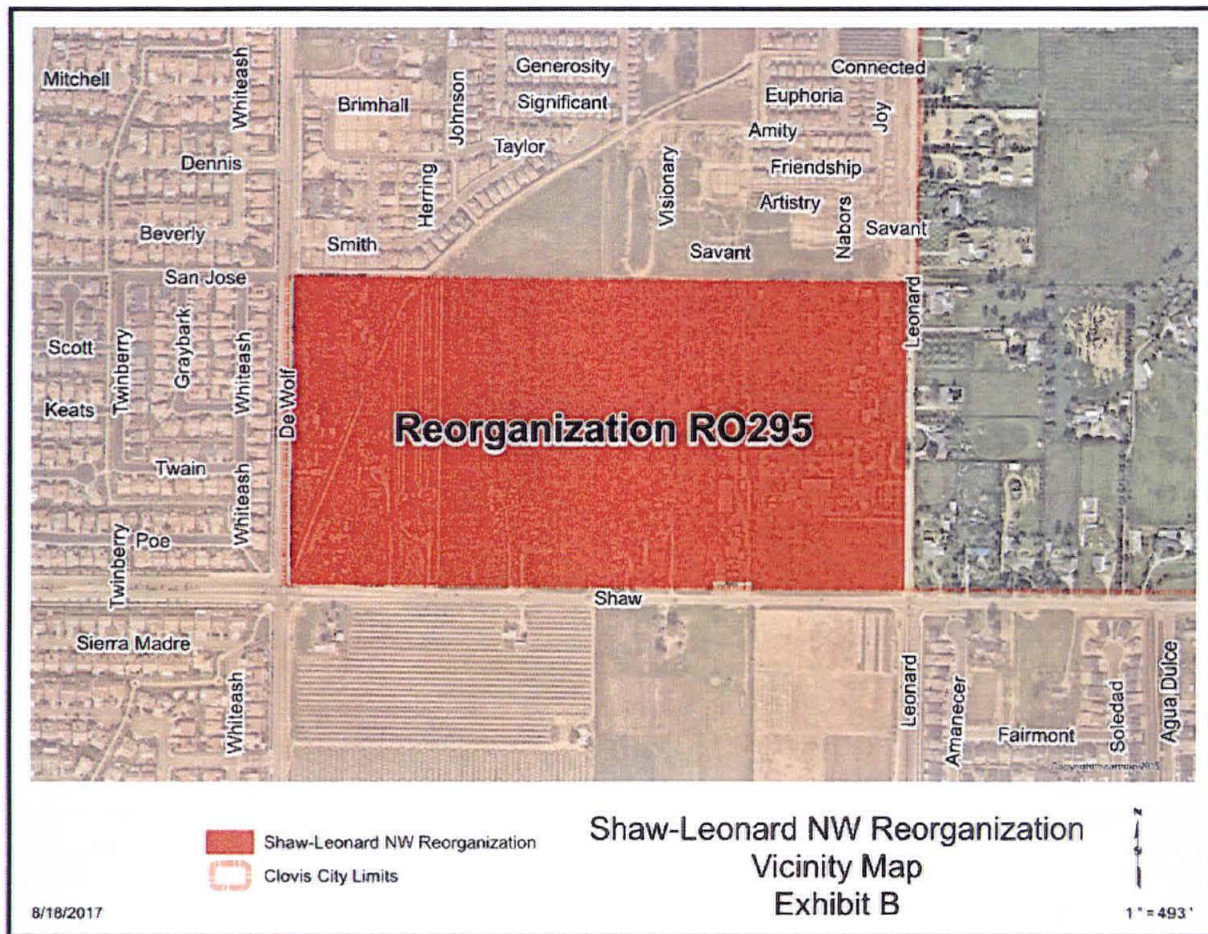


FIGURE B – Annexation Boundary

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

The proposed prezoning is consistent with the Loma Vista Specific Plan and the Loma Vista Community Center North and South Master Plan. The prezoning of the four properties will facilitate the applicant's proposal and provide for future development of all parcels as envisioned in the Loma Vista Specific Plan. Planning Commission and staff therefore recommend approval of Prezone R2017-07.

The findings to consider when making a decision on a prezone application include:

1. The proposed amendment is consistent with the goals, policies, and actions of the General Plan; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

3. The parcel is physically suitable (including absence of physical constraints, access, and compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/projects. (§ 2, Ord. 14-13, eff. October 8, 2014)

ACTIONS FOLLOWING APPROVAL

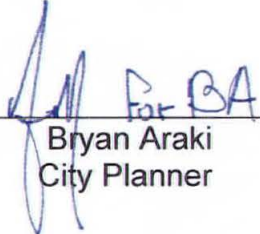
The second reading of the Prezone Ordinance will be heard by the City Council at its next regular meeting, and if approved, will go into effect 30 days from its passage and adoption.

NOTICE OF HEARING

Property Owners within 600 feet notified:	119
Interested individuals notified:	10

Prepared by: George González, MPA, Associate Planner

Submitted by: _____


Bryan Araki
City Planner

Recommended by: _____


Dwight Kroll, AICP
Director of Planning
And Development
Services

O:\Planning Projects\Rezone\R 2017\R2017-07 (Westgate Const. & Dev.)\Documents\CC Sept. 5, 2017\CC Staff Report R2017-07.doc

**FIGURE 1
PROJECT LOCATION MAP**



DRAFT ORDINANCE

ATTACHMENT 1

**DRAFT
ORDINANCE 17-__**

AN ORDINANCE AMENDING AND CHANGING THE OFFICIAL ZONE MAP OF THE CITY OF CLOVIS IN ACCORDANCE WITH SECTIONS 9.08.020 AND 9.86.010 OF THE CLOVIS MUNICIPAL CODE TO RECLASSIFY LAND LOCATED ON THE EAST SIDE OF DE WOLF AVENUE, BETWEEN SHAW AND SAN JOSE AVENUES AND CONFIRMING ENVIRONMENTAL FINDINGS

LEGAL DESCRIPTION:

See the attached Exhibit "One."

WHEREAS, Westgate Construction and Development, 5101 Merlot Court, Visalia, CA 93291, has applied for a Prezone R2017-07; and

WHEREAS, this is a request to prezone approximately 7.34 acres from the County AE-20 Zone District to the Clovis R-3 (Medium Density Multiple Family Residential) Zone District for property located on the east side of De Wolf Avenue, between Shaw and San Jose Avenues, in the County of Fresno, California; and

WHEREAS, the Planning Commission held a noticed Public Hearing on July 27, 2017, to consider the Project Approval, at which time interested persons were given opportunity to comment on the Project; and

WHEREAS, the Planning Commission recommended that the Council approve Prezone R2017-07; and

WHEREAS, the Planning Commission's recommendations were forwarded to the City Council for consideration; and

WHEREAS, the City published Notice of a City Council Public Hearing for September 5, 2017, to consider Prezone R2017-07. A copy of the Notice was delivered to interested parties within 600 feet of the project boundaries and published in The Business Journal; and

WHEREAS, the City Council does find the project in substantial conformance with the environmental analysis performed for the 2014 General Plan Update, 2014 Development Code Update and Loma Vista Specific Plan EIR, pursuant to CEQA guidelines; and

WHEREAS, the City Council held a noticed public hearing on September 5, 2017, to consider the approval of Prezone R2017-07; and

WHEREAS, on September 5, 2017, the City Council considered testimony and information received at the public hearing and the oral and written reports from City staff, as well as other documents contained in the record of proceedings relating to Prezone R2017-07, which are maintained at the offices of the City of Clovis Planning and Development Services Department; and

WHEREAS, the City Council has evaluated and considered all comments, written and oral, received from persons who reviewed Prezone R2017-07, or otherwise commented on the Project; and

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

SECTION 1: FINDINGS. The Council finds as follows:

1. That the proposed amendment is consistent with the goals, policies, and actions of the General Plan; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
3. The parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/projects. (§ 2, Ord. 14-13, eff. October 8, 2014)

SECTION 2: The Official Map of the City is amended in accordance with Sections 9.8.020 and 9.86.010 of the Clovis Municipal Code by reclassification of certain land in the County of Fresno, State of California, to wit:

From Classifications County AE-20 to Classifications Clovis R-3 (Medium Density Multiple Family Residential)

The property so reclassified is located on the east side of De Wolf Avenue, between Shaw and San Jose Avenues in the County of Fresno, California, and is more particularly described as shown in "Exhibit One."

SECTION 3: This Ordinance shall go into effect and be in full force from and after thirty (30) days after its final passage and adoption.

SECTION 4: The record of proceedings is contained in the Planning and Development Services Department, located at 1033 Fifth Street, Clovis, California 93612, and the custodian of record is the City Planner.

APPROVED: September 5, 2017

_____ Mayor	_____ City Clerk
* * * * *	* * * * *

The foregoing Ordinance was introduced at a regular meeting of the City Council held on September 5, 2017, and was adopted at a regular meeting of said Council held on _____, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

DATED:

City Clerk

DRAFT PLANNING COMMISSION MINUTES

ATTACHMENT 2

CLOVIS PLANNING COMMISSION MINUTES
July 27, 2017

PUBLIC HEARINGS

- A. Consider Approval, Res. 17-39, **R2017-07**, A request to approve a prezone of approximately 7.34 acres of land located on the east side of De Wolf Avenue, between Shaw and San Jose Avenues from the County AE-20 Zone District to the Clovis R-3 (Medium Density Multiple Family Residential) Zone District. Virginia R. & David Simpson, Marcella A. Deanda Trs., Liru Huang & Michael Blackston, Herbert Paul Bethel, owners; Westgate Construction and Development, applicant; Burrell Consulting Group, representative.

Associate Planner George Gonzalez presented the staff report.

At this point the Chair opened the floor to the applicant.

Associate Planer Gonzalez reported that the applicant was unable to attend.

At this point the Chair opened the floor to those in favor.

Dirk Poeschel, Benchmark Homes, spoke in favor, citing the responsibility for urban development, especially to enhance economic development, being given to the cities. He also cited property owner support from those who would be affected by this rezoning as well as follow-on rezoning.

At this point the Chair opened the floor to those in opposition.

George Beal, 1175 Shaw, spoke in partial opposition. His stated objection was to the R-3 designation, citing his neighbor's property as possibly remaining undeveloped due to setbacks, and therefore reducing the value of his property.

At this point the Chair closed the public portion.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Hatcher to approve R2017-07. The motion was approved by a vote of 5-0.

LETTER FROM CHERI REID & PAMELA TACKETT

ATTACHMENT 3

Cheri Reid
Pamela Tackett Your Name
1635 Graybark Ave.
Clovis, CA 93619
7/26/17

Planning Commission
City of Clovis
1033 5th Street
Clovis CA 93612

For the attention of Mr. Bryan Araki, City Planner:

Dear Sir

Regarding R2017-07

Proposed re-zoning of approximately 7.354 acres of land located on the east side of De Wolf Avenue, between Shaw and San Jose Avenues from County AE-20 Zone District to the Clovis R-3 Zone District.

I write in connection with the above planning application. I have been notified of the plans and I know the site well. I wish to object strongly to the re-zoning of this property to a Medium Density Multiple Family Residential Zone.

The surrounding area is a mix of single family residences and county properties. We purchased in this area because it is not far from "the country" but also has a growing neighborhood near a highly rated school, so that we could ensure our children have access to peers and good education. We were told by our developers that this was the general plan for the surrounding neighborhoods and that this plan would eventually include development of a walk way and small "city center." In reviewing the zoning maps when I purchased this property, I did not see any indication that a Medium Density development was on the horizon across the street from my home.

While, in general, I understand that offering a variety of housing options is a good long-term strategy for a growing city, the location of these properties must make sense. This includes locating medium to high density locations in close proximity to shopping and other services. These areas are already developed for traffic. They are in areas where multiple story buildings, abundant light sources and roadways already exist. With correct city planning, they can also be surrounded by green area. They are convenient for the families that live there.

Embedding a medium density housing project in the middle of our neighborhood offers the probability of increased traffic, including increased foot traffic through our neighborhoods. I

Members of the Planning Commission

July 26, 2017

Page 2


would like to believe that introducing a multi-family residence would not increase crime, but that is not always the case.

Another consideration that I need to be defensive of as a home owner are my property values. Apartments and condominiums do not necessarily mean a decrease in property values. Properties that ensure larger living spaces, ample green space and encourage purchase do not necessarily decrease values. However, it is demonstrated that the higher the density of the living quarters, there is a corresponding decrease in the interest of potential homebuyers in the surrounding single-family homes. We are already seeing a drop in our value due to economic circumstances and competing new homes being developed around us. Adding multiple family residences will detract further from the value.

Please note that I do understand that this is a proposal to rezone, and does not include specific plans for what might be built later on in this location. I would request that the city consider rezoning this location to any of the lower density family units. While I would, of course, prefer the single-family zoning, even a multiple family resident of the R-2 or R-2-A designations will have less of an impact to the existing homeowners and reduce the further loss we may see to our property values. Any development should fit into the general "feel" of the area and not be distracting.

I encourage our City's further growth and hope that we can work in a cooperative manner to ensure that neighborhoods stay cohesive.

Sincerely,



Pamela H. Tackett

Your Name

Pamela Tackett

CORRESPONDENCE

ATTACHMENT 4



County of Fresno

DEPARTMENT OF PUBLIC HEALTH

David Pomaville, Director

Dr. Ken Bird, Health Officer

April 21, 2017

LU0018945
2604

George Gonzalez, Associate Planner
City of Clovis
Planning and Development Services Department
1033 Fifth Street
Clovis, CA 93612

Dear Mr. Gonzalez:

PROJECT NUMBER: RO295, R2017-07

RO295, A resolution of Application for the Annexation of the Territory known as the Shaw-Leonard NW Reorganization. **R2017-07**, A request to approve a prezone of approximately 7.34 acres of land located on the east side of De Wolf Avenue, between Shaw and San Jose Avenues from the County AE-20 Zone District to the Clovis R-3 Zone District.

APN: 554-053-38, 40, 41, & 42

ADDRESS: North side of Shaw Avenue, btw Dewolf & Leonard Avenues

Recommended Conditions of Approval:

- As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.

Prior to destruction of agricultural wells, a sample of the upper most fluid in the water well column should be sampled for lubricating oil. The presence of oil staining around the water well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.

- Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.

Promotion, preservation and protection of the community's health

1221 Fulton Mall / P. O. Box 11867, Fresno, CA 93775

(559) 600-3271 • FAX (559) 600-7629

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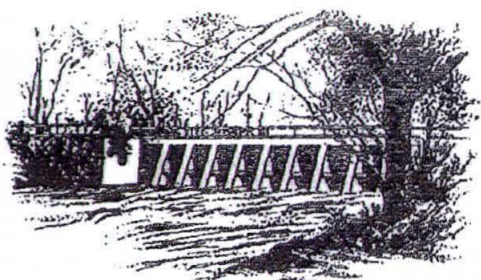
REVIEWED BY:

Kevin Tsuda, R.E.H.S.
Environmental Health Specialist II

(559) 600-3271

kt

cc: Glenn Allen- Environmental Health Division (CT. 59.12)
Westgate Construction & Development- Applicant (westgatedevelopmentinc@gmail.com)



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF
FRESNO
IRRIGATION DISTRICT

TELEPHONE (559) 233-7161
FAX (559) 233-8227
2907 S. MAPLE AVENUE
FRESNO, CALIFORNIA 93726-2208

May 9, 2017

George Gonzalez
City of Clovis
Department of Planning and Development Services
1033 Fifth Street
Clovis, CA 93612

RE: Rezone R2017-07 and Reorganization RO295
N/E DeWolf and Shaw avenues
Jefferson No. 112

Dear Mr. Gonzalez:

The Fresno Irrigation District (FID) has reviewed the request to prezone a 7.34 acre property located on the east side of DeWolf Avenue between Shaw and San Jose avenues from the County AE-20 Zone District to the City of Clovis R-3 Zone District. This request is being processed concurrently with Reorganization RO295. APN: 554-053-19 through 35, 38, 40, 41, and 42. FID has the following comments:

1. FID's active Jefferson No. 112 runs southerly, traverses through the aggregate subject properties, crosses Shaw Avenue and DeWolf Avenue at the southwest corner of the subject properties as shown on the attached FID exhibit map, and will be impacted by future development. Records do not show a recorded easement, however, FID does own an easement and the width is as shown on FID's attached Standard Detail Page No. 11. Should this project include any street and or utility improvements along Shaw Avenue, DeWolf Avenue, or in the vicinity of the canal, FID requires it review and approve all plans.
2. FID requires the applicant pipe the open channel as part of this project with new 48-inch diameter ASTM C-361 Rubber Gasket Reinforced Concrete Pipe (RGRCP) in accordance with FID standards and that the applicant enter into an agreement with FID for that purpose. FID's District Pipeline Right-of-Way Requirements sheet is enclosed for your reference. The proposed easement (width) will depend on several factors including: 1) size of pipe, 2) height of structures, 3) final alignment of pipeline, 4) additional space needed where roads/avenues intersect canal, etc.
3. In recent years, the most significant issue with pipelines has been caused by tree root intrusion into pipe joints. The roots enter through the rubber gasketed joint, thus creating a non-water tight joint causing leaks. If the roots continue to grow, the roots will eventually clog the pipe and reduce the flow capacity of the pipeline. This problem causes disruption to FID's customers and increases the risk of flooding in upstream

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BOARD OF DIRECTORS President RYAN JACOBSEN, Vice-President JERRY PRIETO, JR.
CHRISTOPHER WOOLF, GEORGE PORTER, GREGORY BEBERIAN, General Manager GARY R. SERRATO

open channel sections and standpipes. Subsequent pipeline repairs can be very disruptive to public infrastructure, as well as to FID's operations. The leaking pipelines and pipeline repairs also increase the liability of all parties involved. FID requires external wrap be installed at all pipeline joints within the subject property or any areas where root intrusion may be a future concern based on the proposed improvement at the time of review. This method involves using mastic material that can be externally applied to pipe joints to provide a permanent seal against root intrusion. The product that has been approved is known as MacWrap from Mar Mac. FID is open to other products, but they would need to be reviewed and approved by FID.

4. FID requires that, within the limits of the proposed project [and its remainder], the Landowner/Developer grant an exclusive easement which will be a minimum of 40-feet wide and the applicant to meet with FID to determine the pipeline alignment.
5. FID recommends the Developer contact the property owners to the north so that FID's pipe alignment works well for the development of all parties. Additionally, the pipeline shall not be aligned within backyards. FID requires the pipeline alignment be directed away from residential backyards. The advantage is the City and FID would have better control over encroachments as well as better access to patrol and maintain the easement. If there is a leak, the damage would be minimized.
6. If a fence will be installed between the development and pipeline, a block/masonry wall shall be required. Chain-link and wood fencing will no longer be accepted for urban developments.

General Comments

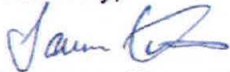
1. FID is concerned that the proposed development may negatively impact local groundwater supplies. The area was historically agricultural land and a significant portion of its water supply was imported surface water, supplemented by groundwater pumping. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. Should the proposed development result in a conversion from imported surface water to groundwater, this deficit will increase. FID recommends the City of Clovis require the proposed development balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft problem or use reclaim water, if available.
2. FID requires its review and approval of all improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer, Water, Fresno Metropolitan Flood Control District (FMFCD), Street, Landscaping, Dry Utilities, and all other utilities.
3. FID does not allow FID owned property or easements to be in common use with public utility easements but will, in certain instances, allow its property to be in common use with landscape easements if the City enters into an appropriate agreement with FID.
4. FID requires the Developer and or the Developer's engineer contact FID at their earliest convenience to discuss specific requirements.

5. FID requires its easements be shown on all maps/plans with proper recording information, and that FID be made a party to signing the final map.
6. Footings of retaining walls shall not encroach onto FID property/easement areas.
7. As with most developer projects, there will be considerable time and effort required of FID's staff to plan, coordinate, engineer, review plans, prepare agreements, and inspect the project. FID's cost for associated plan review will vary and will be determined at the time of the plan review.
8. For informational purposes, a privately owned pipeline known as the McFarlane W. Br. No. 468, traverses the eastern portion of the subject properties, as shown on the attached FID exhibit map. FID does not own, operate or maintain this private pipeline. FID records indicate that the pipeline is active and will need to be treated as such. FID can supply the City with a list of known users for this private line upon request.
9. For informational purposes, a privately owned pipeline known as the McFarlane No. 468, runs southerly and traverses the northeastern corner of the subject properties, as shown on the attached FID exhibit map. FID does not own, operate or maintain this private pipeline. FID records indicate that the pipeline is active and will need to be treated as such. FID can supply the City with a list of known users for this private line upon request.
10. For informational purposes, a privately owned pipeline known as the McFarlane E. Br. No. 468, traverses the northeastern corner of the subject properties, as shown on the attached FID exhibit map. FID does not own, operate or maintain this private pipeline. FID records indicate that the pipeline is active and will need to be treated as such. FID can supply the City with a list of known users for this private line upon request.
11. For informational purposes, Fresno Metropolitan Flood Control District's Dog Creek No. 154 runs southerly approximately 1,100 feet east of the subject property, as shown on the attached FID exhibit map. Should any improvements be necessary in the vicinity of this channel, the applicant will be required to contact FMFCD to discuss any necessary improvements to their facility.
12. For informational purposes, FID's Enterprise No. 109 runs northwesterly and crosses Leonard Avenue approximately 3,000 feet north of the subject properties, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Leonard Avenue, or in the vicinity of the canal, FID requires it review and approve all plans.
13. For informational purposes, FID's Brown No. 113 runs southerly along the east side of DeWolf Avenue at the southwest corner of the subject properties and crosses Shaw Avenue approximately 20 feet southwest of the subject properties, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along DeWolf Avenue, Shaw Avenue, or in the vicinity of the pipeline, FID requires it review and approve all plans.

14. The above comments are not to be construed as the only requests FID will have regarding this project. FID will make additional comments and requests as necessary as the project progresses and more detail becomes available.

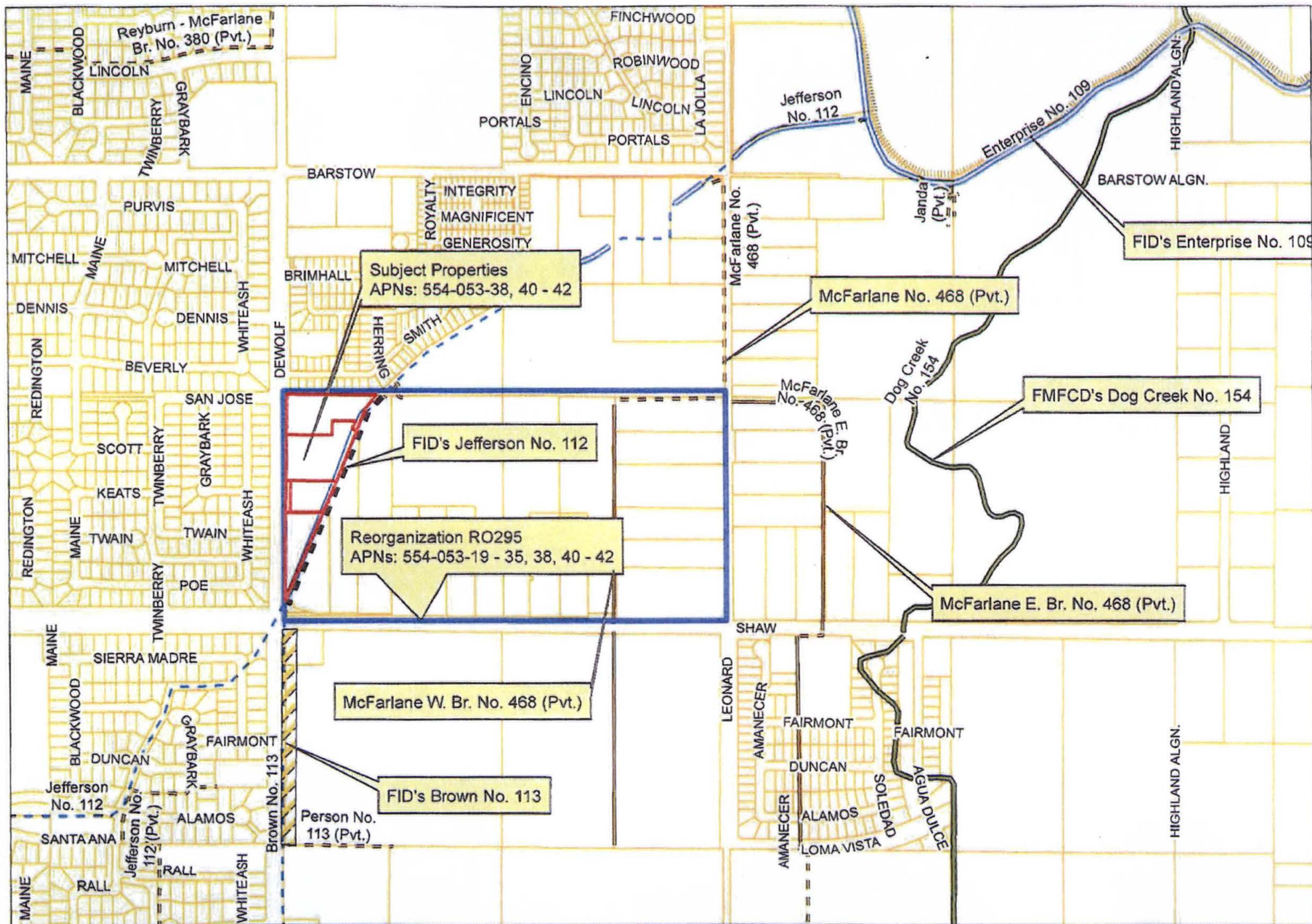
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions on the subject matter, please feel free to contact Jeremy Landrith at (559) 233-7161 extension 7407 or JLandrith@fresnoirrigation.com.

Sincerely,



Laurence Kimura, P.E.
Chief Engineer

Attachment

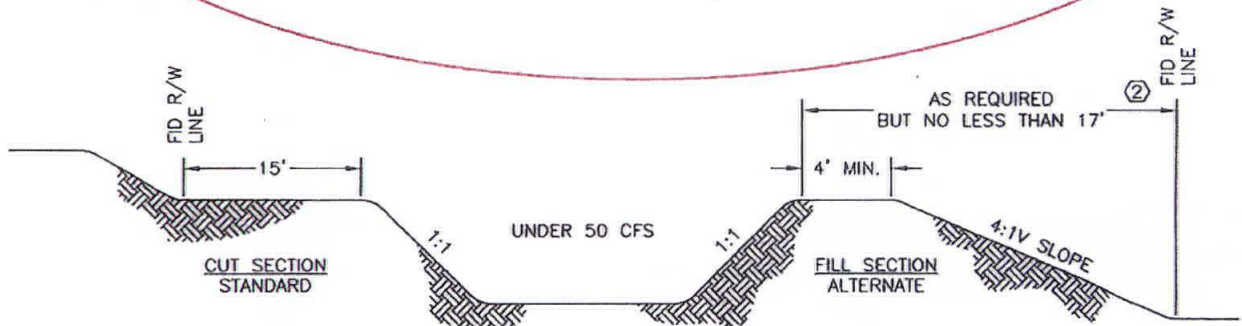
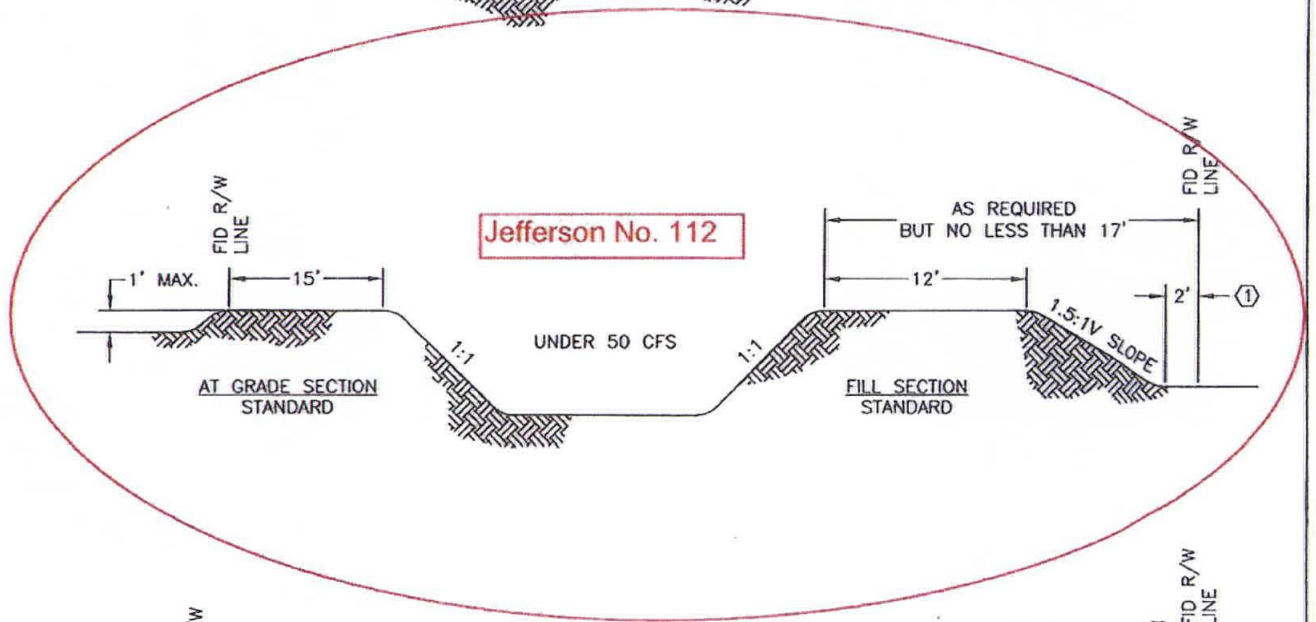
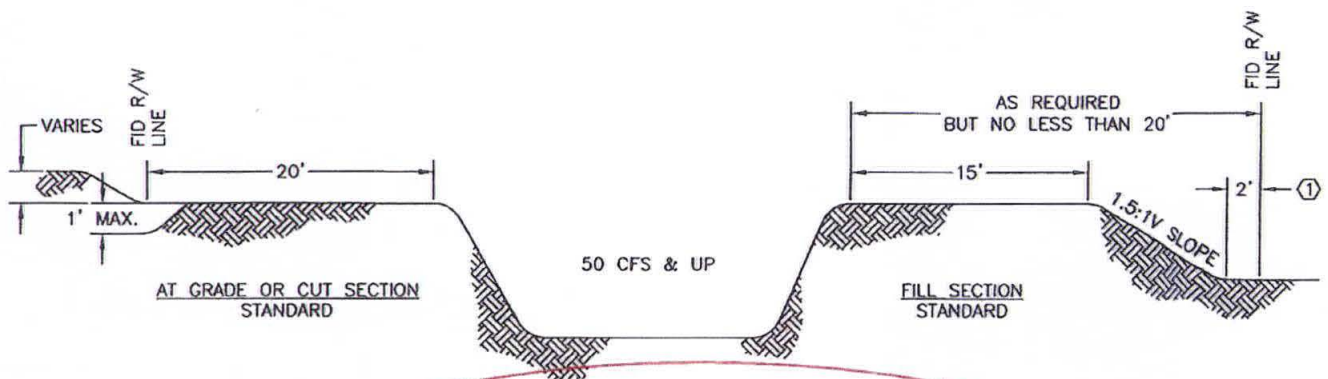


This map was produced by the Fresno Irrigation District and is provided for reference and informational purposes only and is not intended to show map scale accuracy or all inclusive map features, nor for legal purposes. FID makes no statements regarding the accuracy of this map as the features shown are in their approximate location. Please contact the FID Engineering Dept. at (559) 233-7161 for further information on FID facilities.

Legend

FID Canal	FID Pipeline	Stream Group	FID Boundary	Parcel
Private Canal	Private Pipeline	Other-Creek/River	Railroad	FMFCD Acquired Basins
Abandoned Canal	Abandoned Pipeline	Other-Pipeline	Streets & Hwys	FMFCD Proposed Basins

0 365 730 Feet
1 inch = 723.35 feet
Date Saved: 04/10/2017 10:11:14 AM
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NOTES:

ALL PRIVATE FACILITIES TO BE LOCATED OUTSIDE FID RIGHT-OF-WAY.

- ① ADD 2 FEET TO EMBANKMENT WIDTH TO ESTABLISH OVERALL RIGHT-OF-WAY WIDTH TO ACCOMMODATE GRADER BLADE CLEARANCE.

- ② THE ALTERNATE SECTION CAN NOT BE USED IF THE OVERALL WIDTH EXCEEDS THE STANDARD WIDTH AND IS PERMITTED ONLY WHEN DISTRICT OPERATIONS AND MAINTENANCE FUNCTIONS DO NOT REQUIRE A STANDARD ROADWAY.

DISTRICT CANAL RIGHT-OF-WAY REQUIREMENTS

**STANDARD EASEMENT WIDTHS FOR
OPEN CANALS AND PIPELINES
EXHIBIT "C"
PIPELINE EASEMENT WIDTHS**

The following shall be used by staff in the determination and acquisition of new pipeline easement widths:

Type of Pipe	Easement Width for Dia. \leq 24" I.D.	Easement Width for 24" < Dia. \leq 36" I.D.	Easement Width for 36" I.D. < Dia.
PVC (SDR41, PIP)	20 feet	N/A	N/A
RGRCP (C-361)	20 feet	30 feet	40 feet
CIP (ACI 346)	N/A	30 feet	40 feet
Min. Width Adjacent to Right-of-Way	20	20	30

Where the pipeline easement will be contiguous and parallel to a joint use right-of-way such as a "local" public street right-of-way or a "rural" road with a right-of-way 60 feet or less, the required easement may be reduced if the street maintaining agency allows the District to perform maintenance using a portion of the road right-of-way. On any street or rural road where curbside parking will be permitted by the street maintaining agency, the easement width may be reduced.

The easement width may not be reduced for controlled access streets designated as freeways, expressways, super arterials, arterials, collectors, or landscaped drives. No easement reduction will be permitted adjacent to turn lanes or bus stops or other locations posted to prohibit stopping or parking without special provision for maintenance access. Written evidence may be required from the street maintaining agency showing that the predetermined easement width reduction can be satisfied.

Where public utility easements or landscape easements will overlap the District's pipeline easement, regardless of pipeline diameter, the required pipeline easement width shall be increased as necessary so that fifty percent (50%) of the required easement width is free from overlapping utilities. The District may waive this easement requirement for landscape easements if the District can be assured the landscaping will not impact the pipeline.



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

Capturing stormwater since 1956.

File 210.434
550.10 "3G"

May 12, 2017

Mr. George Gonzalez, MPA, Associate Planner
City of Clovis
Department of Planning & Development Services
1033 Fifth Street
Clovis, CA 93612

Dear Mr. Araki,

**Prezone Application No. R2017-07
Drainage Area "3G"**

The proposed prezone lies within the District's Drainage Area "3G". Based on information submitted at this time, the District's system can accommodate the proposed prezone. The proposed Master Plan system has been designed for runoff from a High Density Residential land use at this location. Lot coverage must be provided to the District prior to submittal of improvement plans for this project and should the density of the project be commensurate with a density higher than High Density Residential mitigation may be required.

Please contact us if you need further information at (559) 456-3292.

Very truly yours,

Michael Maxwell
Engineering Technician III

MM/lrl

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Fresno Local Agency Formation Commission

May 19, 2017

George Gonzalez, MPA
Associate Planner
City of Clovis
1033 Fifth Street
Clovis, CA 93612

Dear Mr. Gonzalez:

Subject: Comments regarding concurrent applications RO295 ("Shaw-Leonard NW Reorganization) and R2017-07 located on the east side of De Wolf Avenue, between Shaw and San Jose Avenues.

Thank you for the opportunity to comment on this project. From the material provided to this office, my understanding of the project description is as follows:

R2017-07, a request to approve a prezone of approximately 7.34 acres of land located on the east side of DeWolf Avenue, between Shaw and San Jose Avenues from the County AE-20 Zone District to the Clovis R-3 Zone District.

RO295, a resolution of Application for the Annexation of the Territory known as the Shaw-Leonard NW Reorganization.

The Fresno Local Agency Formation Commission (LAFCo) regulates, through approval or denial, the boundary changes proposed by local agencies or individuals. LAFCo's objectives are to:

- Encourage orderly formation and development of agencies;
- Encourage consistency with spheres of influence and recommended reorganization of agencies;
- Encourage orderly urban development and preservation of open space patterns;
- Encourage conservation of prime agricultural lands and open space areas; and
- Identify and address disadvantaged unincorporated communities.

LAFCo should be identified in the city's environmental document as a Responsible Agency under CEQA whose role is to consider changes of organizations and spheres of influence. Commission action on the annexation request should be noted in the environmental document. As a Responsible Agency, the Commission is required to review and consider the City's Initial Study and Mitigated Negative Declaration prior to taking its action. A Responsible Agency complies with CEQA by considering the environmental analysis prepared by the Lead Agency and by reaching its own conclusions on whether and how to approve the project. The Commission may then make a finding that it independently reviewed and considered the information in the environmental document and that the environmental document is sufficient to support a determination on the proposed reorganization.

Unless a territory is at full build-out, LAFCo law and Commission policy require that territory be prezoned before it may be annexed to a city so that LAFCo may find that the proposed project is

LAFCo Office: 2607 Fresno Street, Suite B, Fresno, CA 93721
Phone (559) 600-0604 ☎ Fax (559) 495-0655 ✉ jlara@co.fresno.ca.us

consistent with a city's general plan. Given the multiple proposed zone districts, please be sure to identify what land is rezoned to the appropriate zone district in the annexation proposal area.

Be advised that extraneous conditions of rezoning ordinance bills can impair the Commission's ability to approve projects. LAFCo staff is available to review and comment on the city's draft rezoning ordinance to ensure that it meets Commission standards.

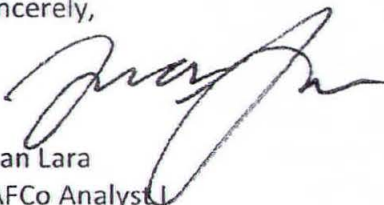
It is important to note that LAFCo standards for annexation state a proposal for annexation is acceptable if one of the following can be provided by the City:

- There is existing substantial development provide the City confines its area requested to that area needed to include the substantial development and create logical boundaries.
- Development exists that requires urban services which can be provided by the City
- If no development exists, at least 50% of the area proposed for annexation has:
 - a. Approved tentative subdivision map(s)(S.F. residential)
 - b. Approved site plan(for other uses)

As we have discussed, staff and the Commission will evaluate this project in light of the Commission's adopted policies and procedures, which include minimizing "creation of peninsulas and corridors, or other distortion of boundaries." It is therefore important that Clovis' application provides sufficient context as to how this proposal contributes to "planned, well ordered, efficient development patterns and service areas, and does not encourage urban sprawl."

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (559) 600-0604.

Sincerely,



Juan Lara
LAFCo Analyst I



AGENDA ITEM NO: 1-C

City Manager: *[Signature]*

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: September 5, 2017

SUBJECT: Consider Approval - Res. 17-___, **RO295**, A resolution of Application for the Annexation of the Territory known as the Shaw-Leonard Northwest Reorganization located on the north side of Shaw Avenue, between De Wolf and Leonard Avenues. Various owners; Westgate Construction and Development, applicant; Burrell Consulting Group, representative.

ATTACHMENTS:

Exhibit A:	Legal and Map Description
Exhibit B:	Draft Resolution of Application
Exhibit C:	Project Area Map

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends the City Council approve a Resolution of Application for the Annexation of the Territory known as the Shaw-Leonard Northwest Reorganization, accepting applications and requesting the Local Agency Formation Commission to proceed with reorganization.

EXECUTIVE SUMMARY

The total area of the annexation is approximately 77 acres located on the north side of Shaw Avenue, between De Wolf and Leonard Avenues. The 69.56 acres located between the Jefferson Canal and Leonard Avenue include the Loma Vista Specific Plan's Urban Center North, approved with Site Plan Review SPR2008-10. Four parcels totaling approximately 7.34 acres along the east side of De Wolf Avenue, between Shaw and San Jose Avenues, have been made part of this annexation with no development plans currently proposed.

BACKGROUND

Property Owners:

21

David & Virginia R. Simpson, Marcella A. Deanda Trs., Liru Huang & Michael Blackston, Paul Herbert Bethel, George J. & Sterlene J. Beal, Hui-Kuang Tsai & Pi-Yun Trustees, Joseph Neal Riley, Darrell D. Fenn, Zohreh Ghalamkarpour & Mehrangiz Karimkhanzand, Wicks Family Limited Partnership, Mitra Karimkhan Zand Trustee & Azadeh Karimkhanzand, Thomas & Joyce Nordstrom Trustees, Pensco Trust Company Custodian, John G. Thornburg & Rosemary S. Ting, Richard S. Jevardian, Pietro De Santis, Eileen Reeve M. Nelson Trustee, David & Marjorie Taber, James L. & Nova Exum J. Trs., and Thomas J. & Rose C. Libby.

Owners Consenting to Annexation: 16 (76%)

Registered Voters: 9

Acreage: 76.90 acres

Standard Conditions of Annexation:

In response to the standard conditions which the City requires of properties to be annexed, there are several conditions recommended for this annexation which respond to the requirements agreed to by the tax sharing agreement and to the timing of public services to the site.

The conditions recommended for this application are as follows:

1. The regular assessment roll shall be utilized.
2. Each new development will be required to demonstrate adequate water availability and, if necessary, will be required to drill and test a well, and to connect it to the city water system.
3. Each new development will be required to obtain sewage capacity from the trunk sewer specified by the City Engineer.
4. The provisions of Article II, Annexation by City, as agreed between the City of Clovis and the County of Fresno pursuant to the August 21, 1990 Memorandum of Understanding, as amended from time to time, regarding tax sharing shall apply.

5. The applicants shall reimburse the City for any expense associated with the transition agreement for fire services with the Fresno County Fire Protection District that would apply to this proposal.
6. A "Right-to-Farm" covenant shall be recorded for each tract map or made a condition of each tract map.
7. Pursuant to Government Code Section 56663, the City shall consent to the annexation and waive its rights to a hearing.
8. Prior to approval, recordation or filing of an annexation, tentative map, final map, parcel map, or site plan (Project), the property covered by the Project shall be included within or annexed to a Community Facilities District (CFD), established by the City for the provision of public facilities and services, for which proceedings have been consummated, and shall be subject to the special tax approved with the formation or annexation to the CFD.

The applicant and the property owner acknowledge and agree that if the Project were not part of a CFD, the City might lack the financial resources to operate facilities and provide public services, such as police protection, fire protection, emergency medical services, parks and recreation services, street maintenance, and public transit. Absent the requirement for inclusion of the Project within a CFD, the City might not be able to make the finding that the Project is consistent with the General Plan and relevant specific plans and might not be able to make the findings supporting approval of the Project as required by the Subdivision Map Act and the California Environmental Quality Act, and the City might be required to deny the application for the Project.

The owner/developer shall notify all potential lot buyers prior to sale that this Project is a part of a Community Facilities District and shall inform potential buyers of the special tax amount. Said notification shall be in a manner approved by the City.

This requirement may be waived at the discretion of the City Council if, at the time of the approval, recordation, or filing of the Project, the City Council has determined that it is not necessary that the Project be included in the CFD.

FISCAL IMPACT

Assessed Value:

Land only:	\$ 3,392,578
Improvements:	\$ 2,112,255
Ratio of Improvements to Land	0.62:1 (Undeveloped)

Estimated Tax Share:

	<u>Before</u>	<u>After</u>
County:	\$ 18,221	\$ 15,555

City:	\$ 0	\$ 9,136
FCFPD:	\$ 6,200	\$ 0
(Fresno County Fire Protection District)		
KRCD:	\$ 270	\$ 0
(Kings River Conservation District)		

Note: the County will also receive the cash equivalent of 8% of the City's sales/use tax for this area.

California Environmental Quality Act (CEQA)

Staff finds the project in substantial conformance with the environmental analysis performed for Prezone R2008-07, Site Plan Review SPR2008-10, 2014 General Plan Update, 2014 Development Code Update, and Loma Vista Specific Plan EIR. No major revisions will be required with the adopted Mitigated Negative Declaration and Environmental Impact Report to accommodate the proposed project; therefore, subject to California Government Code Sections 15162 and 15182, no further environmental review is required for this project.

The City published notice of this public hearing in *The Business Journal* on Wednesday, August 23, 2017.

REASON FOR RECOMMENDATION

The annexation proposed is within the City's adopted sphere of influence, and is consistent with the City of Clovis' general plan land use diagram and Loma Vista Specific Plan. Also, the proposed annexation is intended for urban development, as is evidenced by the approved Loma Vista Community Centers North and South Master Plan and Site Plan Review SPR2008-10 covering 90 percent of the developable area.

ACTIONS FOLLOWING APPROVAL


The annexation application will be prepared and submitted to LAFCo after all materials have been submitted by the applicant, sufficient to meet the conditions for the application.

NOTICE OF HEARING

Property Owners within 600 feet notified:	161
Interested individuals notified:	10

Prepared by: George González, MPA, Associate Planner

Submitted by:


Dwight Kroll, AICP
Director of Planning and Development

O:\Planning Projects\Annexation\RO295, Shaw-Leonard NW Reorganization\CC Sept. 5, 2017\PDS - CC Staff Report RO295.doc

LEGAL & MAP DESCRIPTION

EXHIBIT A

**SHAW-LEONARD NORTHWEST REORGANIZATION
TO BE ANNEXED TO THE CITY OF CLOVIS AND DETACHMENT
FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE
KINGS RIVER CONSERVATION PROJECT**

ALL THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS;


BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 12;

1. THENCE ALONG THE SOUTH LINE OF SAID SECTION 12, NORTH 89°24'05" WEST 2640.67 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 12;
2. THENCE ALONG THE WEST LINE OF SAID SECTION 12, NORTH 00°26'52" EAST 1322.85 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 12;
3. THENCE ALONG THE NORTH LINE OF SAID SOUTH HALF OF SAID SOUTHWEST QUARTER, SOUTH 89°21'46" EAST 2640.16 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER;
4. THENCE ALONG SAID EAST LINE, SOUTH 00°25'32" WEST 1321.07 FEET TO THE **POINT OF BEGINNING**.

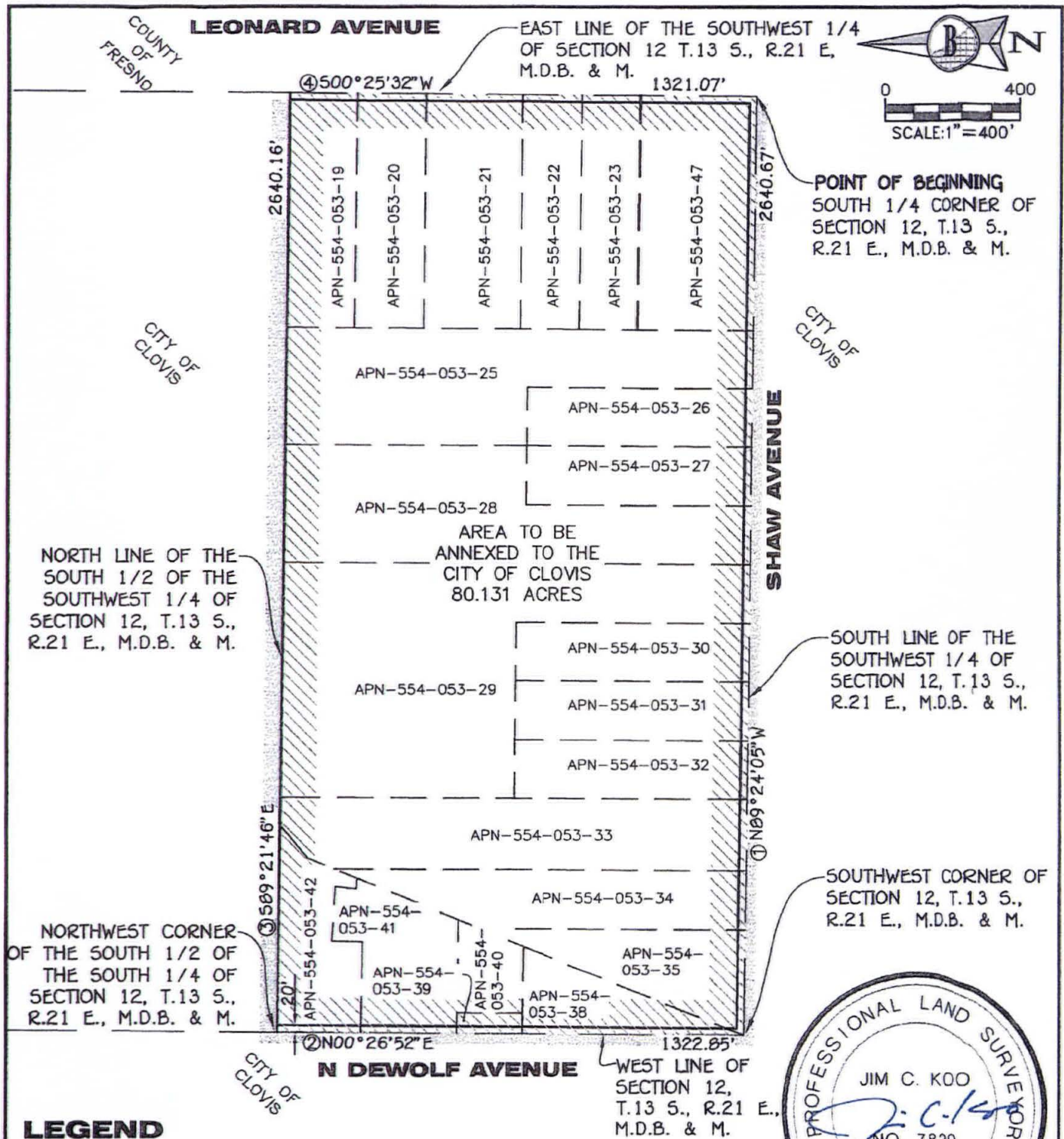
CONTAINING 80.131 ACRES, MORE OR LESS.

END OF DESCRIPTION



THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION PURSUANT TO THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT.


PREPARED BY: JIM C. KOO, P.L.S 7829
DATE: MARCH 30, 2017





LEGEND

AREA TO BE ANNEXED TO CITY OF CLOVIS..... 
CITY OF CLOVIS..... 

SHAW/LEONARD NORTHWEST REORGANIZATION

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 21 EAST, M.D.B. & M. TO BE ANNEXED TO THE CITY OF CLOVIS AND DETACHED FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT.

COUNTY OF FRESNO

CALIFORNIA

**BURRELL
CONSULTING
GROUP, INC.**
1001 Emeryway Way, Suite 100
Roseville, CA 95678 (916) 783-8898

DRAWN BY: DKL
CHECKED BY: JCK

DATE: 03/27/2017

REVISED:

SCALE: 1"=400'

JOB NO. 2051-00-1094

RESOLUTION

EXHIBIT B

**DRAFT
RESOLUTION 17-_____**

**A RESOLUTION OF APPLICATION BY THE CITY OF CLOVIS REQUESTING THE LOCAL AGENCY
FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE SHAW-LEONARD NORTHWEST
REORGANIZATION**

WHEREAS, the City of Clovis desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code, for the reorganization; and

WHEREAS, the specific changes of organization requested are annexation to the City of Clovis and detachment from the Fresno County Fire Protection District and the Kings River Conservation District; and

WHEREAS, the territory proposed to be reorganized is uninhabited, and on this day contains 9 voter, according to information received from the County Election Officer; and

WHEREAS, a description of the boundaries of the territory is set forth in Exhibit "A" attached hereto and by this reference incorporated herein; and

WHEREAS, this proposal is consistent with the sphere of influence of the affected city; and

WHEREAS, this proposal complies with the terms and standards of the tax sharing agreement between the City of Clovis and the County of Fresno; and

WHEREAS, it is desired to provide that the proposed Shaw-Leonard Northwest Reorganization be subject to the following terms and conditions:

1. The regular assessment roll shall be utilized.
2. Each new development will be required to demonstrate adequate water availability and, if necessary, will be required to drill and test a well, and to connect it to the city water system.
3. Each new development will be required to obtain sewage capacity from the trunk sewer specified by the City Engineer.
4. The provisions of Article II, Annexation by City, as agreed between the City of Clovis and the County of Fresno pursuant to the August 21, 1990, Memorandum of Understanding, as amended from time to time, regarding tax sharing shall apply.
5. The applicants shall reimburse the City for any expense associated with the transition agreement for fire services with the Fresno County Fire Protection District that would apply to this proposal.
6. A "Right-to-Farm" covenant shall be recorded for each tract map or made a condition of each tract map.
7. Pursuant to Government Code Section 56663, the City shall consent to the annexation and waive its rights to a hearing.
8. Prior to approval, recordation or filing of an annexation, tentative map, final map, parcel map, or site plan (Project), the property covered by the Project shall be included within

or annexed to a Community Facilities District (CFD), established by the City for the provision of public facilities and services, for which proceedings have been consummated, and shall be subject to the special tax approved with the formation or annexation to the CFD.

The applicant and the property owner acknowledge and agree that if the Project was not part of a CFD, the City might lack the financial resources to operate facilities and provide public services, such as police protection, fire protection, emergency medical services, parks and recreation services, street maintenance, and public transit. Absent the requirement for inclusion of the Project within a CFD, the City might not be able to make the finding that the Project is consistent with the General Plan and relevant specific plans, and might not be able to make the findings supporting approval of the Project as required by the Subdivision Map Act and the California Environmental Quality Act, and the City might be required to deny the application for the Project.

The owner/developer shall notify all potential lot buyers prior to sale that this Project is a part of a Community Facilities District and shall inform potential buyers of the special tax amount. Said notification shall be in a manner approved by the City.

This requirement may be waived in the discretion of the City Council if, at the time of the approval, recordation, or filing of the Project, the City Council has determined that it is not necessary that the Project be included in the CFD.

WHEREAS, the terms and conditions above are the sole responsibility of the City of Clovis to monitor and enforce. The Fresno Local Agency Formation Commission will not be required to enforce the aforesaid terms and conditions as a responsible agency; and

WHEREAS, the reason for this proposed reorganization is to provide municipal services, local controls, and logical growth to the unincorporated area of the County that is remote from County services and undergoing urban development; and

WHEREAS, the City of Clovis has completed an environmental review (an assessment of the project's impact on natural and manmade environments) of the proposed project, as required by the State of California. Staff finds the project in substantial conformance with the environmental analysis performed for Prezone R2008-07, Site Plan Review SPR2008-10, 2014 General Plan Update, 2014 Development Code Update, and Loma Vista Specific Plan EIR. No major revisions will be required with the adopted Mitigated Negative Declaration and Environmental Impact Report to accommodate the proposed project, therefore, subject to California Government Code Sections 15162 and 15182 no further environmental review is required for this project; and

WHEREAS, the City Council has reviewed and approved the master service plan for the subject change of organization; and

NOW, THEREFORE, BE IT RESOLVED: that this Resolution of Application is hereby adopted and approved by the City Council of the City of Clovis, and the Fresno Local Agency Formation Commission is hereby requested to take proceedings for the reorganization of the territory as described in Exhibit "A," according to the terms and conditions stated above and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on September 5, 2017, by the following vote, to wit:

AYES:

NOES:

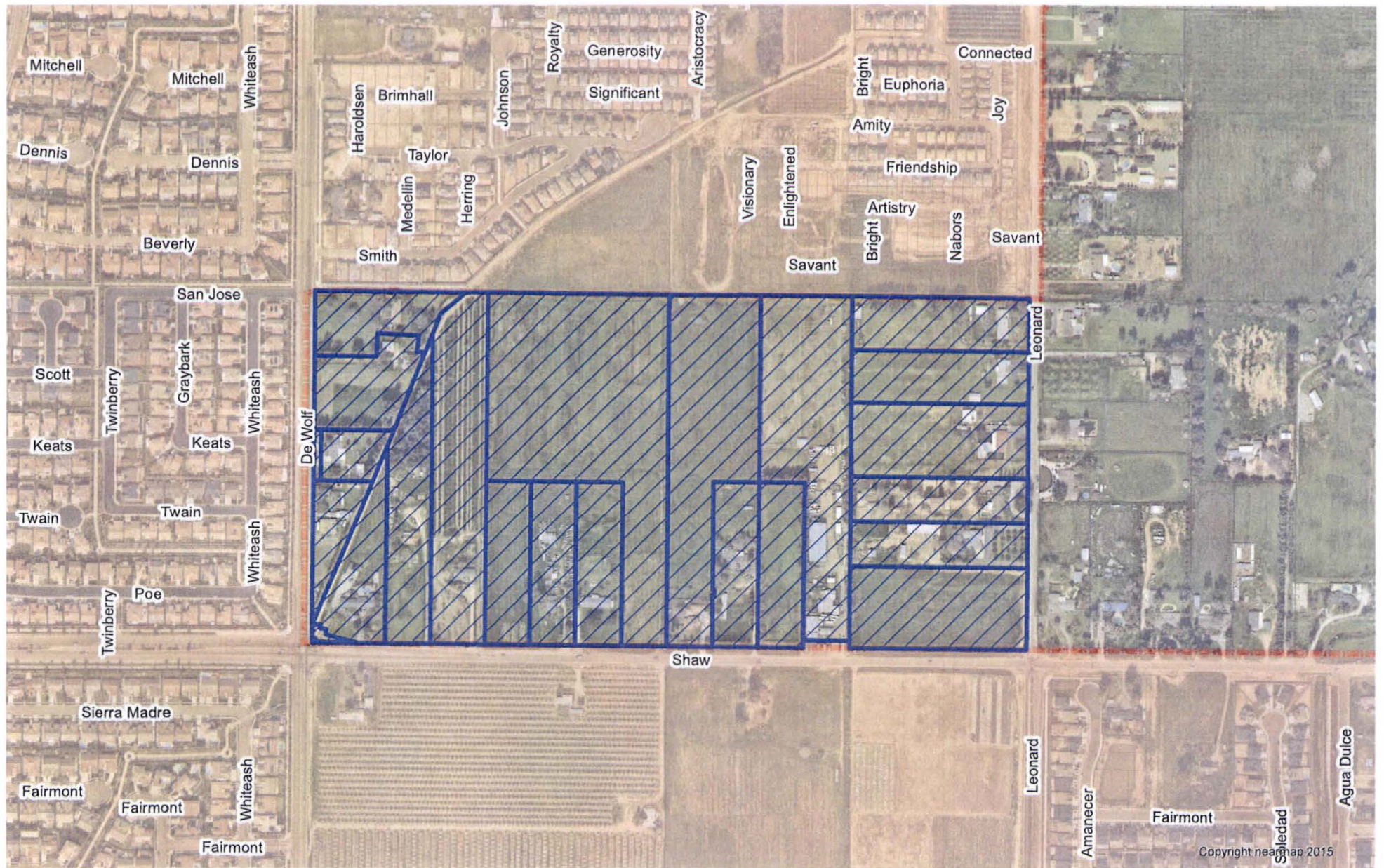
ABSENT:



ABSTAIN:

DATED: September 5, 2017

Mayor

City Clerk



 Shaw-Leonard NW Reorganization
 Clovis City Limits

Shaw-Leonard NW Reorganization Project Area Map Exhibit "C"

8/10/2017

N

 1" = 493'



AGENDA ITEM NO: **2-A-1**
City Manager: LS

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
FROM: Administration
DATE: September 5, 2017
SUBJECT: Consider Approval - Confirmation of City Manager's Appointment of Public Utilities Director

CONFLICT OF INTEREST

None.

RECOMMENDATION

Consider confirmation of the City Manager's appointment of Scott Redelfs as Public Utilities Director effective immediately.

EXECUTIVE SUMMARY

The City Manager has appointed Scott Redelfs as the Public Utilities Director effective immediately, subject to confirmation by the City Council. Mr. Redelfs has been with the City of Clovis for 12 years.

BACKGROUND

The City has been involved with the recruitment process to select the Public Utilities Director position since Luke Serpa was appointed as City Manager, thus opening up that position. Scott Redelfs was hired with the City of Clovis in June of 2005. In August of 2013, he was promoted to the position of Assistant Public Utilities Director. The City Manager has determined that Scott Redelfs is well qualified and prepared for this leadership position, and has made the appointment as Public Utilities Director, subject to City Council confirmation, effective immediately.

FISCAL IMPACT

The City has budgeted sufficient funds for this position.


REASON FOR RECOMMENDATION

Pursuant to Clovis Municipal Code, Chapter 2.2.103, the City Council must confirm Department Director appointments made by the City Manager.

ACTIONS FOLLOWING APPROVAL

The City Manager will follow up with any appropriate action as directed by the City Council.

Prepared by: Jacquie Pronovost, Exec. Asst.

Recommended by: Luke Serpa, City Manager 



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: September 5, 2017

SUBJECT: Consider Adoption – Ord. 17-16, An Ordinance of the City Council of the City of Clovis amending Chapter 8 of the Clovis Municipal Code Pertaining to expedited, streamlined permitting process for electrical vehicle charging stations. (Vote: 4-0-1 with Councilmember Ashbeck absent)

Please direct questions to the City Manager's office at 559-324-2060.



AGENDA ITEM NO: **2-A-3**

City Manager: JD

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: September 5, 2017

SUBJECT: Consider Approval – Res. 17-____, A Resolution of the City Council of the City of Clovis Confirming Assessment for Costs for Abatement of Nuisance, 162 N. Peach Avenue, Clovis, CA, APN No: 410-361-21.

ATTACHMENTS: Exhibit "A": Draft Resolution
Exhibit "B": Costs Accounting Report

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to adopt a resolution of the City Council of the City of Clovis Confirming Assessment for Costs for Abatement of Nuisance, 162 N. Peach Avenue, Clovis, CA APN No. 410-361-21.

EXECUTIVE SUMMARY

The City incurred costs of Twenty Eight Thousand Seven Hundred Ninety Dollars and Zero Cents (\$28,790.00) related to the demolition of a derelict structure located at 162 N. Peach Avenue ("Property"). The Property owner, Mark S. Waters, is currently awaiting sentencing for related arson charges and failed to demolish the structure in accordance with the stipulation in lieu of criminal prosecution regarding abatement of property nuisance attached as an exhibit.

At this time the City is entitled to recover its abatement and enforcement costs from Mr. Waters and the Property. Approval of the attached resolution will confirm these costs as an assessment and regular lien against the Property if not paid within 15 days of the passage of the resolution.

BACKGROUND

On approximately February 23, 2014, and again on approximately January 11, 2015, two separate structure fires occurred within the main residence located at the Property, causing extensive structural damage. The fires left the main residence in a derelict, dangerous, and uninhabitable condition.

On October 14, 2015, the City issued Mr. Waters a Notice to Abate the numerous property maintenance nuisances stemming from the fire damaged structure. Mr. Waters never took any steps to comply with the Abatement Notice. As a result, the City issued Mr. Waters numerous administrative citations arising from the property nuisances. These administrative fines were confirmed by the City Council on April 4, 2016 and recorded as a lien against the Property on May 6, 2016.

On October 24, 2016, the City filed a criminal complaint in the Fresno County Superior Court against Mr. Waters for Nine (9) Misdemeanor Counts stemming from CMC Violations. However, in light of the pending arson charges and in an effort to avoid the time and expense of further litigation, the City and Mr. Waters entered into a stipulation in lieu of criminal prosecution regarding abatement of property nuisance that required Mr. Waters to demolish the structure no later than May 15, 2017. In the event Mr. Waters failed to do so, the City was given express permission to enter onto the Property to perform the abatement itself. Mr. Waters took no action, and the City eventually demolished the structure on May 16, 2017 through use of its own agents at a cost of Twenty Eight Thousand Seven Hundred Ninety Dollars and Zero Cents (\$28,790.00). Mr. Waters has not paid any portion of these costs incurred by the City.

PROPOSAL AND ANALYSIS

Pursuant to the City's Cost Recovery Ordinance (Chapter 5.29 of the CMC), upon the City Council's confirmation of the amount of the assessment, after notice is given to the owner and holders of any mortgage or deed of trust, the City may record a notice of lien in the office of the County Recorder, creating a lien on the Property which may be enforced either by collection with the County property taxes, or by foreclosure.

Notice was provided to Mr. Waters and the holders of the deed of trust on the Property by letter on August 1, 2017. This notice and the proposed notice of lien are attached as exhibits to the Draft Resolution.

FISCAL IMPACT

The City will collect Twenty Eight Thousand Seven Hundred Ninety Dollars and Zero Cents (\$28,790.00) either upon sale of the property or as part of the taxes collected from the Property.

REASON FOR RECOMMENDATION

The City incurred substantial expenses in abating a nuisance at the Property and is entitled to recover those costs from Mr. Waters or as an assessment and regular lien against the Property.

ACTIONS FOLLOWING APPROVAL

If after 15 days following the passage of the resolution, Mr. Waters has not paid the amount owed, the City will record the Notice of Lien with the County Recorder.

Prepared by: David Wolfe, City Attorney

Submitted by: 
John Holt, Assistant City Manager

EXHIBIT A

RESOLUTION NO. 17-__

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS CONFIRMING
ASSESSMENTS FOR NUISANCE ABATEMENT COSTS FOR VIOLATIONS FOR
PROPERTY RELATED NUISANCES (CLOVIS MUNICIPAL CODE SECTIONS
5.27.101, 5.27.102 AND 5.27.103), 162 PEACH AVENUE, CLOVIS, CA, APN NO:
410-361-21**

WHEREAS, the City found numerous violations of Clovis Municipal Code (CMC) sections 5.27.101, 5.27.102 and 5.27.103 (Property Related Nuisances), at 162 Peach Avenue, City of Clovis, 93611 ("Property"); and

WHEREAS, the Property owner failed to take any measures to abate the property nuisances after being served with multiple Notices to Abate, and numerous administrative citations; and

WHEREAS, the City was eventually forced to abate the nuisance Property by demolition, through use of its own agents, on May 16, 2017; and

WHEREAS, the City incurred abatement costs totaling \$28,790.00 in order to abate the Property by demolition; and

WHEREAS, on August 1, 2017, the City provided notice by Letter ("Notice") to the Property owner of his responsibility for payment of the City's abatement costs, and of his right to appeal these costs (a copy of the Notice is attached hereto as Exhibit 1); and

WHEREAS, the Property owner has filed no appeal of the abatement costs, nor paid any of these costs; and

WHEREAS, the City scheduled September 5, 2017, as the time for the City Council to consider and confirm the amount of the abatement costs as an assessment ("Assessment"); and

WHEREAS, the City provided notice by letter to the owner of the Property (Mark Waters), and the identified lien holder (HSBC Mortgage Services, Inc.) at least 15 days before the date of the Council's consideration of the assessment (see, Exhibit 1).

WHEREAS, the Notice informed the owner and lien holders that the Council would be considering the Assessment during the Council's September 5, 2017 Council meeting.

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

1. Confirms the amount of the abatement costs (\$28,790.00).
2. Authorizes the filing of Notice of Lien on the Property in the Fresno County Recorder's Office which shall become a special assessment against the Property, and may be added to the next regular tax bills levied against the Property, and collected at the same time and in the same manner as the County collects property taxes. The Notice of Lien shall be in substantially the form attached hereto as Exhibit 2.
3. Authorizes the City Manager and his designee(s) to take whatever actions are necessary and appropriate to perfect the recording of the Notice of Lien and collect the amounts due under the Assessment, which may include, but are not limited to ensuring that the Costs are added to the next regular tax bills and collected with property taxes, or by judicial foreclosure or other sale, or any other means provided by law.
4. Nothing in this Resolution or in the filing of the Notice of Lien shall preclude the City from collecting the Costs in any other lawful manner, including collecting the Assessment as a debt against the responsible owner.

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on the 5th day of September, 2017, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: September 5, 2017

Mayor

City Clerk

EXHIBIT B



Wiley R. Driskill
Attorney at Law

E-mail: wdriskill@lozanosmith.com

August 1, 2017

Via U.S. Mail

Mr. Mark Waters
162 Peach Avenue
Clovis, California 93611
(Property Owner)

HSBC Mortgage Services, Inc.
17100 Gillette Ave.
Irvine, CA 92614
(Lien Holder)

RE: Property located at 162 Peach Avenue, Clovis, CA 93612; APN # 410-361-21.
Invoice and Notice of City Council Meeting to Confirm Code Enforcement and
Abatement Costs and Place an Assessment Lien on Property
Invoice Amount: \$ 28,790.00

Dear Mr. Waters:

Over the last several years, the City of Clovis has responded to a public nuisance at the property described above. In accordance with Chapters 5.27, 5.28, and 5.29 of the Clovis Municipal Code, as the property owner or other responsible party, you are responsible for the City's abatement and enforcement costs in responding to the nuisance ("Response Costs").

1. The abatement and enforcement actions are described as follows: The inspection and demolition of the hazardous building located on the Property.
2. The Costs to date amount to a total of \$28,790.00 as detailed in the attached invoices. To date, you have failed to pay any portion of these costs. Furthermore, you have requested no administrative review of accounting of these costs within fifteen (15) days of the date you were initially invoiced on June 13, 2017.
3. Before a special assessment is placed on the subject property, the costs will be confirmed by the City Council. This special assessment will be considered by the City Council at the September 5, 2017 meeting. If the costs are not paid by September 5, 2017, the City Council will consider approval of a resolution confirming the Costs and authorizing the filing of a Notice of Lien on the Property in the Fresno County Recorder's Office which shall become a special assessment against the Property, added to the next regular tax bills

levied against the Property, and collected in the same manner as the County collects property taxes.

You have a right to appear at the September 5, 2017 meeting and present objections to the accounting. The basis for the code enforcement action will not be the subject of the Council's consideration.

The filing of a Notice of Lien will not relieve the responsible parties from paying the Costs and the Costs will remain a debt of the responsible parties until paid.

If you plan to attend and present documentary evidence to the City Council, please present that evidence to the City Clerk before 12:00 p.m. on the Wednesday before the Council meeting (September 5, 2017) in order for that information to be timely considered by the City Council.


4. This Invoice may be recorded as a Notice of Costs or Penalties in the Fresno County Recorder's Office.

This Invoice is separate and independent of any other notices you may have received relating to abatement of a nuisance on the property. Payment should be made as follows:

City of Clovis
1033 Fifth Street
Clovis, CA 93612
Attn. City Clerk

If you have any questions or concerns, you may contact John Holt at 559-324-2072.

Sincerely,



Wiley R. Driskill
Assistant City Attorney
for City of Clovis

cc: John Holt, Asst. City Manager
David J. Wolfe, City Attorney

Enclosures

J:\wdocs\00613\271\LTR\00508033.DOC

EXHIBIT B



3227 S. Elm Ave. Fresno, CA 93706

PWC1000037236

Www.calfenceco.com

Sales@calfenceco.com

Invoice # 20170518

Invoice for	<u>City of Clovis</u>	Date	<u>05/18/2017</u>
Address	<u>1033 Fifth St. Clovis, CA 93612</u>	Phone	<u>559 324 2072</u>
Job Location	<u>162 N. Peach Ave. Clovis CA</u>	Estimator	<u>Ivan Dorantes 559 513 9355</u>
E-Mail	<u>johnh@cityofclovis.com</u>	Contact	<u>John Holt</u>

DESCRIPTION

- Installation of 130 linear feet of 6' high privacy chain link fence with walk gate.
- Using: # 9 gauge chain link wire with preinserted slats, 1 7/8 line posts, 2 3/8 end, corner and gate posts and # 9 gauge tension wire.

Price	\$ 3,510.00
Additions and changes	\$ 200.00
AMOUNT NOW DUE	\$ 3,710.00

Thanks for your Patronage!

Comments/Notes;

- Any unpaid balance by the due date is subject to a 24% annual finance charge with a 10% minimum monthly finance charge and a \$25.00 monthly late charge.
- There is a fee of \$30.00 for unpaid returned checks.
- Please make check payable to Cal-Fence Company or Ivan Dorantes

FRESNO, CA
559 485 0885

CLOVIS, CA
559 485 0003

MADERA, CA
559 221 0885

COLORADO SPRINGS, CO
719 392 2227

Serving all your fencing needs!

Lee Crippen Demolition

425 S Rolinda
Fresno Ca 93706
77-0172879

Invoice

Date	Invoice #
5/17/2017	922

Bill To
City of Clovis 1033 Fifth Street Clovis Ca 93612

Description	Amount
Demolish & Remove burned house	25,000.00
City of Clovis Permits	80.00
Thank you for your business.	Total \$25,080.00



AGENDA ITEM NO: **4-A**
City Manager: *JS*

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: September 5, 2017

SUBJECT: Consider the League of California Cities' Annual Resolutions set for Approval at the Annual Conference September 13-15, 2017

ATTACHMENT: Packet of Annual Resolutions

CONFLICT OF INTEREST

None.

RECOMMENDATION

Consider the League of California Cities' Annual Resolutions set for approval at the Annual Conference on September 13 – 15, 2017, and provide policy direction for voting delegates.

EXECUTIVE SUMMARY

Each year at the Annual Business Meeting of the League of California Cities, each city has a voting delegate to vote on various resolutions that will guide policy actions of the League Board of Directors. The City Council should review the annual resolutions and provide policy direction to the City's voting delegate. On July 17, 2017, Council assigned Mayor Bob Whalen as the primary voting delegate and Mayor Pro Tem Drew Bessinger as the alternate.

BACKGROUND

Resolutions of policy action to come before the League of Cities' Board of Directors are submitted each year to a vote by cities at the Annual Business Meeting of the League of California Cities to occur during the Annual Conference from September 13 – 15, 2017.

There are two resolutions this year for consideration for voting by the delegation. The City will have one voting delegate at the Annual Business Meeting and any policy direction with respect to the resolution should be provided to the voting delegate in advance of the meeting.

Resolution No. 1: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING UPON THE GOVERNOR AND LEGISLATURE TO ENTER INTO DISCUSSION WITH LEAGUE AND OTHER PUBLIC SAFETY STAKEHOLDERS TO IDENTIFY AND IMPLEMENT STRATEGIES THAT WILL REDUCE THE UNINTENDED NEGATIVE IMPACTS OF EXISTING CRIMINAL LAW.

This resolution seeks to address increases in crime in the wake of AB 109 (2011), Proposition 47 (2014), which reclassified a host of felony offenses as misdemeanors, and Proposition 57 (2016), which revised the rules of parole for what are designated “non-violent” offenders under the California Penal Code, but in fact comprise a number of criminal acts that are violent in nature, or may be committed to facilitate a violent outcome (for example, discharging a firearm from a motor vehicle).

The resolution would direct staff to seek legislation expanding the term “violent felony” as defined in the California Penal Code; to tighten the criteria for the release of non-violent, non-serious, non-sex offender inmates; to mandate consideration of an inmate’s entire criminal history as part of the deliberations involving whether to grant an individual parole; and to consider creation of a task force that would be charged with issuing a report recommending further changes in law, and supported by documentation collected by local agencies and other key stakeholders.

Staff Recommendation:

Staff recommends City Council support the proposed resolution.

Resolution No. 2: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING LEGISLATION AMENDING GOVERNMENT CODE SECTION 38611 TO CLARIFY THE DEFINITION OF LOCAL CONTROL PROVIDING BROAD STATUTORY AUTHORITY FOR LOCAL OFFICIALS TO DETERMINE EMERGENCY SERVICE LEVELS AND DIRECT EMERGENCY MEDICAL RESPONSE WITHIN THEIR JURISDICTIONS.

This resolution calls for the Governor and the Legislature to work with the League and other stakeholders to amend Government Code Section 38611 clarifying the definition of local control, providing broad statutory authority for local officials to determine emergency service levels, and direct emergency medical response within their jurisdictions.

Staff Recommendation:

The Clovis Fire Department recommends the voting members of the League of California Cities Delegation vote in favor of this Resolution for many reasons. Over the last three years, there have been many instances where the California Department of Emergency Medical Services Agency (EMSA) has reduced or defined what control local jurisdictions have when it comes to the delivery of emergency services. Our Fire Chief, and a member of Cal Chiefs, believes that this is a substantial issue and threat to local government. This was never the intent of the Legislature when they passed the EMS Act in 1980. Listed below are some of the recent actions from EMS Directors from either the State or local counties and how their decisions have affected local fire departments along with their delivery of emergency medical services.

In late 2016, the Local Emergency Medical Service Agency (LEMSA) Director in San Joaquin County issued a new policy that would have, in effect, eliminated the Fire Departments in that county from responding to emergency medical calls in certain occupancies unless CPR was initiated or the patient was not breathing. This same policy would have also prevented fire departments from responding to Alpha and Bravo Level EMS calls to the general population within their own jurisdictions. The Clovis Fire Department does not respond to these calls types; however, this was a decision made at the local level, not at the county or state. This same LEMSA Director also stripped the City of Stockton of its ALS services many years ago and is the current Chair of the State EMS Commission. As you can see, there appears to be some bias to fire-based EMS.

The fire departments in this State run about seventy percent (70%) EMS calls in their respective jurisdictions. This is another blatant attempt to cut the fire service out of the very essential service that the public expects us to deliver. The City of Tracy (located in San Joaquin County) has publicly opposed this move and has made it clear that this is an issue of local control. In other words, the taxpayers of their community pay for these fire/EMS services and have the right and expectation that their Fire Department will respond on calls of an EMS nature as deemed appropriate by the local fire chief or authority having jurisdiction. LEMSA seems to believe that they have the authority to dictate to local governments what calls their fire departments will or will not respond to even though this is clearly a policy decision of the local elected officials. Unknown to the officials of the City of Tracy, delays in ALS care arriving on the scene have occurred. Though fire stations were located close to these incidents, they were never dispatched until the reporting parties called back and stated that no ambulance had ever showed up. It was only at this point that Fire was dispatched. This allegedly has resulted in patient deaths on several occasions.

Additionally, the State of California EMSA has questioned the integrity and legality of public/private partnerships for the delivery of ambulance services in California that have existed for decades and currently thriving in Contra Costa County with services being provided by the Fire Department in partnership with AMR. Some of the LEMSA Directors

in California have seen this as a threat. In Alameda County, the Alameda County Fire Department was preparing to put together a partnership with either AMR or Paramedics Plus in anticipation of competitively bidding the ambulance system. The LEMSA Director, in an unprecedented move, submitted two proposed RFPs to EMSA for approval. The RFP that was released prohibited fire departments from bidding and further does not allow public/private partnerships. This is hardly in the public's best interest when the contract in Alameda County is worth in excess of half a billion dollars over a ten-year period and, more importantly, deals with the delivery of patient care.

It is clear that the State EMSA and that some LEMSA Directors in the State of California are working tirelessly to eliminate the fire departments in this state from providing the best services and patient care to their citizens. It should be pointed out that the State EMSA, in order to cast doubt by local elected officials as to public-private partnerships and their validity, have asked the Attorney General to issue an opinion. This was clearly done to chill the environment of these types of partnerships moving forward. In fact, we have had other LEMSA Directors in California opine that these types of partnerships are not legal.

Finally, Cal Chiefs was authorized by their membership to file legal action against the State of California over the issue of Anti-Trust Immunity for 201 ambulance providers. After a year of due diligence and consultation with attorneys who have the expertise in this area of the law, the Cal Chiefs E-Board brought back their findings to the membership at last year's conference and was authorized by the membership, at the Boards' discretion, to file.

Cal Chiefs then moved forward to file said lawsuit in the Federal Court located in Sacramento. This suit seeks to once and for all determine if 201 providers have antitrust immunity or not. In other words, do 201 providers enjoy exclusivity and can they eliminate competition from other providers in their community. It seems that Cal Chiefs was justified in filing this suit because over the last few months, a private provider in Orange County has filed lawsuits in numerous jurisdictions alleging, among other things, that if these providers are 201 providers, they do not enjoy antitrust immunity and that they must overlay the private providers in those cities and districts jurisdictions and rotate and share the calls with these private providers. It should be noted that the State EMSA is of the same opinion as these private providers and as such, has put this in writing in the past. The status of the Cal Chiefs' suit is that the State of California has filed to have it dismissed on numerous grounds; however, Cal Chiefs' attorneys do not agree and have filed responses to the State's filings for dismissal. The Federal Judge has had the State's filing and Cal Chiefs' response since November 2016 and has not issued a ruling on the dismissal to date.

These are the issues affecting local control of emergency medical services and especially those provided by Fire Departments. This is why City staff encourages you to vote in favor of the proposed resolution.

REASON FOR RECOMMENDATION

The City Council should provide policy direction to the City's voting delegate to the Annual Business Meeting concerning policies of the League on behalf of all cities in the State. Mayor Whalen is an active member of the League Board of Directors on behalf of the South San Joaquin Division, and may have more insight and comments to share with the City Council regarding the resolutions.

ACTIONS FOLLOWING APPROVAL

The City Manager will follow up with any action as directed by the City Council.

Recommended by: Luke Serpa, City Manager LS



*Annual Conference
Resolutions Packet*

2017 Annual Conference Resolutions



*Sacramento, California
September 13 – 15, 2017*

INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, two resolutions have been introduced for consideration by the Annual Conference and referred to the League policy committees.

POLICY COMMITTEES: One policy committee will meet at the Annual Conference to consider and take action on the resolutions referred to it. The committee is Public Safety. The committee will meet from 9:00 – 11:00 a.m. on Wednesday, September 13, at the Hyatt Regency. The sponsors of the resolutions have been notified of the time and location of the meeting.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet at 1:00 p.m. on Thursday, September 14, at the Hyatt Regency in Sacramento, to consider the report of the policy committee regarding the resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president. Please check in at the registration desk for room location.

ANNUAL LUNCHEON/BUSINESS MEETING/GENERAL ASSEMBLY: This meeting will be held at 12:30 p.m. on Friday, September 15, at the Sacramento Convention Center.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:30 p.m., Thursday, September 14. Resolutions can be viewed on the League's Web site: www.cacities.org/resolutions.

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: mdesmond@cacities.org or (916) 658-8224

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's seven standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
 - (a) Focus public or media attention on an issue of major importance to cities.
 - (b) Establish a new direction for League policy by establishing general principles around which more detailed policies may be developed by policy committees and the board of directors.
 - (c) Consider important issues not adequately addressed by the policy committees and board of directors.
 - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

LOCATION OF MEETINGS

Policy Committee Meetings

Wednesday, September 13
Hyatt Regency Sacramento
1209 L Street, Sacramento
9:00 – 11:00 a.m.: Public Safety

General Resolutions Committee

Thursday, September 14, 1:00 p.m.
Hyatt Regency Sacramento
1209 L Street, Sacramento

Annual Business Meeting and General Assembly Luncheon

Friday, September 15, 12:30 p.m.
Sacramento Convention Center
1400 J Street, Sacramento

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3
		1 - Policy Committee Recommendation to General Resolutions Committee		
		2 - General Resolutions Committee		
		3 - General Assembly		

PUBLIC SAFETY POLICY COMMITTEE

		1	2	3
1	Implement Strategies to Reduce Negative Impacts of Recent Changes to Criminal Laws			
2	Local Control for Emergency Medical Response			

Information pertaining to the Annual Conference Resolutions will also be posted on each committee's page on the League website: www.cacities.org. The entire Resolutions Packet will be posted at: www.cacities.org/resolutions.

KEY TO ACTIONS TAKEN ON RESOLUTIONS *(Continued)*

Resolutions have been grouped by policy committees to which they have been assigned.

KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

KEY TO ACTIONS TAKEN

- | | |
|---|-------------------------------------------------|
| A | Approve |
| D | Disapprove |
| N | No Action |
| R | Refer to appropriate policy committee for study |

ACTION FOOTNOTES

- * Subject matter covered in another resolution
- ** Existing League policy
- *** Local authority presently exists

- | | |
|-----|-------------------------------------------------------------|
| a | Amend+ |
| Aa | Approve as amended+ |
| Aaa | Approve with additional amendment(s)+ |
| Ra | Refer as amended to appropriate policy committee for study+ |
| Raa | Additional amendments and refer+ |
| Da | Amend (for clarity or brevity) and Disapprove+ |
| Na | Amend (for clarity or brevity) and take No Action+ |
| W | Withdrawn by Sponsor |

Procedural Note:

The League of California Cities resolution process at the Annual Conference is guided by the League Bylaws. A helpful explanation of this process can be found on the League's website by clicking on this link: [Resolution Process](#).

2017 ANNUAL CONFERENCE RESOLUTIONS

RESOLUTION REFERRED TO PUBLIC SAFETY POLICY COMMITTEE

- 1. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING UPON THE GOVERNOR AND LEGISLATURE TO ENTER INTO DISCUSSION WITH LEAGUE AND OTHER PUBLIC SAFETY STAKEHOLDERS TO IDENTIFY AND IMPLEMENT STRATEGIES THAT WILL REDUCE THE UNINTENDED NEGATIVE IMPACTS OF EXISTING CRIMINAL LAW**

Source: City of Whittier

Concurrence of five or more cities/city officials: Cities: La Mirada; Lakewood; Monrovia; Pico Rivera; Rolling Hills; Santa Fe Springs; and South Gate

Referred to: Public Safety Policy Committee

Recommendation to General Resolutions Committee:

WHEREAS, during the past several years, State legislative changes have made fundamental alterations to the fabric of California's criminal justice system. Many of those changes have been needed and necessary, as not all crimes should be punished with jail sentences; and

WHEREAS, California cities, counties, and the State, however, are facing increased crime which endangers the health and safety of police officers, residents, business owners, and property due to some of these legislative changes which created a situation where violent and career criminals are serving little to no prison time; and

WHEREAS, negative impacts from State legislative changes have been far reaching and crime rates and the number of victims are skyrocketing throughout California. The negative impacts of these laws were unintended when voters and legislators approved the laws, which were instead intended to help lower the prison population in California prisons and appropriately rehabilitate non-violent offenders; and

WHEREAS, incentives for offenders to voluntarily enroll in substance abuse programs have diminished, which has had the effect of eroding the safety of our communities; and

WHEREAS, AB 109 transferred nearly 45,000 felons from the State prison system to local jail facilities, which were not designed to house criminals on a long-term basis and were unprepared for such an increase in incarcerations, resulting in lower-level criminals being released early, directly impacting rising property crime rates throughout the State; and

WHEREAS, many probationers who have severe mental illness are released into communities where they continue to commit crimes that adversely impact the safety of community members and drain the resources of probation departments and police departments throughout the state; and

WHEREAS, Proposition 47, The Safe Neighborhoods and Schools Act, downgraded a number of serious crimes from felonies to misdemeanors—drug possession, repeated shoplifting, forging checks, gun theft, and possession of date-rape drugs; and

WHEREAS, Proposition 57 categorizes rape by intoxication, rape of an unconscious person, human trafficking involving sex with minors, drive-by shooting, assault with a deadly weapon, domestic violence, hate crime causing physical injury, and corporal injury to a child as “non-violent” felonies and offenders convicted of violating such laws are able to avoid appropriate prison sentences; and

WHEREAS, under Proposition 57, criminals who commit multiple crimes against multiple victims will be eligible for release at the same time as offenders who only committed a single crime against a single victim and allows repeat criminals to be eligible for release after the same period of incarceration as first time offenders; and

WHEREAS, cities must join together to voice their concerns for these legislative changes that have created an adverse impact on the safety of residents and businesses in local communities.

NOW, THEREFORE, BE IT RESOLVED by the General Assembly of the League of California Cities, assembled in Sacramento on September 15, 2017, to:

1. Direct League staff to consider creating a task force with other organizations and jointly commission a report on the unintended negative impacts of recent and future criminal law based on appropriate documentation by local agencies to identify necessary changes, working with key stakeholders to promote support for resulting advocacy efforts.
2. Promote an amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include their total criminal and mental health history instead of only their last criminal conviction.
3. Continue to advocate to place into law that for the purposes of Section 32 of Article I of the California Constitution, a violent offense includes any of the following:
 - Murder or voluntary manslaughter.
 - Mayhem.
 - Rape.
 - Sodomy by force, violence, duress, menace, or threat of great bodily harm.
 - Oral copulation by force, violence, duress, menace, or threat of great bodily harm.
 - Lewd acts on a child under the age of 14 years.
 - Any felony punishable by death or imprisonment in the state prison for life.
 - Any other felony in which the defendant inflicts great or serious bodily injury on any person, other than an accomplice, that has been charged and proven, or any felony in which the defendant uses a firearm which use has been charged and proven.
 - Attempted murder.
 - Assault with intent to commit rape or robbery.

- Assault with a deadly weapon or instrument on a peace officer.
 - Assault by a life prisoner on a non-inmate.
 - Assault with a deadly weapon by an inmate.
 - Arson.
 - Exploding a destructive device or any explosive with intent to injure.
 - Exploding a destructive device or any explosive causing great bodily injury.
 - Exploding a destructive device or any explosive with intent to murder.
 - Robbery.
 - Kidnapping.
 - Taking of a hostage by an inmate of a state prison.
 - Attempt to commit a felony punishable by death or imprisonment in the state prison for life.
 - Any felony in which the defendant personally used a dangerous or deadly weapon.
 - Escape from a state prison by use of force or violence.
 - Assault with a deadly weapon.
 - Extortion as defined in Penal Code section 518, or threats to victims or witnesses as defined in Penal Code section 136.1, which would constitute a felony violation of Penal Code section 186.22.
 - Carjacking.
 - Discharge of a firearm at an inhabited dwelling, vehicle, or aircraft.
 - Throwing acid or flammable substances with intent to injure.
 - Continuous sexual abuse of a child.
4. Request the State to improve the Smart Justice platform to provide an effective statewide data sharing to allow state and local law enforcement agencies to rapidly and efficiently share offender information to assist in tracking and monitoring the activities of AB 109 and other offenders.
 5. Encourage the collection and organization of real world data from cities and counties on the universe of post-release community supervision (PRCS) offenders.
 6. Encourage cities throughout California to join in these advocacy efforts to mitigate the unintended negative impacts of recent policy changes to the criminal justice system.
 7. Call for the Governor and the Legislature to work with the League and others stakeholders to consider and implement such criminal justice system reforms.

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Background Information on Resolution No. 1

Source: City of Whittier

Background:

During the past several years, State legislative changes have made fundamental alterations to the fabric of California's criminal justice system. Some changes have been needed, as not all crimes should be punished with jail sentences. These changes included AB 109 as well as Propositions 47 and 57.

Approved in 2011, AB 109 was approved, transferring nearly 45,000 felons from the State prison system to local jail systems, resulting in lower-level criminals being released early. Then, Proposition 47, so called The Safe Neighborhoods and Schools Act, was approved by California voters in 2014. It reclassified and downgraded a number of serious crimes from felonies to misdemeanors. Similarly, Proposition 57, called The Public Safety and Rehabilitation Act, was approved by voters in 2016 and allows the State to provide for the release of up to 30,000 criminals convicted of "non-violent" felonies, including rape by intoxication, driveby shooting, human trafficking involving sex act with minors, assault with a deadly weapon, to name a few. Additionally, under Prop 57 repeat criminals are eligible for release after the same period of incarceration as first time offenders.

Now, California cities and counties are facing increasing crime rates which are being connected to these legislative actions which created a situation where violent and career criminals are serving little to no prison time while low-level offenders commit multiple crimes with limited consequences. This increasing level of crime endangers the health and safety of our residents, police officers, and property. Negative impacts from these State legislative changes have been far reaching, and crime rates and the number of victims are increasing throughout California. The negative impacts of these laws were unintended when voters and legislators approved the laws, which were instead intended to help lower the prison population in California prisons and appropriately rehabilitate non-violent offenders.

As an example, the Public Policy Institute of California reports since 2015:

- California has experienced an uptick in overall crime
- Property crime is up 145%, violent crime up 54%
- One in four Californians view violence and street crime in their community as a substantial problem
- Arrests dropped 31% for property crimes and 68% for drug offenses (due to Prop. 47)
- The report concludes auto theft increase is a direct result of AB109

To make matters even worse, during the past two years we've seen officers shot, wounded and killed in communities throughout California including Whittier, Downey, Lancaster, Palm Springs, San Diego, Stanislaus County, and Modoc County. Further, the number of U.S. police officers killed in the line of duty hit a five-year high in 2016. The National Law Enforcement Officers Memorial Fund's preliminary report shows that this year's 135 fatalities were a 10% increase over the 123 officers who died in the line of duty last year.

When taken together the increases in crime in our communities and reductions in arrests for many crimes plus violent attacks against police officers underscores the need for a call to action amongst California's state and local leaders. This conference resolution is an important first step and seeks to initiate both a dialogue as well as actions to begin reforming California's criminal justice system by requesting that League staff analyze the negative impacts of recent criminal law, identify necessary changes, and work with stakeholders to promote support for such advocacy efforts. The resolution also calls on the Governor, Legislature, cities, and other stakeholders to work together toward reforms. The resolution contains three specific reforms:

1. Address Issues with AB 109

The conference resolution promotes the amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include their total criminal and mental health history instead of only their last criminal conviction.

2. Revise the Definition of Violent Crime

The resolution calls for the League to advocate to place into law for the purposes of Section 32 of Article I of the California Constitution, a violent offense includes any of the following crimes:

- Murder or voluntary manslaughter
- Mayhem
- Rape
- Sodomy by force, violence, duress, menace, or threat of great bodily harm
- Oral copulation by force, violence, duress, menace, or threat of great bodily harm
- Lewd acts on a child under the age of 14 years
- Any felony punishable by death or imprisonment in the state prison for life
- Any other felony in which the defendant inflicts great or serious bodily injury on any person, other than an accomplice, that has been charged and proven, or any felony in which the defendant uses a firearm which use has been charged and proven
- Attempted murder
- Assault with intent to commit rape or robbery
- Assault with a deadly weapon or instrument on a peace officer
- Assault by a life prisoner on a non-inmate
- Assault with a deadly weapon by an inmate
- Arson
- Exploding a destructive device or any explosive with intent to injure
- Exploding a destructive device or any explosive causing great bodily injury
- Exploding a destructive device or any explosive with intent to murder
- Robbery
- Kidnapping
- Taking of a hostage by an inmate of a state prison

- Attempt to commit a felony punishable by death or imprisonment in the state prison for life
- Any felony in which the defendant personally used a dangerous or deadly weapon
- Escape from a state prison by use of force or violence
- Assault with a deadly weapon
- Extortion as defined in Penal Code section 518, or threats to victims or witnesses as defined in Penal Code section 136.1, which would constitute a felony violation of Penal Code section 186.22
- Carjacking
- Discharge of a firearm at an inhabited dwelling, vehicle, or aircraft.
- Throwing acid or flammable substances with intent to injure.
- Continuous sexual abuse of a child.

3. Data Sharing

The resolution requests the State to improve the Smart Justice platform to provide an effective statewide data sharing to allow state and local law enforcement agencies to rapidly and efficiently share offender information to assist in tracking and monitoring the activities of AB 109 and other offenders.

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League of California Cities Staff Analysis on Resolution No. 1

Staff: Tim Cromartie
Committee: Public Safety

Summary:

This Resolution seeks to address increases in crime in the wake of AB 109 (2011), Proposition 47 (2014), which reclassified a host of felony offenses as misdemeanors, and Proposition 57 (2016), which revised the rules of parole for what are designated “non-violent” offenders under the California Penal Code, but in fact comprise a number of criminal acts that are violent in nature, or may be committed to facilitate a violent outcome (for example, discharging a firearm from a motor vehicle).

This Resolution would direct staff to seek legislation expanding the term “violent felony” as defined in the California Penal Code; to tighten the criteria for the release of non-violent, non-serious, non-sex offender inmates; to mandate consideration of an inmate’s entire criminal history as part of the deliberations involving whether to grant individual parole; and to consider creation of a task force that would be charged with issuing a report recommending further changes in law, and supported by documentation collected by local agencies and other key stakeholders.

Background:

Since 2011, changes in state law, starting with AB 109, altered the fabric of California's criminal justice system. In 2011, AB 109 began to shift nearly 45,000 felons from the state prison system to local county jails. Prior to AB 109, many of California's more heavily populated counties already had jail systems that were operating under court-ordered or self-imposed population caps. As a result, AB 109 implementation triggered changes in that county jails experienced over time an influx of a rougher class of offender, and many lower level petty criminals committing new offenses were simply booked and released, serving no jail time at all.

Proposition 47 followed in 2014, reclassifying a host of felony offenses as misdemeanors and increasing the threshold amount for a felony charge of grand theft from \$450.00 to \$900.00. The effect of this change was to significantly stimulate the volume of petty theft, shoplifting, auto theft, and organized retail theft (shoplifting involving multiple persons with cell phones, designated getaway drivers, and a pre-determined escape route often involving a short trip to a major highway). Proposition 57, approved by voters in 2016, facilitates the potential early release of a large number of "non-violent" offenders by providing that inmates are eligible for parole once they have served 100% of their base sentence, without regard to any time served as a result of any sentencing enhancements. The universe of "non-violent" offenders could include individuals who have committed the following offenses: rape by intoxication, attempted drive-by shooting, assault with a deadly weapon, throwing acid with the intent to disfigure, to name but a few offenses. Since current law defines a "non-violent offender" based on the individual's most recent commitment offense, even if the individual is a repeat offender, the State Parole Board must still consider that person's parole application.

This state of affairs includes factors such as a higher proportion of offenders at large on our city streets, many of whom have had little in the way of rehabilitation programming while incarcerated, some with drug habits, who are more violent now than when initially incarcerated. Unless they engage in major illegal activity (murder, rape, arson, armed robbery), the available sanctions for any violations they commit, such as flash incarceration, i.e. temporary incarceration for 48-72 hours in a city or county jail, scarcely provide a meaningful deterrent to further criminal activity.

Communities in California are now facing increasing crime rates which can be linked to these recent legislative changes, which probation officers and local law enforcement are struggling to monitor and contain a situation in which a dramatically increase universe of offenders are at large in our communities.

The Public Policy Institute of California reports that since 2015:

- California has experienced an increase in overall crime
- Property crime is up 145%
- Violent crime is up 54%
- One in four Californians view violence and street crime in their community as a substantial problem
- Arrests dropped 31% for property crimes and 68% for drug offenses (due to Prop. 47)
- The report concludes auto theft increase is a direct result of AB 109

Support:

Cities of La Mirada, Lakewood, Monrovia, Pico Rivera, Rolling Hills, Santa Fe Springs, and South Gate

Opposition:

None received.

Fiscal Impact:

The collective and cumulative effect of the current criminal justice policies has led to increased pressure on county general funds for increased resources for probation supervision and incarceration in county jails, as well as identical pressure on municipal general funds related to increased law enforcement activity and in some areas, increased emergency medical services calls. Should the objectives outlined by the resolution be achieved, those pressures will be alleviated to a significant but undetermined amount.

Comment:

This measure is a response to a trend of rapidly mounting frustration among cities beset by calls for more law enforcement resources as a result of ongoing, sustained criminal activity. There is a growing sense among law enforcement professionals and local elected officials that current policies which have reduced criminal penalties, reclassified felonies as misdemeanors and facilitated what amounts to early release of many offenders who are not truly non-violent, will in time result in a high-profile tragedy involving significant loss of life.

Existing League Policy:

In regard to incarceration policy, the League supports stiffer penalties for violent offenders. In 2014, the League joined the California Police Chiefs in opposing Proposition 47, which reduces sentencing penalties for specified non-serious and non-violent drug and property crimes. It directed that the following offenses would be treated as misdemeanors, in most instances irrespective of the circumstances:

- Commercial Burglary
- Forgery
- Passing Bad Checks
- Grand Theft
- Receipt of Stolen Property
- Petty Theft with a Prior Offense
- Drug Possession

In 2013, the League Board of Directors approved a resolution pertaining to AB 109 (2011), which implemented Public Safety Realignment and brought significant changes to the state's incarceration policy. Specifically, it provided that specified categories of felony offenders previously sentenced to state prison, would prospectively be sentenced to terms in county jails.

The League's Resolution had two significant components relevant to this resolution:

- 1) It urged the Governor's office to adjust the implementation of Public Safety Realignment so that the criteria examined to evaluate the appropriateness of release of non-violent, non-serious, non-sex offender inmates would include their total criminal and mental

history, instead of merely the most recent criminal conviction for which they are currently committed; and

- 2) It urged the Governor's office to expedite the development of an effective statewide data sharing mechanism allowing state and local law enforcement agencies to rapidly and efficiently share offender information to assist in tracking and monitoring the activities of AB 109 and other offenders.

Finally, the League in 2016 opposed Proposition 57, which altered rules for parole eligibility for non-violent felons, potentially facilitating parole before an individual has served any time toward a sentencing enhancement, and ushered in new rules for good time behavior seeking to incentivize inmates to undergo rehabilitation programming of an educational/vocational nature.

RESOLUTION REFERRED TO PUBLIC SAFETY POLICY COMMITTEE

2. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING LEGISLATION AMENDING GOVERNMENT CODE SECTION 38611 TO CLARIFY THE DEFINITION OF LOCAL CONTROL PROVIDING BROAD STATUTORY AUTHORITY FOR LOCAL OFFICIALS TO DETERMINE EMERGENCY SERVICE LEVELS AND DIRECT EMERGENCY MEDICAL RESPONSE WITHIN THEIR JURISDICTIONS

Source: City of Tracy

Concurrence of five or more cities/city officials: Cities: Lathrop, Lodi, Manteca, Stockton, and Consumnes Fire Department (Cities of Elk Grove and Galt)

Referred to: Public Safety Policy Committee

Recommendation to General Resolutions Committee:

WHEREAS, Government Code Section 38611 was last amended in 1957 and does not contain language clarifying the broad scope of emergency services as provided by present day fire departments; and

WHEREAS, Government Code Section 38611 requires further definition for general law and charter cities in determining service levels for the delivery of emergency services commensurate with the resources provided by the local government body; and

WHEREAS, pursuant to Section 7 of Article XI of the California Constitution, municipal governments are vested with police power which imposes on the responsibility to protect public safety and public health and municipal governments must provide or contract for fire and/or emergency medical services; and

WHEREAS, the local provision of fire protection services, rescue services, emergency medical services, hazardous material emergency response services, ambulance services, and other services relating to the protection of lives and property is critical to the public peace, health, and safety of the state; and

WHEREAS, local fire and/or emergency medical services are financed by local taxpayers and the availability and use of such services is determined by the local governing body of the jurisdiction to which services are directly provided; and

WHEREAS, amending Government Code Section 38611 would provide the chief of a fire department specific authority to protect public safety and public health within the jurisdictional boundaries of the fire department.

RESOLVED, that the League of California Cities General Assembly, assembled at the League Annual Conference on September 15, 2017 in Sacramento, calls for the Governor and the Legislature to work with the League and other stakeholders to amend Government Code Section 38611 clarifying the definition of local control, providing broad statutory authority for local officials to determine emergency service levels and direct emergency medical response within their jurisdictions.

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Background Information on Resolution No. 2

Source: City of Tracy

Background:

In 1980, the State Legislature enacted the Emergency Medical Services (EMS) Act in response to the development of paramedic services and a concern that there was a lack of medical oversight and coordination of emergency medical services. The EMS Act contains 100 different provisions in nine separate chapters of the California Health and Safety Code. The EMS Act created a two-tiered system that established a State EMS Agency to coordinate state-wide EMS activities and to develop state-wide minimum EMS policies and a local tier (Local EMS Agency) to plan, implement and evaluate an EMS System. The statute also includes language that establishes *“The medical direction and management of an emergency medical services system shall be under the medical control of the medical director of the local EMS Agency.”* In each county, the local EMS Agency sets local EMS policy, administers and provides medical oversight for cities and special fire districts to deliver EMS services within the county.

In the late 1970's, as the EMS Act was being developed, the League of California Cities weighed heavily concerning the impact of the proposed EMS Act on cities. The League of California Cities argued against depriving a city of local control over EMS service levels. The League of California Cities wrote, *“We believe (local control) is important because city taxpayers financially support (EMS) programs and city management is responsible for their efficient utilization. The city council is responsible for the level of service and the cost of the program, wholly unrelated to the medical questions.”* Based on that argument, additional language was included in the EMS policy that allowed local agencies that were providing EMS service to continue (and even obligated) them to continue to provide EMS services at the same levels as prior to 1980. This addition to the EMS Act (Section 1797.201 – became known as “201

Rights”) has been very controversial and has led to several lawsuits between cities/special districts and local EMS Agencies.

The City of Tracy in San Joaquin County has become the epicenter on the issue of local control as it relates to who has the authority to determine which resources will respond to medical emergencies. Several incidents have been noted where poor patient outcomes were the result of a failed county policy (SJCEMS Agency Policy 3202) that restricts local fire departments from responding to “low-level” emergencies. The EMS policy decisions within San Joaquin County have potential implications on every local community within the state of California and increasingly threaten local control.

Proposed Amendment

The proposed amendment to Government Code Section 38611 would clarify local control and allow the local governing bodies to determine which services are directly provided within their respective jurisdictions. The existing law is extremely limited in scope having been last amended in 1957, at a time when fire departments did not routinely provide many of the specialized services of today. Changes in services provided include but are not limited to hazardous materials response, specialized rescue, and emergency medical services. The amendment aims to support the long-standing tradition in California of local control over the types, levels, and availability of these services.

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League of California Cities Staff Analysis on Resolution No. 2

Staff: Tim Cromartie
Committee: Public Safety

Summary:

This resolution calls for the Governor and the Legislature to work with the League and other stakeholders to amend Government Code Section 38611 clarifying the definition of local control, providing broad statutory authority for local officials to determine emergency service levels and direct emergency medical response within their jurisdictions.

Background:

In 1980, the State Legislature enacted the Emergency Medical Services (EMS) Act in response to the development of paramedic services and a concern that there was a lack of medical oversight and coordination of emergency medical services. The EMS Act contains 100 different provisions in nine separate chapters of the California Health and Safety Code. The EMS Act created a two-tiered system that established a State EMS Agency to coordinate state-wide EMS activities and to develop state-wide minimum EMS policies and a local tier (Local EMS Agency) to plan, implement and evaluate an EMS System.

The statute also includes language that establishes “*The medical direction and management of an emergency medical services system shall be under the medical control of the medical director*”

of the local EMS Agency.” In each county, the local EMS Agency sets local EMS policy, administers and provides medical oversight for cities and special fire districts to deliver EMS services within the county.

In the late 1970’s, as the EMS Act was being developed, the League of California Cities weighed heavily concerning the impact of the proposed EMS Act on cities. The League argued against depriving a city of local control over EMS service levels. The League wrote, *“We believe (local control) is important because city taxpayers financially support (EMS) programs and city management is responsible for their efficient utilization. The city council is responsible for the level of service and the cost of the program, wholly unrelated to the medical questions.”* Based on that argument, additional language was included in the EMS policy that allowed local agencies that were providing EMS service to continue (and even obligated) them to continue to provide EMS services at the same levels as prior to 1980. This addition to the EMS Act (Section 1797.201 – became known as “201 Rights”) has been very controversial and has led to several lawsuits between cities/special districts and local EMS Agencies.

The City of Tracy in San Joaquin County has become one of the epicenters on the issue of local control as it relates to who has the authority to determine which resources will respond to medical emergencies. Several incidents have been noted where poor patient outcomes have been attributed by some observers to a county policy (SJCEMS Agency Policy 3202) that restricts local fire departments from responding to “low-level” emergencies. The EMS policy decisions within San Joaquin County have potential implications on every local community within the state of California and increasingly threaten local control.

Support:

Cities of Lathrop, Lodi, Manteca, City of Stockton, and Consumnes Fire Department (Cities of Elk Grove and Galt)

Opposition:

None received.

Fiscal Impact:

This resolution, if its directive can be achieved, will have no direct fiscal impact on cities. It will however, provide an atmosphere in which cities that have invested significant resources in building up and maintaining an independent EMS capability can have confidence that it will be deployed as intended.

Comment:

While this resolution calls for very specific action to clarify the rules governing emergency medical services, ideally it would be more generally worded to allow greater flexibility in pursuing legislative and other solutions to a problem that has existed for decades, spawning both legislation and multiple incidents of litigation.

However, it accurately expresses the legitimate frustration of cities in their efforts to provide emergency medical services (EMS) while abiding by the directives of their local emergency medical services authorities (LEMSA’s), which are county entities. Counties have broad

discretion under existing case law in how they administer EMS under the doctrine of medical control. To the degree there is dissatisfaction on the part of cities within a given county or counties, the following should be noted:

- 1) A task force convened by the California Emergency Medical Services Authority, the state entity with jurisdiction over this subject matter, made significant headway in crafting regulations governing the provision of ground emergency medical transport -- until disputes over local control and the criteria under which a local (municipal) agency could lay claim to the exclusive right to provide EMS in a specific operating area led to a lawsuit being filed by the California Fire Chiefs Association. That suit effectively suspended the work of the Task Force.
- 2) Over the past two decades, multiple attempts at legislation to resolve this issue have been tried, most without success. It was in part the multiple attempts at legislation that triggered the formation of the above-referenced task force.

Existing League Policy:

The League supports the fire service mission of saving lives and protecting property through fire prevention, disaster preparedness, hazardous-materials mitigation, specialized rescue, etc. as well as cities' authority and discretion to provide all emergency services to their communities.

The League supports and strives to ensure local control of emergency medical services by authorizing cities and fire districts to prescribe and monitor the manner and scope of pre-hospital emergency medical services, including transport through ambulance services, all provided within local boundaries for the purpose of improving the level of pre-hospital emergency medical service.

The League supports legislation to provide the framework for a solution to longstanding conflict between cities, counties, the fire service and LEMSA's particularly by local advisory committees to review and approve the EMS plan and to serve as an appeals body. Conflicts over EMS governance may be resolved if stakeholders are able to participate in EMS system design and evaluation and if complainants are given a fair and open hearing.

The League opposes legislation, regulations and standards that impose minimum staffing and response time standards for city fire and EMS services since such determinations should reflect the conditions and priorities of individual cities.

The League supports Emergency 911 systems to ensure cities and counties are represented on decisions affecting emergency response.

LETTERS OF CONCURRENCE

Resolution No. 1

Implement Strategies to Reduce Negative Impacts of
Recent Changes to Criminal Laws



CITY OF LA MIRADA

DEDICATED TO SERVICE

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July 11, 2017

LETTER OF SUPPORT

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

SUBJECT: 2017 CONFERENCE RESOLUTION STRATEGIES TO IMPROVE NEGATIVE IMPACTS OF CRIMINAL LAW

Dear Committee:

The City of La Mirada supports the League of California Cities Annual Conference Resolution proposed by the City of Whittier calling on the Governor and Legislature to enter into discussion with the League and other public safety stakeholders to identify and implement strategies that will improve the unintended negative impacts of existing criminal law.

The City of La Mirada has seen increases in property crime that may have resulted from a combination of legislative actions and voter-approved initiatives. Specifically, since 2014 the City of La Mirada has seen property crime increase by 41 percent. The proposed resolution seeks to correct these negative impacts from existing criminal law and considers proactive measures that could reduce such impacts.

The resolution directs League staff to consider creating a task force with other organizations and jointly commission a report on the unintended negative impacts of recent criminal law to identify necessary changes.

The resolution also promotes an amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include one's total criminal and mental health history instead of only the most recent criminal conviction. It encourages continued advocacy to make "violent offenses" include crimes that meet the plain language definition of "violent".

The resolution further asks the State to improve the Smart Justice platform to allow state and local law enforcement agencies to rapidly share information to track offenders, and encourages data collection on post-release community supervision offenders.

The passage of this resolution would provide a range of important reforms to enhance public safety in our community. For these reasons, the City of La Mirada strongly supports this resolution to strategically address criminal justice reforms.

Sincerely,

CITY OF LA MIRADA

Ed Eng
Mayor

EE:JB:vdr

Ed Eng
Mayor

Lawrence P. Mowles
Mayor Pro Tem

Steve De Ruse, D. No.
Councilmember

John Lewis
Councilmember

Andrew Sarega
Councilmember

Jeff Boynton
City Manager

Steve Croft
Vice Mayor

Ron Piazza
Council Member



Diane DuBois
Mayor

Jeff Wood
Council Member

Todd Rogers
Council Member

July 10, 2017

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: 2017 Conference Resolution – Notice of Support
Strategies to Improve Negative Impacts of Criminal Law**

Dear Committee:

The City of Lakewood supports the League of California Cities Annual Conference Resolution calling on the Governor and Legislature to enter into discussion with the League and other public safety stakeholders to identify and implement strategies that will improve the unintended negative impacts of existing criminal law.

Like other cities, Lakewood has seen increases in property crime that may have resulted from a combination of legislative actions and voter-approved initiatives. The proposed annual conference resolution seeks to turn around these negative impacts from existing criminal law and considers proactive measures that could reduce such impacts. These include:

- Request League staff to consider creating a task force with other organizations and jointly commission a report on the unintended negative impacts of recent criminal law to identify necessary changes and work with key stakeholders to promote support for resulting advocacy efforts.
- Promote an amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include their total criminal and mental health history instead of only their last criminal conviction. It encourages continued advocacy to make "violent offenses" include crimes that meet the plain language definition of "violent."
- Request that the State improve the "Smart Justice" platform to allow state and local law enforcement agencies to rapidly share information to track offenders and encourage data collection on post-release community supervision offenders.

The passage of this resolution would provide a range of important reforms that would enhance public safety in our community. For these reasons, the City of Lakewood strongly supports this resolution to strategically address criminal justice reforms.

Sincerely,

Diane DuBois
Mayor

Lakewood



July 11, 2017

President JoAnne Mounce
The League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Letter of Support for the Resolution Brought Forward by the City of Whittier Regarding the Unintended Negative Consequences of Recent Legislative Changes to California's Criminal Justice System

Dear Ms. Mounce:

The City of Monrovia strongly supports the Resolution brought forth by the City of Whittier, which asks the League of California Cities (League) to initiate and facilitate further discussion between the Governor, the State Legislature, and other key public safety stakeholders regarding the legislative changes that have been made to California's criminal justice system during the past few years.

Taken together, Assembly Bill 109, Proposition 47, and Proposition 57 have reshaped how we approach public safety issues in our State. And certainly, the identified measures have resulted in measurable and positive impacts to California's criminal justice system, such as a decrease in the State prison system population. However, the cumulative effect of these legislative actions have had several significant unintended consequences, which have resulted in California cities now needing to address increasingly complex public safety challenges.

For example, in the City of Monrovia, violent and property crimes increased by 19% when comparing 2016 crime levels against 2015 rates. On-the-street information being provided by our Police Officers seems to correlate that the increasing levels of crime are connected with the legislative changes that have been enacted in California during the past several years. Additionally, the public safety issues we are experiencing in Monrovia are not occurring in a vacuum, as other neighboring jurisdictions are reporting similar concerns that impact our region as a whole.

Given these factors, we believe that California's overall criminal justice system needs to be carefully reexamined for potential methods to mitigate these emerging public safety issues. The City of Whittier's Resolution represents a positive first step, which includes the formation of a task force to examine possible criminal justice system modifications in greater detail. We believe that such a step would be a move in the right direction for California.

For these reasons, the City of Monrovia strongly supports the Resolution brought forth by the City of Whittier. Of course, please feel free to contact me if I can provide any additional information. I can be reached at (626) 932-5501, or via email at ochi@ci.monrovia.ca.us.

Best regards,

Oliver Chi
City Manager



René Bobadilla, P.E.
City Manager

City of Pico Rivera
OFFICE OF THE CITY MANAGER

6615 Passons Boulevard · Pico Rivera, California 90660

(562) 801-4379

Web: www.pico-rivera.org · e-mail: rbobadilla@pico-rivera.org

City Council

Bob J. Archuleta
Mayor

Gustavo V. Camacho
Mayor Pro Tem

David W. Armenta
Councilmember

Gregory Salcido
Councilmember

Brent A. Tercero
Councilmember

July 12, 2017

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: 2017 Conference Resolution
Strategies to Improve Negative Impacts of Criminal Law
Notice of Support

Dear Committee:

The City of Pico Rivera supports the League of California Cities Annual Conference Resolution calling on the Governor and Legislature to enter into discussion with the League and other public safety stakeholders to identify and implement strategies that will improve the unintended negative impacts of existing criminal law.

The City of Pico Rivera has seen increases in property crime that may have resulted from a combination of legislative actions and voter-approved initiatives. Following are some specific impacts provided by the Pico Rivera Sheriff's Department:

Part I crimes

Robbery is up 10.26% in 2017 compared to 2016

Larceny Theft is up 4.09% in 2017 compared to 2016

Part II crimes

Weapon Law is up 9.68% in 2017 compared to 2016

Felony Transport & or Sales of controlled substance (except Marijuana) is up 44.44% compared to 2016

Misdemeanor Possession of a Controlled Substance (excluding Marijuana) is up 56.06% compared to 2016

Under the influence of Narcotic is up 28.57% in 2017 compared to 2016

The proposed annual conference resolution seeks to turn around these negative impacts from existing criminal law and considers proactive measures that could reduce such impacts.

General Resolutions Committee

2017 Conference Resolution – Strategies to Improve Negative Impacts of Criminal Law

Notice of Support

July 12, 2017

Page 2

The resolution directs League staff to consider creating a task force with other organizations and jointly commission a report on the unintended negative impacts of recent criminal law to identify necessary changes, working with key stakeholders to promote support for resulting advocacy efforts.

The resolution also promotes an amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include their total criminal and mental health history instead of only their last criminal conviction. It encourages continued advocacy to make "violent offenses" include crimes that meet the plain language definition of "violent".

The resolution further asks the State to improve the Smart Justice platform to allow state and local law enforcement agencies to rapidly share information to track offenders, and encourages data collection on post-release community supervision offenders.

The passage of this resolution would provide a range of important reforms that would enhance public safety in our community. For these reasons, the City of Pico Rivera strongly supports this resolution to strategically address criminal justice reforms.

Best regards,

A handwritten signature in blue ink, appearing to read 'René Bobadilla', with a stylized flourish at the end.

René Bobadilla, P.E.
City Manager
City of Pico Rivera



City of Rolling Hills

INCORPORATED JANUARY 24 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIF. 90274
(310) 377-1521
FAX: (310) 377-7288

July 12, 2017

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: 2017 Conference Resolution
Strategies to Improve Negative Impacts of Criminal Law
Notice of Support**

Dear Members of the General Resolutions Committee:

As a member of the Rolling Hills City Council, I support the League of California Cities Annual Conference Resolution calling on the Governor and Legislature to enter into discussion with the League and with other public safety stakeholders to identify and implement strategies that will relieve the unintended negative impacts of existing criminal law.

The City of Rolling Hills has seen increases in burglaries, mail/package theft and other property related crime that may have resulted from a combination of legislative actions and voter-approved initiatives. The City has also seen a significant jump in identity theft. The proposed annual conference resolution seeks to turn around these negative impacts from existing criminal law and considers proactive measures that could reduce such impacts.

The resolution directs League staff to consider creating a task force with other organizations and jointly commission a report on the unintended negative impacts of recent criminal law to identify necessary changes, working with key stakeholders to promote support for resulting advocacy efforts.

The resolution also promotes an amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include their total criminal and mental health history instead of only their last criminal conviction. It encourages continued advocacy to make "violent offenses" include crimes that meet the plain language definition of "violent".

General Resolutions Committee

July 12, 2017

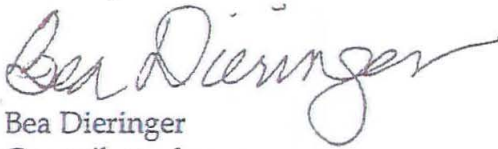
Re: 2017 Conference Resolution Strategies to Improve Negative Impacts of Criminal Law -
Notice of Support

Page 2

The resolution further asks the State to improve the Smart Justice platform to allow state and local law enforcement agencies to rapidly share information to track offenders, and encourages data collection on post-release community supervision offenders.

The passage of this resolution would provide a range of important reforms that would enhance public safety in our community. For these reasons, I strongly support this resolution to strategically address criminal justice reforms.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bea Dieringer", with a stylized, flowing script.

Bea Dieringer
Councilmember
City of Rolling Hills

RC:BD:hl

07-12-17League Resolution Support.docx



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July 11, 2017

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: 2017 Conference Resolution
Strategies to Improve Negative Impacts of Criminal Law
Notice of Support**

Dear Committee:

The City of Santa Fe Springs supports the League of California Cities Annual Conference Resolution calling on the Governor and Legislature to enter into discussion with the League and other public safety stakeholders to identify and implement strategies that will improve the unintended negative impacts of existing criminal law.

The City of Santa Fe Springs has seen increases in property crime that may have resulted from a combination of legislative actions and voter-approved initiatives. In addition, the City of Santa Fe Springs contracts with the Whittier Police Department for Law Enforcement Services. In February, Whittier Police Department Officer Keith Boyer was gunned down by a AB 109 offender in a heinous act of indiscriminate violence. We feel strongly that AB 109 and the loosening of oversight and control over recidivist offenders was at least partially responsible in Officer Boyer's death. We believe that the proposed annual conference resolution seeks to turn around these negative impacts from existing criminal law and considers proactive measures that could reduce such impacts.

The resolution directs League staff to consider creating a task force with other organizations and jointly commission a report on the unintended negative impacts of recent criminal law to identify necessary changes, working with key stakeholders to promote support for resulting advocacy efforts.

The resolution also promotes an amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include their total criminal and mental health history instead of only their last criminal conviction. It encourages continued advocacy to make "violent offenses" include crimes that meet the plain language definition of "violent".

The resolution further asks the State to improve the Smart Justice platform to allow state and local law enforcement agencies to rapidly share information to track offenders, and encourages data collection on post-release community supervision offenders.

William K. Rounds, Mayor • Jay Sarno, Mayor Pro Tem
City Council
Richard J. Moore • Juanita Trujillo • Joe Angel Zamora
City Manager
Thaddeus McCormack

July 10, 2017

Page 2

2017 Conference Resolution

The passage of this resolution would provide a range of important reforms that would enhance public safety in our community. For these reasons, the City of Santa Fe Springs strongly supports this resolution to strategically address criminal justice reforms.

Sincerely,

A handwritten signature in blue ink, appearing to read "William K. Rounds".

William K. Rounds, Mayor
City of Santa Fe Springs

William K. Rounds, Mayor • Jay Sarno, Mayor Pro Tem
City Council
Richard J. Moore • Juanita Trujillo • Joe Angel Zamora
City Manager
Thaddeus McCormack



City of South Gate

8650 CALIFORNIA AVENUE + SOUTH GATE, CA 90280-3075 + (323) 563-9543
WWW.CITYOFSOUTHGATE.ORG FAX (323) 569-2678

MARIA DAVILA, Mayor
MARIA BELEN BERNAL, Vice Mayor
DENISE DIAZ, Council Member
JORGE MORALES, Council Member
AL RIOS, Council Member

July 11, 2017

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: 2017 ANNUAL CONFERENCE RESOLUTION: STRATEGIES TO IMPROVE
NEGATIVE IMPACTS OF CRIMINAL LAW-NOTICE OF SUPPORT**

Dear Committee:

As a Council Member of the City of South Gate, and a Member of the League's Public Safety Policy Committee, I am writing to express my support of the City of Whittier's 2017 Annual Conference Resolution (Resolution.) The proposed Resolution calls on the Governor and Legislature to enter into discussion with the League and other public safety stakeholders, to identify and implement strategies that will improve the unintended negative impacts of existing criminal law.

Cities in Los Angeles County have experienced increases in property crimes that may have resulted from a combination of legislative actions and voter-approved initiatives. The proposed Resolution seeks to remedy many of the negative impacts from existing criminal law and considers proactive measures that could reduce such impacts.

The passage of this Resolution would provide a range of important League directives to address the growing public safety concerns in these communities. For these reasons, I strongly support this Resolution to strategically address criminal justice reforms.

Sincerely,

Jorge Morales
Council Member

LETTERS OF CONCURRENCE

Resolution No. 2

Local Control for Emergency Medical Response



COSUMNES FIRE DEPARTMENT

10573 E Stockton Blvd.
Elk Grove, CA 95624

(916) 405-7100
Fax (916) 685-6622
www.yourcsd.com

July 13, 2017

The Honorable JoAnne Mounce, President
League of California Cities
1400 K Street
Sacramento, California 95814

**RE: RESOLUTION THAT SUPPORTS LEGISLATION TO AMEND GOVERNMENT
CODE SECTION 38611 TO CLARIFY THE DEFINITION OF LOCAL CONTROL**

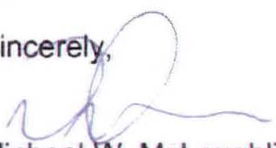
Dear President Mounce,

The Cosumnes CSD Fire Department, which encompasses the Cities of Elk Grove and Galt supports the proposed resolution that would support legislation to amend Government Code Section 38611 to clarify the definition of local control as it pertains to emergency services.

A core function of local government is the ability to determine and provide the appropriated level of emergency response resources. Allowing Local Emergency Medical Services Agencies (LEMSAs) to determine when and how local fire agencies respond to emergencies circumvents the role of Fire Chiefs and municipal and special fire district legislative bodies. It should be the role of the Fire Chief to determine the required service levels and the role of the local legislative bodies to support the Fire Chief's recommendations based on community expectations, community risk reduction strategies and available resources.

Therefore, the Cosumnes CSD Fire Department supports the proposed resolution and future legislation that would serve to ensure local government determines their emergency response service levels. If further clarification is required, please let me know.

Sincerely,


Michael W. McLaughlin
Fire Chief



Office of the City Manager

390 Towne Centre Dr. - Lathrop, CA 95330
Phone (209) 941-7220 - fax (209) 941-7248

www.ci.lathrop.ca.us

July 14, 2017

The Honorable JoAnne Mounce, President
League of California Cities
1400 K Street
Sacramento, CA 95814

Sent to Via Email to: Meg Desmond mdesmond@cacities.org <<mailto:mdesmond@cacities.org>>

**Re: RESOLUTION THAT SUPPORTS LEGISLATION TO AMEND GOVERNMENT
CODE SECTION 38611 TO CLARIFY THE DEFINITION OF LOCAL CONTROL**

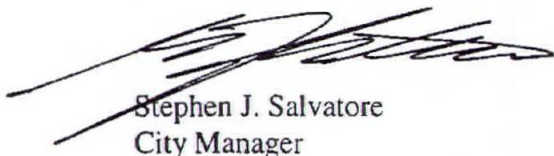
Dear President Mounce,

The City of Lathrop supports the proposed resolution that would support legislation to amend Government Code Section 38611 to clarify the definition of local control as it pertains to emergency services.

A core function of local government is the ability to determine and provide the appropriated level of emergency response resources. Allowing Local Emergency Medical Services Agencies (LEMSAs) to determine when and how local fire agencies respond to emergencies circumvents the role of Fire Chiefs and municipal and special fire district legislative bodies. It should be the role of the Fire Chief to determine the required service levels and the role of the local legislative bodies to support the Fire Chief's recommendations based on community expectations, community risk reduction strategies and available resources.

Therefore, the City of Lathrop supports the proposed resolution and future legislation that would serve to ensure local government determines their emergency response service levels. If further clarification is required, please let me know.

Thank you,



Stephen J. Salvatore
City Manager

Cc: Members of the City of Lathrop City Council
Lathrop Manteca Fire Chief, Gene Neely
Tracy City Manager, Troy Brown
Tracy Fire Chief, Randall Bradley
Central Valley Regional Public Affairs Manager LOCC, Stephen Qualls

CITY COUNCIL

DOUG KUEHNE, Mayor
ALAN NAKANISHI,
Mayor Pro Tempore
MARK CHANDLER
BOB JOHNSON
JOANNE MOUNCE

CITY OF LODI

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www.lodi.gov cityclerk@lodi.gov

STEPHEN SCHWABAUER
City Manager

JENNIFER M. FERRAILOLO
City Clerk

JANICE D. MAGDICH
City Attorney

July 19, 2017

The Honorable JoAnne Mounce, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING
LEGISLATION AMENDING GC §38611 TO CLARIFY DEFINITION OF LOCAL
CONTROL PROVIDING BROAD STATUTORY AUTHORITY FOR LOCAL
OFFICIALS TO DETERMINE EMERGENCY SERVICE LEVELS AND DIRECT
EMERGENCY MEDICAL RESPONSE WITHIN THEIR JURISDICTIONS**


The City of Lodi supports the proposed resolution to support legislation amending Government Code §38611 to clarify the definition of local control providing broad statutory authority for local officials to determine emergency service levels and direct emergency medical response within their jurisdictions.

Accordingly, we concur in the submission of the resolution for consideration by the League of California Cities General Assembly at its annual meeting on September 15, 2017.

Government Code Section 38611 does not contain language clarifying the broad scope of emergency services as provided by present day fire departments. The code requires further definition for general law and charter cities in determining service levels for the delivery of emergency services commensurate with the resources provided by the local government body. Amending Government Code Section 38611 would provide the chief of a fire department specific authority to protect public safety and public health within the jurisdictional boundaries of the fire department.

The City of Lodi is in strong support of providing statutory authority for local officials to determine emergency service levels and direct emergency medical response within their jurisdictions.

Sincerely,


Doug Kuehne
Mayor, City of Lodi

DK/JMF

cc: Larry Rooney, Fire Chief, City of Lodi
Randall Bradley, City of Tracy, randall.bradley@ci.tracy.ca.us
Stephen Qualls, League of California Cities, squalls@cacities.org



CITY OF MANTECA - FIRE DEPARTMENT

1154 S. UNION ROAD • MANTECA, CA 95337
(209) 456-8300 • FAX (209) 923-8936

July 13, 2017

League of California Cities
1400 K Street, Suite 400
Sacramento CA 95814


RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING LEGISLATION AMENDING GOVERNMENT CODE SECTION 38611 TO CLARIFY THE DEFINITION OF LOCAL CONTROL PROVIDING BROAD STATUTORY AUTHORITY FOR LOCAL OFFICIALS TO DETERMINE EMERGENCY SERVICE LEVELS AND DIRECT EMERGENCY MEDICAL RESPONSE WITHIN THEIR JURISDICTIONS

To Whom It May Concern:

This letter confirms that the City of Manteca supports the resolution on Emergency Medical Services submitted to the League of California cities by the City of Tracy. The City of Manteca believes that local control of Emergency Services is critical to ensure that the best possible service and protection of our citizens/taxpayers is provided.

We appreciate the City of Tracy's willingness to bring this crucial issue to the forefront.

Respectfully,


Greg Showerman, Acting City Manager

Date: 13 July 2017


Kyle Shipperd, Fire Chief

Date: 13 July 2017

MICHAEL TUBBS
Mayor

ELBERT HOLMAN
Vice Mayor
District 1



CITY OF STOCKTON

OFFICE OF THE CITY COUNCIL

CITY HALL • 425 N. El Dorado Street • Stockton, CA 95202
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DAN WRIGHT
District 2

SUSAN LOFTHUS
District 3

SUSAN LENZ
District 4

CHRISTINA FUGAZI
District 5

JESUS ANDRADE
District 6

July 13, 2017

The Honorable JoAnne Mounce, President
League of California Cities
1400 K Street
Sacramento, CA 95814

**SUBJECT: Resolution of the League of California Cities Supporting Legislation
Providing Broad Statutory Authority for Local Officials to Determine
Emergency Service Levels - SUPPORT**

Dear President Mounce,

On behalf of the City of Stockton, I wish to voice our support of the City of Tracy proposed resolution for consideration by League membership. Stockton supports this resolution for the following reasons:

- 1) The City of Stockton Legislative Program seeks the broadest authority for the City Council to make decisions locally, particularly related to the local exercise of police powers;
- 2) The City of Stockton Legislative Program advocates for efforts that impact the City's ability to enhance the well-being, quality of life, health, and safety of residents;
- 3) The City of Stockton has experienced challenges and frustrations in delivering the highest quality of emergency medical services to our residents due to provision of the Emergency Medical Services (EMS) Act.
- 4) Amendments to the EMS Act would clarify local control and allow governing bodies to determine which services are directly provided within their respective jurisdictions.

For these reasons, the City of Stockton concurs with and supports the City of Tracy proposed resolution for consideration by League membership.

MICHAEL TUBBS
MAYOR

MT:cc

cc: Stockton City Councilmembers
Kurt Wilson, Stockton City Manager