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**AGENDA**  
**KERMAN CITY COUNCIL**  
**REGULAR MEETING**  
**Kerman City Hall**  
**850 S. Madera Avenue**  
**Wednesday, November 18, 2015**  
**6:30 PM**

Stephen B. Hill – Mayor  
Gary Yep – Mayor Pro Tem  
Rhonda Armstrong – Council Member  
Nathan Fox – Council Member  
Bill Nijjer – Council Member

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ALL MEETING ATTENDEES ARE ADVISED THAT ALL PAGERS, CELLULAR TELEPHONES AND ANY OTHER COMMUNICATION DEVICES SHOULD BE POWERED OFF UPON ENTERING THE COUNCIL CHAMBERS, AS THESE DEVICES INTERFERE WITH OUR AUDIO EQUIPMENT.

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#### OPENING CEREMONIES

- Welcome – Mayor
- Call to Order
- Roll Call
- Invocation

*At this time the Council wishes to provide anyone an opportunity to give a brief invocation or inspirational thought. In accordance with law, we would request this opportunity not be used to recruit converts, to advance anyone, or to disparage any other faith or belief. If no one steps forward, we will observe a moment of silence so that we may all focus our thoughts on how best to serve our community.*

- Pledge of Allegiance – City Clerk

#### AGENDA APPROVAL/ADDITIONS/DELETIONS

*To accommodate members of the public or convenience in the order of presentation, items on the agenda may not be presented or acted upon in the order listed.*

#### 1. PRESENTATIONS/CEREMONIAL MATTERS

- A. Presentation of Almond Festival Scholarship (PG)

#### REQUEST TO ADDRESS COUNCIL

*This portion of the meeting is reserved for members of the public to address the Council on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the Council. Speakers shall be limited to three minutes. It is requested that no comments be made during this period on items on the Agenda. Members of the public wishing to address the Council on items on the Agenda should notify the Mayor when that Agenda item is called, and the Mayor will recognize your discussion at that time. It should be noted that the Council is prohibited by law from taking any action on matters discussed that are not on the Agenda. Speakers are asked to please use the microphone, and provide their name and address.*

## 2. CONSENT CALENDAR

*Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the audience or a Council Member may request an item be removed from the Consent Calendar and it will be considered separately.*

### A. SUBJECT: Minutes

RECOMMENDATION: Council approve minutes as presented.

ATTACHMENTS: [November 4, 2015](#)

### B. SUBJECT: Payroll

Payroll Report: 10/11/2015 - 10/24/2015: \$128,275.85; Retro Pay & Other: \$1,892.08; Overtime: \$2,049.81; Standby: \$1,089.74; Comp Time Earned: 59.50

RECOMMENDATION: Council approve payroll as presented.

ATTACHMENTS: [Payroll/Overtime](#)

### C. SUBJECT: Warrants

1. Nos. 7472-7554: \$212,526.39
2. Excepting - Sebastian: 7500 - \$2,721.17, Sebastian: 7542 - \$429.61

RECOMMENDATION: Council approve warrants and electronic bank transfers as presented. (Pursuant to Government Code 37208)

ATTACHMENTS: [Accounts Payable](#)

### D. SUBJECT: Monthly Investment Report Ending October 31, 2015 (TJ)

RECOMMENDATION: Council accept the Monthly investment Report as presented

ATTACHMENTS: [Investment Report](#)

### E. SUBJECT: Second Reading and Adoption on Amendment to the Zoning Ordinance Requiring Conditional Use Permit for Massage Business Establishments in General Commercial Zone District (OP)

RECOMMENDATION: Council by motion waive full reading and adopt Zoning Ordinance Amendment to Chapter 17.48 of Title 17 of the Kerman Municipal Code to Require a Conditional Use Permit for Massage Establishments in the General Commercial Zone District.

ATTACHMENTS: [Staff Report - Zoning Ordinance CUP](#)

- F. SUBJECT: Second Reading and Adoption of Ordinance Adding Chapter 9.27 to the Kerman Municipal Code Relating to Massage Establishments and Therapists (OP)

RECOMMENDATION: Council by motion waive full reading and adopt ordinance adding Chapter 9.27 to the Kerman Municipal Code relating to Massage Establishments and Therapists.

ATTACHMENTS: [Staff Report - Massage Establishments](#)

3. PUBLIC HEARINGS

None

4. DEPARTMENT REPORTS

- A. SUBJECT: Resolution Amending Section 3 of the Municipal Utility Guidelines During Drought Emergency (KM)

RECOMMENDATION: Council by motion adopt resolution amending Section 3 of the Municipal Utility Guidelines During Drought Emergency to restricting landscape watering to zero days December 1, 2015 to March 1, 2016 with exceptions for homes and businesses with drip systems in place.

ATTACHMENTS: [Staff Report - Amendment to Watering Schedule](#)

- B. SUBJECT: Resolution Approving Memorandum of Understanding for Implementation of the Sustainable Groundwater Management Act (KM)

RECOMMENDATION: Council by motion adopt resolution approving Memorandum of Understanding for Implementation of the Sustainable Groundwater Management Act in the Fresno Area / North Kings Sub-Basin.

ATTACHMENTS: [Staff Report - MOU Sustainable Ground Water](#)

5. CITY MANAGER/STAFF COMMUNICATIONS

6. MAYOR/COUNCIL REPORTS

7. CLOSED SESSION

- A. Pursuant to Government Code Section 54956.8 Conference with Real Property Negotiators Property: 14510 W. Kearney Boulevard; APN 023-130-34; Kerman CA City Negotiators: Jerry Jones, City Engineer Negotiating Parties: William John Tolmachoff, as Trustee of the William John Tolmachoff Living Trust, U/A dated December 23, 2014 Under Negotiation: Price and terms of payment

## COUNCIL RECONVENE FROM CLOSED SESSION & REPORT ANY ACTION TAKEN

### 8. ADJOURNMENT

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Agenda packet is available for review 72 hours prior to the meeting at the city clerk's office and on the city website. Items received at the meeting will be available for review at the city clerk's office.

In compliance with the American with Disabilities Act (ADA), if you need special assistance to participate at this meeting, please contact the City Clerk at (559) 846-9380. Notification of 48 hours prior to the meeting will enable the City Clerk to make reasonable arrangement to ensure accessibility to this meeting. Pursuant to the ADA, the meeting room is accessible to the physically handicapped.

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**MINUTES**  
**KERMAN CITY COUNCIL**  
**REGULAR MEETING**  
**Kerman City Hall**  
**850 S. Madera Avenue**  
**Wednesday, November 4, 2015**  
**6:30 PM**

Stephen B. Hill – Mayor  
 Gary Yep – Mayor Pro Tem  
 Rhonda Armstrong – Council Member  
 Nathan Fox – Council Member  
 Bill Nijjer – Council Member

<p>Present: Mayor Hill (SH) Rhonda Armstrong (RA) Gary Yep (GY), Fox (NF), Nijjer (BN)          Absent: None          Also Present: City Attorney Cantú, Chief of Police, Community Services Director,          Finance Director, City Engineer, Chief of Police</p>	<p>Voting: Yes, No,          Absent (Abstain          if needed)</p>
<p><b>OPENING CEREMONIES</b></p> <ul style="list-style-type: none"> <li>• Welcome – Mayor</li> <li>• Call to Order</li> <li>• Roll Call</li> <li>• Invocation</li> <li>• Pledge of Allegiance – City Clerk</li> </ul>	<p>6:32 p.m.          All present          Sikh Community          Performed</p>
<p><b>AGENDA APPROVAL/ADDITIONS/DELETIONS</b></p>	<p>Approved          NF/GY (5-0-0)          to move item          4.A under 1.B</p>
<p><b>1. PRESENTATIONS/CEREMONIAL MATTERS</b></p> <p>A. Introduction and Swearing-In of Level 1 Reserve Officer Rex Cornell (JKB)</p>	<p>Performed</p>
<p><b>ITEM 4. A MOVED UP ON AGENDA</b></p>	
<p><b>4. A. <u>SUBJECT</u>: Letter of Request for Resolution Recognizing the November 1984 Anti-Sikh Violence in India as "Genocide" (MR)</b></p> <p><b><u>RECOMMENDATION</u></b>: Council review request and consider adoption of resolution recognizing the November 1984 Anti-Sikh Violence in India as "Genocide".</p>	<p>Presented          Approved          BN/GY (5-0-0)          Res 15-61</p>
<p><b>REQUEST TO ADDRESS COUNCIL</b></p>	<p>None</p>
<p><b>2. CONSENT CALENDAR</b></p> <p>A. <b><u>SUBJECT</u></b>: Minutes</p> <p><b><u>RECOMMENDATION</u></b>: Council approve minutes as presented.</p> <p>B. <b><u>SUBJECT</u></b>: Payroll</p> <p><b><u>RECOMMENDATION</u></b>: Council approve payroll as presented.</p>	<p>Approved          NF/GY (5-0-0)          excepting 7343</p>

C. SUBJECT: Warrants

1. Nos. 7311-7471 2. Excepting Sebastian 7343 - \$3.111.52

RECOMMENDATION: Council approve warrants and electronic bank transfers as presented. (Pursuant to Government Code 37208)

Approved  
NF/GY (4-0-1)  
RA employee

D. SUBJECT: Resolution Accepting the Storm Drain Basin "E" Frontage Landscaping Renovation Project (JJ)

Res 15-62

RECOMMENDATION: Council by motion adopt resolution accepting the Storm Drain Basin "E" Frontage Landscaping Renovation Project and authorize the City Engineer to record the Notice of Completion.

3. PUBLIC HEARINGS

Moved Item 4.C  
after 3.A

A. SUBJECT: Public Hearing on Amendment to Zoning Ordinance Requiring Conditional Use Permit in for Massage Business Establishments in General Commercial Zone District (OP)

Open/Closed  
PH Approved  
NF/BN (5-0-0)

RECOMMENDATION: Council open public hearing, receive public comment, close public hearing and by motion waive full reading and introduce t the Zoning Ordinance Amendment to Chapter 17.48 Of Title 17 of the Kerman Municipal Code to Require a Conditional Use Permit for Massage Establishments in the General Commercial Zone District.

MOVED ITEM 4.B TO UNDER 3.A

4. C. SUBJECT: Introduction and First Reading of Ordinance Adding Chapter 9.27 to the Kerman Municipal Code Relating to Massage Establishments and Therapists (OP)

Approved  
NF/BN (5-0-0)

RECOMMENDATION: Council by motion waive full reading and introduce Ordinance Adding Chapter 9.27 to the Kerman Municipal Code Relating to Massage Establishments and Therapists.

4. DEPARTMENT REPORTS

ITEM 4.A MOVED UP ON AGENDA UNDER 1.A

B. SUBJECT: Resolution Appointing John H. Kunkel as City Manager and Approving Agreement for Employment of City Manager (SH)

Approved  
NF/RA (4-1-0)  
GY

RECOMMENDATION: Council by motion adopt resolution appointing John H. Kunkel as City Manager and approving employment agreement.

Res 15-63

ITEM 4.C MOVED UP ON AGENDA UNDER 3.A

D. SUBJECT: Adoption of Labor Compliance Program for Public Works Projects Funded with Proposition 84 Funds (JJ) Approved RA/NF (5-0-0)

RECOMMENDATION: Council by motion approve the resolution adopting a Labor Compliance Program for public works projects funded with Proposition 84 funds and authorizing its submittal to the Department of Industrial Relations. Res 15-64

E. SUBJECT: Resolution Approving Special Counsel Services Agreement for Pitchess Motions and Related Police Matters (JK) Approved NF/BN (5-0-0)

RECOMMENDATION: Council by motion approve resolution approving Special Counsel Services Agreement with Gilmore Magness Leifer for legal services related to criminal proceedings. Res 15-65

5. CITY MANAGER/STAFF COMMUNICATIONS

6. MAYOR/COUNCIL REPORTS

7. CLOSED SESSION 8:20 p.m.

A. Government Code Section 54956.8 Conference with Real Property Negotiators Property: 14510 W. Kearney Boulevard; APN 023-130-34; Kerman CA; City Negotiators: Jerry Jones, City Engineer; Negotiating Parties: William John Tolmachoff, as Trustee of the William John Tolmachoff Living Trust, U/A dated December 23, 2014; Under Negotiation: Price and terms of payment

B. Government Code Section 54956.8 Conference with Real Property Negotiators Property: 14495 W. Whitesbridge, Kerman CA; City Negotiators: Jerry Jones, City Engineer and Gary Horn, Project Engineer; Negotiating Parties: Jagrup S. Sidhu and Sukdev K. Sidhu, Co-Trustees of the JS and SK Sidhu Family 2009 Revocable Trust; Under Negotiation: Price and terms of payment

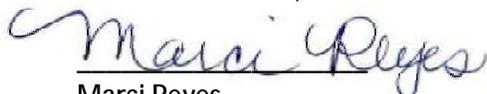
COUNCIL RECONVENE FROM CLOSED SESSION & REPORT ANY ACTION TAKEN 9:07 p.m.

8. ADJOURNMENT No reportable action. Approved NF/BN (5-0-0) 9:08 p.m.

MINUTES CERTIFICATION

I, MARCI REYES, City Clerk for the City of Kerman, do hereby declare under penalty of perjury that the above Minutes are a true depiction of all actions taken at the City Council meeting held on the first date above written at Kerman City Hall, 850 S. Madera Ave, Kerman, CA.

Date: November 5, 2015

  
Marci Reyes  
City Clerk

# CITY OF KERMAN PAYROLL REPORT

PAY PERIOD: October 11, 2015 - October 24, 2015

EMPLOYEE	SALARY	RETRO PAY & Other	OVERTIME		HOLIDAY OT at 1/2		STANDBY		GROSS SALARY	COMP TIME EARNED
			HOURS	AMOUNT	HOURS	AMOUNT	HOURS	AMOUNT		
<b>ADMINISTRATION</b>										
Alvarez, Josefina	\$ 1,792.15	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,792.15	
Camacho, Josie	\$ 112.87	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 112.87	
Camacho-Collier, Carolina	\$ 2,354.77	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,354.77	
Gonzalez, Diana	\$ 1,974.69	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,974.69	
Jones, Toni	\$ 3,042.46	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 3,042.46	
Kunkel, John	\$ 2,907.69	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,907.69	
Mendoza, Gabriela	\$ 957.23	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 957.23	
Nazaroff, Helen	\$ 1,958.31	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,958.31	
Reyes, Marcia	\$ 2,586.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,586.00	
<b>TOTAL</b>	<b>\$ 17,686.18</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>\$ 17,686.18</b>	<b>0.00</b>
<b>REC/SOCIAL</b>										
Arredondo, Barbara	\$ 1,542.05	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,542.05	
Arredondo, Raquel	\$ 267.50	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 267.50	
Ayala, Mariah	\$ 58.50	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 58.50	
Burdine-Slaven, Jeanna	\$ 1,602.92	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,602.92	
Camacho-Vargas, Odalis	\$ 63.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 63.00	
Gallegos, Philip	\$ 3,734.77	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 3,734.77	
Gallegos, Yenifer	\$ 43.94	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 43.94	
Gonzalez, Jose Felix	\$ 1,656.46	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,656.46	
Johnson, Theresa	\$ 1,683.23	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,683.23	
LeBlanc, Noah	\$ 330.75	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 330.75	
Lujan, Vanessa	\$ 500.50	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 500.50	
Salvador, Mark	\$ 1,984.62	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,984.62	
Sidhu, Nirmal	\$ 1,479.69	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,479.69	
Silva, Jessica	\$ 235.75	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 235.75	
Torres, Daniel	\$ 67.50	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 67.50	
Villa, Erika	\$ 416.25	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 416.25	
Villalobos, Stacey	\$ 335.25	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 335.25	
Villarreal, Arlene	\$ 1,410.92	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,410.92	
<b>TOTAL</b>	<b>\$ 17,413.60</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>\$ 17,413.60</b>	<b>0.00</b>
<b>POLICE</b>										
Antuna, Eric	\$ 2,343.28	\$ -	5.00	\$ 219.68	-	\$ -	-	\$ -	\$ 2,562.96	
Antuna, Miguel	\$ 1,024.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,024.00	
Barbosa, Isaias	\$ 2,392.06	\$ -	2.00	\$ 89.70	-	\$ -	-	\$ -	\$ 2,481.76	3
Barcoma, Wilbert	\$ 2,924.56	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,924.56	
Belding, Jeff	\$ 2,526.71	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,526.71	
Blohm, Joseph	\$ 4,463.31	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 4,463.31	
Chapman, Tom	\$ 2,437.62	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,437.62	
Dunn, Jacob	\$ 1,699.85	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,699.85	
Francone, Kevin	\$ 888.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 888.00	
Godfrey, Kyle	\$ 1,182.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,182.00	7.5
Ledezma, Linda	\$ 1,272.11	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,272.11	
Lehman, Dustin	\$ 1,874.31	\$ -	2.00	\$ 70.29	-	\$ -	-	\$ -	\$ 1,944.59	
Madrugá, Ron	\$ 2,437.62	\$ -	9.00	\$ 411.35	-	\$ -	-	\$ -	\$ 2,848.97	
Magallon, Peter	\$ 2,437.62	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,437.62	
Medina-Labetiaux, EJ	\$ 1,874.31	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,874.31	
Mendoza, Sandra	\$ 2,403.45	\$ -	0.50	\$ 22.53	-	\$ -	-	\$ -	\$ 2,425.98	
Nelson, Christopher J	\$ 3,145.64	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 3,145.64	
Ness, Lee	\$ 2,117.97	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,117.97	
Nevis, James	\$ 2,323.72	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,323.72	

# CITY OF KERMAN PAYROLL REPORT

**PAY PERIOD: October 11, 2015 - October 24, 2015**

EMPLOYEE	SALARY	RETRO PAY & Other	OVERTIME		HOLIDAY OT at 1/2		STANDBY		GROSS SALARY	COMP TIME EARNED
			HOURS	AMOUNT	HOURS	AMOUNT	HOURS	AMOUNT		
Ramirez, Donald	\$ 1,508.77	\$ -	1.00	\$ 28.29	-	\$ -	-	\$ -	\$ 1,537.06	
Raigoza, Ray	\$ 864.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 864.00	
Rodrigues, Mary	\$ 1,776.92	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,776.92	
Rodriguez, Erika	\$ 2,105.76	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,105.76	1.5
Seroka, Dylan	\$ 1,784.77	\$ -	-	\$ -	-	\$ -	4.00	\$ 22.31	\$ 1,807.08	15
Tiwana, Manpreet	\$ 2,125.44	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,125.44	
Valdovinos, Jose	\$ 954.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 954.00	
<b>TOTAL:</b>	<b>\$ 55,958.54</b>	<b>\$ -</b>	<b>27.50</b>	<b>\$ 1,302.45</b>	<b>-</b>	<b>\$ -</b>	<b>4.00</b>	<b>\$ 22.31</b>	<b>\$ 57,283.30</b>	<b>27.00</b>
<b><u>PUBLIC WORKS</u></b>										
Arechiga, Pastor	\$ 1,759.85	\$ -	3.00	\$ 98.99	-	\$ -	1.50	\$ 33.00	\$ 1,891.83	
Barajas, Michael	\$ 1,936.78	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,936.78	
Castro, Joseph	\$ 1,804.15	\$ 1,001.98	17.50	\$ 648.37	-	\$ -	21.00	\$ 473.59	\$ 3,928.09	16.50
Chavez, Fernando M.	\$ 2,392.15	\$ -	-	\$ -	-	\$ -	1.50	\$ 44.85	\$ 2,437.01	
Gastelum, Humberto	\$ 1,942.93	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,942.93	
Gonzales, Ruben	\$ 2,031.25	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,031.25	
Gruce, Robert	\$ 2,502.92	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,502.92	
Isaak, Denise	\$ 1,481.54	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,481.54	
Madruga, Lydia	\$ 1,984.57	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,984.57	4.50
Moore, Ken	\$ 3,853.85	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 3,853.85	
Prieto, Ruben	\$ 1,780.20	\$ 890.10	-	\$ -	-	\$ -	-	\$ -	\$ 2,670.30	
Ramirez, Manuel	\$ 1,849.26	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,849.26	
Sanchez, Daniel	\$ 1,538.77	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,538.77	
Tinoco, Alfonso	\$ 1,131.23	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,131.23	
Vallejo, Edward	\$ 2,211.41	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,211.41	
Zapata, Domingo	\$ 1,228.56	\$ -	-	\$ -	-	\$ -	21.00	\$ 515.99	\$ 1,744.55	8.50
<b>TOTAL</b>	<b>\$ 31,429.41</b>	<b>\$ 1,892.08</b>	<b>20.50</b>	<b>\$ 747.36</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 45.00</b>	<b>\$ 1,067.43</b>	<b>\$ 35,136.29</b>	<b>29.50</b>
<b><u>PLANNING</u></b>										
Kufis, Chris	\$ 2,417.12	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,417.12	
Pimentel, Olivia	\$ 2,220.99	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,220.99	3.00
Garza, Amy	\$ 500.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 500.00	
<b>TOTAL</b>	<b>\$ 5,138.12</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>\$ 5,138.12</b>	<b>3.00</b>
<b><u>PLANNING</u></b>										
Epperson, R	\$ -	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ -	
Bandy, R	\$ -	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ -	
Nehring, K	\$ -	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ -	
Kehler, E	\$ -	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ -	
Wettlaufer, K	\$ -	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ -	
Jones, C	\$ -	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ -	
Nunez, M	\$ -	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ -	
<b>Total</b>	<b>\$ -</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>\$ 650.00</b>	<b>-</b>
<b>GRAND TOTAL:</b>	<b>\$ 128,275.85</b>	<b>\$ 1,892.08</b>	<b>48.00</b>	<b>\$ 2,049.81</b>	<b>-</b>	<b>\$ 0.00</b>	<b>49.00</b>	<b>\$ 1,089.74</b>	<b>\$ 133,307.48</b>	<b>59.50</b>

**CITY OF KERMAN  
OVERTIME SUPPLEMENTAL PAYROLL REPORT**

**PAY PERIOD 10/11/15-10/24/15**

**POLICE DEPARTMENT**

Overtime Categories - Number of Hours							
Regular Overtime	Holiday OT at 1/2 Time	Shift Coverage	SID	Training	Avoid the 21 Grant	Special Events	Total
25.5				2			27.5
(see notes below for overtime description)							
<b>DOUBLE TIME: (Sunday)</b>							0
						Sub Total	27.5

**PUBLIC WORKS DEPARTMENT**

Overtime Categories - Number of Hours							
Water Service	Sewer Emergencies	Animal Control	Special Events	Other or Call Back	On Call Duties	Total	
3.5	5	3	0		4	15.5	
(see notes below for overtime description)							
<b>DOUBLE TIME: (Sunday)</b>							5
0		1	0	0	4	5	
						Sub Total	20.50

**COMMUNITY SERVICES DEPARTMENT**

Overtime Categories - Number of Hours			Total
Regular Overtime	After Hour Event		
			0
			Sub Total
			0

**FINANCE / PLANNING DEPARTMENTS**

Overtime Categories - Number of Hours					Total
Regular Overtime	Utility Billing	Payroll	Dog Clinic	Year End Audit	
					0
					Sub Total
					0
					Total Hours (All Departments)
					<u>48.0</u>

**POLICE DEPARTMENT:**

**Regular Overtime** – 2 hrs late arrests, 5 hrs explorers, 4 hrs staff meeting, 4 hrs late call with pursuit, 3 hrs call ut for fatal T/A, 2 hrs report writing, 4 hrs case inv., .5 hrs briefing on case, 1 hr work up felony case

**Holiday Overtime** – hrs - Officers working on a holiday get paid OT 1/2 time.

**Shift Coverage** – hrs shift coverage due to officers being out on vacation, or called in sick, hrs DT due to call out on Sunday

**Special Investigation Division (SID)** – Special police action is required such as a search warrant, surveillance, and other crime patterns, etc

**Training** – 2 hrs trauma bag training

**Grant** – hrs AVOID Grant

**Special Events** - hrs July 3rd Fireworks show

**PUBLIC WORKS DEPARTMENT:**

**Water Service** - Includes 3.5 hrs OT for shut-off and turn-on of service, all water related emergencies

**Sewer Emergencies** 5 hrs OT SCADA problems/Sewer emergencies. (SCADA controls pumps, wells and sewer, lift stations, all sewer and storm drain related issues)

**Animal Control** 3 hrs OT & 1 hr DT Vicious or dead animals. (not normally used for stray animals)

**Special Events** -

**Other** 0 hr OT & 0 hr DT -

**Call Back** - hrs OT

**On-Call Duties** 4 hrs OT and 4 hrs DT for reading and recording flow meters on wells and sewer plant; feed and clean kennels, verify WWTP running effectively, etc. OT is for two weekends and/or any holidays

**COMMUNITY SERVICES DEPARTMENT**

**Regular Overtime** – On occasion, but very rare due to the amount of part-time employees

**After Hour Event** – Occurs only if a full-time employee would have to stay for clean-up or as a facility attendant

**FINANCE / PLANNING DEPARTMENTS**

**Regular Overtime** - Only as needed

**Utility Billing** - Completed on the 1st of each month.

**Payroll** - Completed bi-weekly.

**Dog Clinic** - Once a year clinic held after business hours

**Year-End Audit** - Completed over a period of time at the end of each fiscal year.

# Accounts Payable

## Checks by Date - Detail by Check Date

User: jalvarez  
 Printed: 11/13/2015 2:03 PM



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
7472	10015	ADVANCE FORMS MANAGEMENT	11/04/2015	
	67420	FIN-#10 ENVELOPES UB INVOICES		513.21
	67420	FIN-#10 ENVELOPES UB INVOICES		500.38
	67420	FIN-#10 ENVELOPES UB INVOICES		256.61
	67420	FIN-#10 ENVELOPES UB INVOICES		12.83
Total for Check Number 7472:				1,283.03
7473	10029 1224464-01	ALLIED ELECTRIC SWR-PARTS FOR BIO-LAC	11/04/2015	9.34
Total for Check Number 7473:				9.34
7474	10040 287249141774	AT&T MOBILITY PD-OCT MDT WIRELESS SERVICE	11/04/2015	275.90
Total for Check Number 7474:				275.90
7475	10928 FY 2015-16	CALIFORNIA CITY MANAGEMENT FO ADM-CCMF MEMBERSHIP 2015-16	11/04/2015	400.00
Total for Check Number 7475:				400.00
7476	10452 K101415 K101415	CITY OF FRESNO WMD WTR-LAB ANALYSIS WATER SWR-LAB ANALYSIS	11/04/2015	30.00 66.00
Total for Check Number 7476:				96.00
7477	10105 15-2031	COMMUNITY MEDICAL CENTER PD-1 BLOOD DRAW 15-2031	11/04/2015	175.00
Total for Check Number 7477:				175.00
7478	10118 42503165	DAPPER TIRE VE REP-4 TIRES FOR #1451	11/04/2015	620.98
Total for Check Number 7478:				620.98
7479	10137 5F11S1011A10011 5F11S1013A10011 GT2421	DMV REGISTRATION VE EQUIP-ARROW BOARD LIC FEE #SE608 VE EQUIP-ARROW BOARD LIC FEE #SE608 VE EQUIP-PORT GEN WWTP LIC FEE #SE44	11/04/2015	25.00 25.00 25.00
Total for Check Number 7479:				75.00
7480	10151 578385	EWING IRRIGATION PRODUCTS LLD-VALVE SUPPLIES	11/04/2015	92.67
Total for Check Number 7480:				92.67
7481	10154	FASTENAL COMPANY	11/04/2015	

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	CAFR254054	STRTC-SUPPLIES 2 LINE ITEMS <\$50		63.29
	CAFR254054	LLD-9V LI BATTERIES		55.36
	CAFR254054	PARKS-SUPPLIES 2 LINE ITEMS <\$50		11.46
	CAFR254054	LLD-SUPPLIES 1 LINE ITEM <\$50		1.10
	CAFR254054	WTR-SUPPLIES 3 LINE ITEMS <\$50		30.41
	CAFR254054	SWR-SUPPLIES 1 LINE ITEM <\$50		9.12
	CAFR254054	VE MAINT-SUPPLIES 1 LINE ITEM <\$50		6.50
	CAFR254077	SWR-SUPPLIES 1 LINE ITEM <\$50		32.08
			Total for Check Number 7481:	209.32
7482	10491 2086	FORENSIC NURSE SPECIALISTS, INC. PD-CHARGE FOR NURSE CALL OUT NO E	11/04/2015	150.00
			Total for Check Number 7482:	150.00
7483	10167 103	FRESNO MADERA COUNTIES PD-FMCPA ANNUAL MEMBERSHIP CHIE	11/04/2015	100.00
			Total for Check Number 7483:	100.00
7484	10800 45957/61737713	FRESNO OXYGEN #5 VE EQUIP-WELDSKILL LINER	11/04/2015	17.10
			Total for Check Number 7484:	17.10
7485	10169 24471	FRESNO PET CEMETERY AAC-17 ANIMAL CARCASSES DISPOSED O	11/04/2015	186.70
			Total for Check Number 7485:	186.70
7486	10194 E092976 E695043 E695043 E695043 E695043	HD SUPPLY WATERWORKS, LTD WTR-1-1/2 ANG MTR CURB STOP Clow 950 Wet Barrel Hydrant Gasket Breakaway Bolt Kit Tax	11/04/2015	204.32 1,639.15 1.32 8.34 135.61
			Total for Check Number 7486:	1,988.74
7487	10514 12202 12203 12203	ICAD INC. SWR-WORKING ON PLC DOWNLOAD/BIOI SWR-VARIOUS REPAIRS/TROUBLESHOOT WTR-VARIOUS REPAIRS/TROUBLESHOOT	11/04/2015	401.25 435.00 435.00
			Total for Check Number 7487:	1,271.25
7488	10205 IN-000567431 IN-000568234	INDEPENDENT STATIONERS CS-NOTE PADS/DOORSTOP REC-FLYERS PAPER/REINFORCEMENTS	11/04/2015	21.02 111.11
			Total for Check Number 7488:	132.13
7489	10228 44680	J'S COMMUNICATIONS, INC PD-REPAIR TO RADIO REPLACED BAD VO	11/04/2015	60.08
			Total for Check Number 7489:	60.08
7490	10929 5487	JACOBSEN TRAILER INC VE EQUIP-TAIL GATE SPRINGS BLUE TRAI	11/04/2015	699.48
			Total for Check Number 7490:	699.48

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
7491	10655	JIM BRISCO ENTERPRISES Hauling of Biosolid Sludge- Approx 500 Tons Mobilization Fee Lab Test for Sludge	11/04/2015	7,379.50 800.00 1,200.00
Total for Check Number 7491:				9,379.50
7492	10271 0000039304	MUNISERVICES, LLC ADM-SUTA SERV TAX QTR 6/30/2015	11/04/2015	452.24
Total for Check Number 7492:				452.24
7493	10273 24036	NAFFA INTERNATIONAL INC BPO-PLAN CHECK FEES	11/04/2015	2,748.34
Total for Check Number 7493:				2,748.34
7494	10487 10312015	LORA NEHRING REC-INSTRUCTOR FEE-OCTOBER 2015	11/04/2015	434.00
Total for Check Number 7494:				434.00
7495	10930 00037490	HEATHER NICHOLS AAC-CAT TRAP DEPOSIT REIMBURSEMEN	11/04/2015	40.00
Total for Check Number 7495:				40.00
7496	10457 102396 102396 102396 102396 102396 102500 102500	OFFICEMAX INC. WTR-OFFICE SUPPLIES SWR-OFFICE SUPPLIES STRTC-OFFICE SUPPLIES WTR CONSERV-OFFICE SUPPLIES PARKS-OFFICE SUPPLIES SWR-OFFICE SUPPLIES WTR-OFFICE SUPPLIES	11/04/2015	38.75 38.74 6.65 35.94 18.90 15.58 15.58
Total for Check Number 7496:				170.14
7497	10285 8308455	ONTRAC BPO-PLAN CHECK OVERNIGHT DELIVERY	11/04/2015	97.74
Total for Check Number 7497:				97.74
7498	10289 574130969-0	P.G.& E. MONTHLY SERVICE 09/25/15-10/12/15	11/04/2015	527.59
Total for Check Number 7498:				527.59
7499	10316 97822	R. G. EQUIPMENT VE EQUIP-ELEC STARTER FOR 72" TORO M	11/04/2015	268.40
Total for Check Number 7499:				268.40
7500	10332 10347098 10347098 10347098 10347098 10347098 10347098 10347098 10347098	SEBASTIAN VAR-MONTHLY PHONE SERVICE 10/21/15-1 VAR-MONTHLY PHONE SERVICE 10/21/15-1	11/04/2015	568.88 17.37 26.06 217.13 2.17 7.82 199.76 303.98

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	10347098	VAR-MONTHLY PHONE SERVICE 10/21/15-1		65.14
	10347098	VAR-MONTHLY PHONE SERVICE 10/21/15-1		82.51
	10347098	VAR-MONTHLY PHONE SERVICE 10/21/15-1		217.13
	10347098	VAR-MONTHLY PHONE SERVICE 10/21/15-1		325.69
	10347098	VAR-MONTHLY PHONE SERVICE 10/21/15-1		49.94
	10347098	VAR-MONTHLY PHONE SERVICE 10/21/15-1		217.13
	10347098	VAR-MONTHLY PHONE SERVICE 10/21/15-1		73.82
	10347098	VAR-MONTHLY PHONE SERVICE 10/21/15-1		138.96
	10347098	VAR-MONTHLY PHONE SERVICE 10/21/15-1		104.00
	10350903	VAR-MONTHLY BURGLAR ALARM SERV 3		51.84
	10350904	VAR-MONTHLY BURGLAR ALARM SERV 3		51.84
Total for Check Number 7500:				2,721.17
7501	10931 0125	SIERRA WELDING & FAB CS-KATEY'S KIDS PARK HANDRAILS	11/04/2015	1,400.00
Total for Check Number 7501:				1,400.00
7502	10441 6915194-01	TURF STAR INC. EQUIP-BELTS FOR TORO MOWER	11/04/2015	81.72
Total for Check Number 7502:				81.72
7503	10377 102815-PERMIT 2	U.S. POST OFFICE FIN-POSTAGE FOR BUS LIC RENEWALS	11/04/2015	293.91
Total for Check Number 7503:				293.91
7504	10386	US BANK CORPORATE PAYMENT	11/04/2015	
	10222015	VAR-CREDIT CARD CHARGES		375.03
	10222015	VAR-CREDIT CARD CHARGES		25.50
	10222015	VAR-CREDIT CARD CHARGES		453.00
	10222015	VAR-CREDIT CARD CHARGES		33.66
	10222015	VAR-CREDIT CARD CHARGES		29.21
	10222015	VAR-CREDIT CARD CHARGES		224.17
	10222015	VAR-CREDIT CARD CHARGES		177.19
	10222015	VAR-CREDIT CARD CHARGES		50.00
	10222015	VAR-CREDIT CARD CHARGES		64.87
	10222015	VAR-CREDIT CARD CHARGES		1,611.80
	10222015	VAR-CREDIT CARD CHARGES		280.00
	10222015	VAR-CREDIT CARD CHARGES		50.00
	10222015	VAR-CREDIT CARD CHARGES		30.86
	10222015	VAR-CREDIT CARD CHARGES		12.25
	10222015	VAR-CREDIT CARD CHARGES		60.00
	10222015	VAR-CREDIT CARD CHARGES		12.25
	10222015	VAR-CREDIT CARD CHARGES		18.27
	10222015	VAR-CREDIT CARD CHARGES		504.97
	10222015	VAR-CREDIT CARD CHARGES		52.06
	10222015	VAR-CREDIT CARD CHARGES		12.25
	10222015	VAR-CREDIT CARD CHARGES		92.25
Total for Check Number 7504:				4,169.59
7505	10394 618187	VALLEY IRON, INC SWR-SUPPLIES	11/04/2015	194.98
Total for Check Number 7505:				194.98
7506	10399 212674	VETERINARY MEDICAL CENTER AAC-5 EUTHANASIA OF ANIMAL	11/04/2015	94.40

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 7506:	94.40
7507	10406 49266 49266	WEST HILLS OIL, INC V/E-FUEL OCT 01-15 1170.515 GALLONS V/E-B ARREDONDO TRNSPRT 129.877 GAL	11/04/2015	3,454.28 381.49
			Total for Check Number 7507:	3,835.77
7508	10412 081767238 081767238 082032847 082032847 082032847	XEROX CORPORATION WTR-COPIER LEASE AGREEMENT SEP 15 SWR-COPIER LEASE AGREEMENT SEP 15 ADM-COPIER LEASE ADM-22830 PRINT CHARGES @.006400 ADM-TAX	11/04/2015	159.36 159.36 267.99 146.11 34.06
			Total for Check Number 7508:	766.88
			Total for 11/4/2015:	35,519.09
7509	10021 0448595-IN	ALERT O LITE STRTC-DIAMOND CARBITE BLADE	11/10/2015	324.68
			Total for Check Number 7509:	324.68
7510	10617 356521	C.A. REDING CO., INC. BPO-LANIER/MP C3503 COPIER	11/10/2015	151.09
			Total for Check Number 7510:	151.09
7511	10640 20182843 20182843 20182843	CENTRAL VALLEY PRESORT, INC. VAR-UTILITY PERF PAPER UB INVOICES VAR-UTILITY PERF PAPER UB INVOICES VAR-UTILITY PERF PAPER UB INVOICES	11/10/2015	263.64 224.09 171.36
			Total for Check Number 7511:	659.09
7512	10775 46865	CERUTTI & SONS TRUCKING INC SD-FILL SAND	11/10/2015	205.63
			Total for Check Number 7512:	205.63
7513	10452 K102115 K102115	CITY OF FRESNO WMD WTR-LAB ANALYSIS WATER SWR-LAB ANALYSIS SEWER	11/10/2015	30.00 76.00
			Total for Check Number 7513:	106.00
7514	10098 80230	CLEANSTREET STRT-MONTHLY SWEEP FEE OCT 2015	11/10/2015	6,672.90
			Total for Check Number 7514:	6,672.90
7515	10932 10312015	COLLINS & SCHOETTLER BPO-CONTRACT PLANNING SERVICES OC	11/10/2015	1,800.00
			Total for Check Number 7515:	1,800.00
7516	10106 2682726	CONSOLIDATED EDISON SOLUTIONS SWR-SOLAR POWER 09/1/15-10/1/15	11/10/2015	8,903.83

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 7516:	8,903.83
7517	10109	COUNTY OF FRESNO	11/10/2015	
	025-200-18	FIN-PROPERTY TAXES 15-16 GIACOLINI PF		2,791.78
	025-200-20	FIN-PROPERTY TAXES 15-16 GOLDENROD		145.90
	025-200-20	FIN-PROPERTY TAXES 15-16 GOLDENROD		145.90
	025-200-20	FIN-PROPERTY TAXES 15-16 GOLDENROD		145.90
			Total for Check Number 7517:	3,229.48
7518	10717	DAVID CASTILLO, VORTAL ME	11/10/2015	
	1036	MONTHLY WEB HOSTING & MTG-NOV 15		50.00
			Total for Check Number 7518:	50.00
7519	10124	DELRAY TIRE & RETREADING	11/10/2015	
	480910	PD REP-4 STOCK TIRES FOR PD VEHICLES		406.61
			Total for Check Number 7519:	406.61
7520	10654	DIVINE DESSERTS	11/10/2015	
	390118	CC-NOV COUNCIL MEETINGS		30.00
			Total for Check Number 7520:	30.00
7521	10619	EDD	11/10/2015	
	L2071558592	VAR-3RD QTR EMPLOYMENT TAX		2,227.00
			Total for Check Number 7521:	2,227.00
7522	10144	ELBERT DISTRIBUTING, INC	11/10/2015	
	5907343	VE PD REP-STOCK MOTOR OIL ADD, TRAN		89.21
	5907343	VE REP-STOCK MOTOR OIL ADD, TRANS F		89.20
			Total for Check Number 7522:	178.41
7523	10175	G & K SERVICES, INC	11/10/2015	
	10252015	MISC-VAR UNIFORMS, MATS, SUPPLIES		3.00
	10252015	MISC-VAR UNIFORMS, MATS, SUPPLIES		25.29
	10252015	MISC-VAR UNIFORMS, MATS, SUPPLIES		-29.80
	10252015	MISC-VAR UNIFORMS, MATS, SUPPLIES		862.07
	10252015	MISC-VAR UNIFORMS, MATS, SUPPLIES		40.54
	10252015	MISC-VAR UNIFORMS, MATS, SUPPLIES		35.75
	10252015	MISC-VAR UNIFORMS, MATS, SUPPLIES		1.41
	10252015	MISC-VAR UNIFORMS, MATS, SUPPLIES		7.62
	10252015	MISC-VAR UNIFORMS, MATS, SUPPLIES		11.89
	10252015	MISC-VAR UNIFORMS, MATS, SUPPLIES		16.04
	10252015	MISC-VAR UNIFORMS, MATS, SUPPLIES		-0.42
	10252015	MISC-VAR UNIFORMS, MATS, SUPPLIES		-1.98
	10252015	MISC-VAR UNIFORMS, MATS, SUPPLIES		776.36
			Total for Check Number 7523:	1,747.77
7524	10185	GRAINGER	11/10/2015	
	9880925335	SWR-HAMMER DRILL BITS		23.23
	9880925335	WTR-HAMMER DRILL BITS		23.22
			Total for Check Number 7524:	46.45
7525	10191	H & J CHEVROLET INC	11/10/2015	
	CTCSS7587	CONTRACT SRV-REPLACE IGNITION HOU		400.63

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	CVW21608	VE REP-TRANSMISSION FILTER #1424		43.10
	CVW21739-2	VE REP-RR SHAFT, GASKET #1395		432.24
	CVW21831	VE REP-WHEEL STUDS, LUG NUTS #1395		14.02
			Total for Check Number 7525:	889.99
7526	10710 9642193	HACH COMPANY SWR-MANGANOUS SULFATE 50PK	11/10/2015	62.98
			Total for Check Number 7526:	62.98
7527	10199 1088000500990	HOME DEPOT CREDIT SERVICES CS-CORDLESS SCREWDRIVER AND BIT SE	11/10/2015	30.21
			Total for Check Number 7527:	30.21
7528	10929 5494	JACOBSEN TRAILER INC VE EQUIP-LIFT ASSIST FOR WHITE TRAILI	11/10/2015	422.08
			Total for Check Number 7528:	422.08
7529	10233 11022015	KERMAN CHAMBER OF COMMERCE CC-CHAMBER DONATION - BIG FRESNO F.	11/10/2015	600.00
			Total for Check Number 7529:	600.00
7530	10239 40473 40536	KERWEST NEWSPAPERS CC-PH CUP MASSAGE ZONE DISTRICT CC-ORD SUMMARIES CUP/PD PROCESS	11/10/2015	126.00 144.00
			Total for Check Number 7530:	270.00
7531	10913 11162015	DUSTIN LEHMAN PD-3 COMMUTER LUNCHES INTERVIEW &	11/10/2015	24.00
			Total for Check Number 7531:	24.00
7532	10252 1184452 1184468	LITHIA FORD OF FRESNO PD REP-RADIATOR FAN RELAY #1455 PD REP-RADIATOR FAN RELAY STOCK	11/10/2015	211.57 211.57
			Total for Check Number 7532:	423.14
7533	10910 11162015	EJ MEDINA-LaBERTEAUX PD-3 COMMUTER LUNCHES INTERVIEW &	11/10/2015	24.00
			Total for Check Number 7533:	24.00
7534	10261 10312015 10312015 10312015	MID VALLEY DISPOSAL, INC SWA-OCTOBER SW CHARGES SWA-CITY PORTION FOR OCTOBER 2015 SWA-ROLL OFF/FRANCHISE FEES	11/10/2015	89,541.29 -17,908.26 -749.40
			Total for Check Number 7534:	70,883.63
7535	10933 104	DAN MINKLER WTR-HIGH EFF TOILET REBATE X2	11/10/2015	200.00
			Total for Check Number 7535:	200.00
7536	10273 24208	NAFFA INTERNATIONAL INC BPO-PLAN CHECK FEES	11/10/2015	360.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 7536:	360.00
7537	10456 1406470	NEPTUNE CHEMICAL PUMP CO SWR-CHECK VALVE KIT, PARTS	11/10/2015	252.64
			Total for Check Number 7537:	252.64
7538	10286	O'REILLY AUTOMOTIVE, INC	11/10/2015	
	3921-237502	Tire Balancer - Part # C73		5,654.76
	3921-238037	VE EQUIP-STARTER FOR TORO MOWER #1		141.76
	3921-239133	VE REP-MASS AIR FLOW SENSOR #1394		101.37
	3921-239192	VE REP-CORE CREDIT ON MAF SENSOR \$1		-37.88
	3921-239879	VE PD REP-PWR STG PUMP #1421		63.34
	3921-239985	VE REP-TPMS SENSOR #1476		58.43
	3921-239986	VE REP-STOCK WHEEL SENSORS		108.20
	3921-241242	VE REP-BATTERY #1393		101.62
			Total for Check Number 7538:	6,191.60
7539	10282	OFFICE DEPOT	11/10/2015	
	770852638001	WTR-CREDIT ON ACCOUNT		-10.00
	770852638001	SWR-CREDIT ON ACCOUNT		-10.00
	797536030001	WTR-OFFICE SUPPLIES		16.79
	797536030001	SWR-OFFICE SUPPLIES		16.78
			Total for Check Number 7539:	13.57
7540	10289	P.G.& E.	11/10/2015	
	3920400666-0	STRT-MONTHLY SERVICE 9/30/15-10/28/15		3,923.88
	4055166878-9	LLD-MONTHLY SERVICE 9/29/15-10/27/15		1,440.09
	4055166878-9	LLD-INSTALLMENT LOAN LED		1,207.83
	4939626163-5	V/E-MONTHLY SERVICE 09/29/15-10/27/15		679.76
	5467738309-0	VAR-200 HP WATER WELL #9		3,655.78
	5467738309-0	VAR-WATER WELL #12		87.32
	5467738309-0	VAR-201 S VINELAND #14		4,547.50
	5467738309-0	VAR-150 HP CITY WELL #10		353.02
	5467738309-0	VAR-WELL #15 PUMP STATION		5,693.23
	5467738309-0	VAR-920 S GOLDENROD #17		7,398.32
	5467738309-0	VAR-WASTE WATER LIFT PUMP		155.15
	5467738309-0	VAR-WWTP		20.37
	5467738309-0	VAR-STORM WATER LIFT PUMP		63.27
	6825025396-7	ADM-MONTHLY UTILITIES 6825025396-7		1,262.87
			Total for Check Number 7540:	30,488.39
7541	10305	PITNEY BOWES PURCHASE POWER	11/10/2015	
	8000-9090-0159-	VAR-POSTAGE FOR METER		40.90
	8000-9090-0159-	VAR-POSTAGE FOR METER		68.06
	8000-9090-0159-	VAR-POSTAGE FOR METER		45.58
	8000-9090-0159-	VAR-POSTAGE FOR METER		25.71
	8000-9090-0159-	VAR-POSTAGE FOR METER		7.45
	8000-9090-0159-	VAR-POSTAGE FOR METER		22.24
	8000-9090-0159-	VAR-POSTAGE FOR METER		1.42
	8000-9090-0159-	VAR-POSTAGE FOR METER		455.68
	8000-9090-0159-	VAR-POSTAGE FOR METER		6.74
	8000-9090-0159-	VAR-POSTAGE FOR METER		7.28
	8000-9090-0159-	VAR-POSTAGE FOR METER		0.97
	8000-9090-0159-	VAR-POSTAGE FOR METER		4.37
	8000-9090-0159-	VAR-POSTAGE FOR METER		0.49
	8000-9090-0159-	VAR-POSTAGE FOR METER		4.59

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	8000-9090-0159-	VAR-POSTAGE FOR METER		187.49
	8000-9090-0159-	VAR-POSTAGE FOR METER		117.03
Total for Check Number 7541:				996.00
7542	10332 10350534	SEBASTIAN PD-T-1 LINE	11/10/2015	429.61
Total for Check Number 7542:				429.61
7543	10912 11162015	DYLAN SEROKA PD-3 COMMUTER LUNCHES INTERVIEW &	11/10/2015	24.00
Total for Check Number 7543:				24.00
7544	10335 24686	SILVA FORD MADERA VE PD REP-STEERING MODULE #1421	11/10/2015	269.81
Total for Check Number 7544:				269.81
7545	10337 B264509 B264851 B264924 B265132 B265581 B266016 B266065 B266246 C16137 C163231 C163750 C164034 C164552 C164752 D103298 D103298	SLUMBERGER LUMBER LLD-NAILS FOR TREE STAKES STRTC-BROOM, PICK STRTC-HEDGE SHEAR SWR-ROTO HAMMER RENTAL-WWTP CS-MASON LINE, STAKES CS-CONDUIT, PIPE, CEMENT, CAPS CS-PLYWOOD WTR-CONCRETE GLOVES SWR-CONCRETE, COUPLING, CLAMP, BUC VE EQUIP-GALV PIPE FOR TRAILER GATE WTR-STUD, READY MIX CONCRETE STRTC-PAINT ROLLER FRAME, COVER, TR WTR-COUPLING, GALV PARTS SWR-PVC PARTS, CONDUIT, CONCRETE WTR-TOOLS SUPPLIES FOR NEW EE SWR-TOOLS, SUPPLIES FOR NEW EE	11/10/2015	5.82 67.07 12.97 66.01 17.03 70.69 129.27 42.15 23.21 43.26 84.32 15.09 9.56 60.01 97.60 97.59
Total for Check Number 7545:				841.65
7546	10338 253820 272100 272100 290653 291785 294768	SMITH AUTO VE EQUIP-WELDER GUN TIPS WTR-TOOL SET SWR-TOOL SET VE EQUIP-DISTILLED WATER FOR BATTEF SWR-TOOLS VE REP-WHEEL STUD, WHEEL NUTS	11/10/2015	14.69 72.51 72.50 6.26 2.15 6.22
Total for Check Number 7546:				174.33
7547	10377 11052015 11052015 11052015 11052015	U.S. POST OFFICE VAR-ADVANCE PMNT/UB PERMIT 2 VAR-ADVANCE PMNT/UB PERMIT 2 VAR-ADVANCE PMNT/UB PERMIT 2 VAR-ADVANCE PMNT/UB PERMIT 2	11/10/2015	2,200.00 1,500.00 600.00 -300.00
Total for Check Number 7547:				4,000.00
7548	10644 291134328	US BANK EQUIPMENT FINANCE BPO-LANIER/MP C3503 COPIER LEASE	11/10/2015	149.35

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 7548:	149.35
7549	10406 49397	WEST HILLS OIL, INC V/E-FUEL OCT 16-31 GALS 1317.962	11/10/2015	3,793.68
			Total for Check Number 7549:	3,793.68
7550	10412 082032848 082032848	XEROX CORPORATION WTR-COPIER LEASE AGREEMENT OCT 15 SWR-COPIER LEASE AGREEMENT OCT 15	11/10/2015	83.31 83.31
			Total for Check Number 7550:	166.62
7551	10413 34243 34244 34245 34246 34247 34248 34249 34250 34251 34252 34253 34254 34255 34256 34257 34258 34259 34260 34261 34262 34263 34264	YAMABE & HORN ENGINEERING VAR-GOLDENROD RR CROSSING VAR-WHITESBRIDGE & VINELAND TRAFF VAR-GENERAL ENGINEERING VAR-WALMART ON-SITE PLAN REVIEW VAR-WELL NO 18 PRODUCTION WELL VAR-MID VALLEY DISPOSAL EXP REVIEW VAR-STANISLAUS & 16TH/FRONTAGE LNI VAR-DOUBLE L MHP WATER SERV WELL 1 VAR-SECONDARY WATER FID AGREEMEN VAR-VINELAND AVE WIDENING VAR-UPRR PEDESTRIAN & BICYCLE TRAI VAR-PROP 84 WATER METER PROJECT VAR-CA & MAY RECONST-FEDERAL VAR-CDBG KATEY'S KIDS PARK VAR-CDBG SOROPTOMIST PARK RESTROC VAR-CHROMIUM 6 MCL SUPPORT VAR-CA AVE RECONSTRUCTION-LOCAL VAR-SR2S PEDESTRIAN SAFETY IMP VAR-CA AVE SIDEWALK-DEL NORTE 1ST VAR-GROUNDWATER MANAGEMENT ENC VAR-SPR 15-03 VALLEY HEALTH PARKING VAR-TREVINO & CORNELIUS UTILITY AG	11/10/2015	217.83 1,195.00 210.00 275.00 285.00 945.00 300.00 1,200.00 180.00 1,562.50 207.50 4,432.50 210.00 4,905.00 157.50 1,812.50 4,100.00 1,280.00 1,246.25 210.00 341.25 341.25
			Total for Check Number 7551:	25,614.08
			Total for 11/10/2015:	174,334.30
7552	10935 10142015	ASHLEY DEWITTE REC-ALMNDFFEST SCHOLARSHIP RECIPIE	11/12/2015	250.00
			Total for Check Number 7552:	250.00
7553	10938 2175	MARRS PLAYGROUND INSTALLATIO CS-INSTALLATION OF LSI HILL SLIDE	11/12/2015	2,173.00
			Total for Check Number 7553:	2,173.00
7554	10936 10142015	GIANA OLIVERA REC-ALMNDFFEST SCHOLARSHIP RECIPIE	11/12/2015	250.00
			Total for Check Number 7554:	250.00
			Total for 11/12/2015:	2,673.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Report Total (83 checks):	212,526.39

**US BANK**

Date	Vendor	Description	Internal Acct Code	Amount
<b>Marci Reyes</b>				
09/28/15	Subway	CM CC Interview Lunch	100.1002.552.02.00	\$ 25.50
10/05/15	Walmart	KFE Mock Council Meeting	100.6001.556.00.00	\$ 30.86
10/07/15	Fresno COG	Fresno COG 2015 Forum-Mayor	100.6001.554.01.00	\$ 50.00
10/01/15	Amazon	CUDEBACK Camera	100.1002.521.01.00	\$ 319.98
10/01/15	Amazon	CUDEBACK Camera	100.1002.521.01.00	\$ 55.05
				<b>\$ 481.39</b>

Reyes

<b>Joseph Blohm</b>				
09/23/15	Walmart	3 Bags of 50 lbs of Dog Food	100.3041.521.02.00	\$ 64.87
10/01/15	Walmart	Car Wash Soap, Dish Soap	100.3011.521.02.00	\$ 18.75
10/12/15	Holiday Inn Express	Room Accommodations for K Godfrey-Basic Animal I	100.3041.554.01.00	\$ 822.55
10/15/15	Holiday Inn Express	Room Accommodations for K Godfrey-Basic Animal I	100.3041.554.01.00	\$ 789.25
10/16/15	Holiday Inn Express	Room Reservation Sgt Nelson CopWest Conf 10/13-	100.3011.521.02.00	\$ 160.44
10/21/15	Safe Kids Worldwide	Recertification fee for Ofc Rodriguez	100.3011.555.02.00	\$ 50.00
				<b>\$ 1,903.86</b>

Blohm

<b>Toni Jones</b>				
09/30/15	Government Finance	Budget Award Fee	100.5005.510.01.00	\$ 280.00
10/20/15	Walmart	Storage Boxes	420.5005.521.01.00	\$ 18.27
				<b>\$ 298.27</b>

Jones

<b>Ken Moore</b>				
10/08/15	Chevron	Propane for Forklift	500.4050.515.02.00	\$ 52.06
10/09/15	Wumbus Corp	Video for Forklift Safety Mtg	500.4050.554.01.00	\$ 12.25
10/09/15	Wumbus Corp	Video for Forklift Safety Mtg	880.4088.554.01.00	\$ 12.25
10/09/15	Wumbus Corp	Video for Forklift Safety Mtg	410.4041.554.01.00	\$ 12.25
10/09/15	Wumbus Corp	Video for Forklift Safety Mtg	420.4042.554.01.00	\$ 12.25
10/12/15	El Potrero Western Wear	6 Pairs of Boots	100.2010.521.02.00	\$ 453.00
10/13/15	Dwyer Instruments	Repair Level Sensor/Lift Station	4204042.510.01.00	\$ 504.97
10/16/15	Pesticide Applicators	Pesticide Class-A Arechiga	880.4088.554.01.00	\$ 80.00
10/22/15	CA Dept Pest Reg Publication	QAC Renewal	410.4041.555.01.00	\$ 60.00
				<b>\$ 1,199.03</b>

Moore

<b>Phillip Gallegos</b>				
09/24/15	Walmart	Hacienda Snack Supplies	100.2065.521.02.00	\$ 14.10
09/28/15	Oriental Trading Co	Hacienda Crafts	100.2065.521.02.00	\$ 42.94
10/05/15	Michaels	Volunteer Award Frame	100.2044.521.01.00	\$ 29.21
10/06/15	Robert Brooke & Associates	Partition Parts	100.2010.521.04.00	\$ 33.66
10/07/15	Walmart	Hacienda Snack Supplies	100.2065.521.02.00	\$ 19.49
10/22/15	Walmart	YSB Halloween Party	100.2065.521.02.00	\$ 147.64
				<b>\$ 287.04</b>

Gallegos

**TOTAL \$ 4,169.59**

**CITY OF KERMAN  
CD/Securities Portfolio  
As of October 31, 2015**

Institution	Account Number	Interest Rate/ Trans. Date	Opening Date	Maturity Date	6/30/2015 Book Balance	Additions/ (Deletions)	Cashed In	6/30/2016 Book Balance	Fair Value	FY to Date Interest Paid
<b>CD's:</b>										
Mercantile Bank of Michigan	615-030525-245	2.00%	1/21/11	7/21/15	150,000.00	(150,000.00)		-	-	1,487.67
GE Money Bank	615-030525-245	1.50%	8/5/11	8/5/15	50,000.00	(50,000.00)		-	-	371.92
Sallie Mae Bank	615-030525-245	1.10%	8/8/12	8/10/15	97,000.00	(97,000.00)		-	-	534.96
Safra National Bank	615-030525-245	0.70%	8/15/13	8/17/15	100,000.00	(100,000.00)		-	-	350.96
Discover Bank Greenwood	615-030525-245	1.55%	9/14/11	9/14/15	99,000.00	(99,000.00)		-	-	773.56
State Bank of India	615-030525-245	2.25%	9/29/10	9/29/15	100,000.00	(100,000.00)		-	-	1,134.25
Lake City Bank	615-030525-245	0.55%	1/29/14	1/29/16	95,000.00			95,000.00	95,066.50	174.66
Discover Bank Greenwood	615-030525-245	1.35%	2/1/12	2/1/16	51,000.00			51,000.00	51,136.17	341.42
Goldman Sachs Bank	615-030525-245	1.40%	2/1/12	2/1/16	48,000.00			48,000.00	48,133.92	333.24
Synovus Bank	615-030525-245	0.50%	3/17/14	3/17/16	100,000.00			100,000.00	100,067.00	252.05
State Bank of India	615-030525-245	2.00%	8/12/11	8/12/16	47,000.00			47,000.00	47,554.13	466.14
Medallion Bank	615-030525-245	1.00%	8/19/13	8/19/16	100,000.00			100,000.00	100,409.00	495.89
Goldman Sachs Bank USA	615-030525-245	1.85%	8/31/11	8/31/16	200,000.00			200,000.00	202,208.00	1,865.21
Ally Bank	615-030525-245	0.95%	10/2/14	10/11/16	100,000.00			100,000.00	100,354.00	476.30
Capital One Bank Glen Allen VA	615-030525-245	1.00%	11/12/14	11/14/16	96,000.00			96,000.00	96,278.40	-
Firstbank of Puerto Rico	6-15-030525-245	1.10%	1/25/13	1/25/17	53,000.00			53,000.00	53,307.40	194.88
Firstbank of Puerto Rico	615-030525-245	0.90%	3/1/13	3/1/17	196,000.00			196,000.00	196,927.08	589.62
Cit Salt Lake City UT	615-030525-245	0.90%	3/27/13	3/27/17	98,000.00			98,000.00	98,483.14	444.62
Ge Capital Bank	615-030525-245	1.10%	5/8/14	5/16/17	248,000.00			248,000.00	248,652.24	-
Cap One NA Mclean VA	615-030525-245	1.15%	7/22/15	7/24/17	-	150,000.00		150,000.00	149,872.50	-
American Express Centurion Bank	615-030525-245	1.70%	7/26/12	7/26/17	98,000.00			98,000.00	99,098.58	826.15
Whitney Bank Gulfport MS	615-030525-245	1.20%	8/12/15	8/14/17	-	50,000.00		50,000.00	50,040.00	-
Sallie Mae Bank	615-030525-245	1.70%	8/22/12	8/22/17	150,000.00			150,000.00	151,930.50	1,264.52
Ally Bank Midvale UT CD	615-030525-245	1.25%	9/17/15	9/18/17	-	99,000.00		99,000.00	99,105.93	-
1st Merchants	615-030525-245	1.00%	3/21/14	9/21/17	96,000.00			96,000.00	96,381.12	483.95
Third Federal Cleveland OH	615-030525-245	1.15%	2/21/14	11/21/17	99,000.00			99,000.00	99,460.35	564.57
Capital One Bank Glen Allen VA	615-030525-245	1.25%	1/22/15	1/22/18	100,000.00			100,000.00	99,857.00	619.86
Bank of Baroda	615-030525-245	1.25%	3/8/13	3/8/18	248,000.00			248,000.00	248,128.96	1,562.74
Wells Fargo Bank in SD	615-030525-245	1.00%	3/28/13	3/29/18	248,000.00			248,000.00	248,582.80	625.10
Discover Greenwood	615-030525-245	1.15%	4/8/15	4/9/18	98,000.00			98,000.00	97,367.90	565.04
Everbank CD Jacksonville FL	615-030525-245	1.10%	4/15/15	4/13/18	150,000.00			150,000.00	148,830.00	827.26
Rollstone Bank Fitchburg MA	615-030525-245	1.10%	4/15/15	4/16/18	248,000.00			248,000.00	246,033.36	1,367.74
American Express Centurion Bank	615-030525-245	1.15%	5/16/13	5/16/18	98,000.00			98,000.00	97,689.34	-
Compass Bank	615-030525-245	1.70%	7/31/13	7/31/18	97,000.00			97,000.00	98,012.68	817.72
American Express Salt Lake City Ut	615-030525-245	1.25%	8/14/14	8/14/18	98,000.00			98,000.00	97,983.34	777.56
Third Federal Cleveland OH	615-030525-245	1.55%	3/26/15	3/26/19	98,000.00			98,000.00	97,995.10	765.74
Barclays Bank	615-030525-245	1.90%	4/15/14	4/15/19	248,000.00			248,000.00	249,376.40	2,362.45
BMW Salt Lake City UT	615-030525-245	1.95%	6/20/14	6/20/19	200,000.00			200,000.00	200,686.00	-
ST Bank of India CD Chicago IL	615-030525-245	2.15%	8/18/15	8/19/19		100,000.00		100,000.00	100,541.00	-

**CITY OF KERMAN  
CD/Securities Portfolio  
As of October 31, 2015**

Institution	Account Number	Interest Rate/ Trans. Date	Opening Date	Maturity Date	6/30/2015 Book Balance	Additions/ (Deletions)	Cashed In	6/30/2016 Book Balance	Fair Value	FY to Date Interest Paid
Discover Greenwood	615-030525-245	2.00%	9/30/15	9/30/19		100,000.00		100,000.00	100,204.00	
Cit Salt Lake City UT	615-030525-245	2.15%	11/13/14	11/13/19	100,000.00			100,000.00	100,540.00	-
Synchrony Draper UT	615-030525-245	1.95%	3/13/15	3/13/20	150,000.00			150,000.00	149,361.00	1,474.52
JP Morgan Chase Bank	615-030525-245	2.10%	3/31/15	3/31/20	98,000.00			98,000.00	97,934.34	518.73
Comenity Bank Jumbo Formerly World F	615-030525-245	2.10%	6/10/15	6/10/20	200,000.00			200,000.00	198,644.00	1,311.78
Amex Centurion Salt Lake City Ut	615-030525-245	2.30%	6/24/15	6/24/20	52,000.00			52,000.00	51,630.28	-
Capital One Bank Glen Allen VA	615-030525-245	2.20%	6/24/15	6/24/20	46,000.00			46,000.00	45,672.02	-
Capital One NA Mclean VA	615-030525-245	2.30%	8/12/15	8/12/20	-	97,000.00		97,000.00	97,451.05	
	Average Rate	<b>1.45%</b>								
Subtotal - CD's					<b>5,048,000.00</b>	-	-	<b>5,048,000.00</b>	<b>5,056,986.53</b>	<b>27,022.78</b>
Pacific Mercantile Bank	80900343	0.95%	1/22/08	1/22/15	99,000.00			99,000.00	99,000.00	215.15
<b>Local Agency Investment Fund</b>										
Subtotal - LAIF					-	<b>2,000,000.00</b>	-	<b>2,000,000.00</b>	<b>2,000,000.00</b>	<b>1,137.86</b>
<b>Central Valley Comm Bank CD</b>										
		1.34	6/8/12	6/8/17	200,000.00			200,000.00	200,000.00	227.61
<b>Total CD and Local Agency Investments</b>					<b>5,347,000.00</b>	<b>2,000,000.00</b>	-	<b>7,347,000.00</b>	<b>7,355,986.53</b>	<b>28,603.40</b>
<b>Chandler Asset Management</b>										
Beginning Balance	(City of Kerman)				-			-		
Interest					152,606.85			152,606.85	152,606.85	-
<b>Chandler Ending Balance</b>					<b>152,606.85</b>	-	-	<b>152,606.85</b>	<b>152,606.85</b>	-
<b>Central Valley Money Market Acct</b>										
Beginning Balance	015030960				3,606,160.43			3,606,160.43		
Interest			7/31/15			320.39		320.39		320.39
			8/31/15			103.27		103.27		103.27
			9/30/15			96.45		96.45		96.45
			10/31/15			59.98		59.98		59.98
								-		-
Transfers In/(Out)			7/7/15			(50,000.00)		(50,000.00)		-
			7/10/15			(50,000.00)		(50,000.00)		-
			7/14/15			(100,000.00)		(100,000.00)		-
			7/23/15			(150,000.00)		(150,000.00)		-
	To LAIF		7/28/15			(2,000,000.00)		(2,000,000.00)		-
			9/17/15			(250,000.00)		(250,000.00)		-
			10/14/15			(100,000.00)		(100,000.00)		-
								-		-
								-		-
					3,606,160.43	(2,699,419.91)	-	906,740.52	906,740.52	580.09
<b>Subtotal All City Investments</b>					<b>5,248,000.00</b>	-	-	<b>5,248,000.00</b>	<b>5,256,986.53</b>	<b>27,250.39</b>
<b>Total Investments</b>					<b>5,499,606.85</b>	<b>2,000,000.00</b>	-	<b>7,499,606.85</b>	<b>7,508,593.38</b>	<b>28,603.40</b>
								Market Value Adjustment	8,986.53	
								2,000,000.00		
								2,000,000.00		
								-		



MAYOR  
Stephen B. Hill

MAYOR PRO-TEM  
Gary Yep

COUNCIL MEMBER  
Rhonda Armstrong

COUNCIL MEMBER  
Nathan Fox

COUNCIL MEMBER  
Bill Nijjer

DEPARTMENT: PLANNING & DEVELOPMENT  
STAFF REPORT  
CITY COUNCIL MEETING  
COUNCIL MEETING DATE: NOVEMBER 18, 2015

To: Mayor and Council Members  
 From: Olivia Pimentel, Planning Technician  
 Subject: Second Reading and Adoption on Amendment to the Zoning Ordinance Requiring Conditional Use Permit for Massage Business Establishments in General Commercial Zone District

## RECOMMENDATION

Council by motion waive full reading and adopt the Zoning Ordinance Amendment to Chapter 17.48 of Title 17 of the Kerman Municipal Code to Require a Conditional Use Permit for Massage Establishments in the General Commercial Zone District.

## EXECUTIVE SUMMARY

On November 4, 2015 Council held a public hearing for a proposed petition filed by City Planner for a Zoning Ordinance Amendment to Chapter 17.48 of Title 17 of the Kerman Municipal Code to require a Conditional Use Permit for Massage Establishments in the General Commercial Zone District. This is the second reading for the proposed amendment.

On October 12, 2015 the Planning Commission held a public hearing, heard public comment and approved a resolution recommending that the City Council adopt a petition of amendment of the zoning ordinance relating to permitting procedures for massage business establishments in the General Commercial Zone District Conditional Uses filed by the City Planner on September 28, 2015. The Planning Commission Resolution is attached to this report as Attachment 'A.'

For convenience, we resubmit much of the background report submitted at the October 12, 2015, meeting. The proposed ordinance is necessary in order to provide the City more meaningful ability to regulate massage business establishments in the best interests of our community to the extent now allowable under state law (AB 1147). It is not the intent of staff to cause any undue hardship on legitimate massage therapists businesses; but rather to mitigate any potential for any secondary effects in crime similar to what many other California cities have been experiencing.

In 2008, the Governor signed into law SB 731, which preempts local government controls relating to massage establishments. All local regulation of massage establishments were superseded by the law that took effect in September 2009. The bill created a non-profit organization, the California Massage Therapy Council (CAMTC) that issues licenses to massage therapists and practitioners. These laws were amended in 2011 and 2012, further limiting local governments' abilities to regulate massage establishments.

The results of the foregoing has been a proliferation of massage establishments throughout California and with that a myriad of code enforcement issues and crime. In September 2014, the Governor signed AB 1147 into law. This law returns some authority to regulate massage establishments to local governments.

Currently, there is nothing in the Kerman Municipal Code to address businesses offering massage services. City staff and the Police Chief are concerned that under the current Municipal Code, the City would be unable to prevent a

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proliferation of massage establishments and the secondary effects in crime in the City similar to what many California cities have been experiencing. As describe in a recent article included as Attachment 'B'. In order to ensure the protection of the public health, safety, and welfare, City staff required time to study the effects of the massage businesses on the City and to determine what regulations might best serve the interests of the City.

On August 19, 2015, the Council adopted an urgency ordinance prohibiting the issuance of new business licenses or other permits or entitlements for massage establishments for an initial forty-five (45) day period to allow the City to study this issue in more depth. The temporary 45-day moratorium ordinance was set to expire on October 3, 2015. The Council held a special meeting on September 29, 2015 and approved an extension of the ordinance by 120 days.

In conclusion, Council introduced and held a public hearing on the proposed amendments on November 4<sup>th</sup>. There are two Proposed Ordinances being presented for second reading and adoption. A Zone Ordinance Amendment requiring a Conditional Use Permit (CUP) for Massage Establishment per the Proposed Ordinance attached as Attachment 'C' and secondly by a registration and permit process administered through the Police Department. The proposed Massage Establishment Ordinance is being presented as a separate item. The second ordinance does not require processing through the Planning Commission. The Building & Planning Department and the Police Department will work cooperatively in the administration of the two ordinances.

## FISCAL IMPACTS

There is no anticipated fiscal impact; costs would be recovered through existing planning entitlement fees.

### Attachments:

- A. Planning Commission Resolution (w/o attachments)
- B. City of Porterville News Article
- C. Ordinance

Attachment 'A'

RESOLUTION NO. 15-06

BEFORE THE PLANNING COMMISSION  
CITY OF KERMAN, STATE OF CALIFORNIA

A RESOLUTION SETTING A PUBLIC HEARING FOR A ZONING ORDINANCE AMENDMENT  
TO THE KERMAN MUNICIPAL ORDINANCE REQUIRING A CONDITIONAL USE PERMIT FOR  
MESSAGE ESTABLISHMENTS IN THE GENERAL COMMERCIAL ZONE DISTRICT

**WHEREAS**, the Planning Commission has received a Petition of Amendment to the Zoning Ordinance of the City of Kerman; and

**WHEREAS**, Section 17.26.030 of the Kerman Municipal Code provides that upon receipt of a Petition of Amendment the Planning Commission shall set a date for a public hearing on the amendment.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission, as follows:

Section 1. The foregoing recitals are incorporated by reference.

Section 2. A public hearing is hereby set for October 12, 2015, at 6:30 p.m. at Kerman City Hall at which time the Planning Commission shall conduct a hearing regarding proposed amendment to the Municipal Code requiring a Conditional Use Permit (CUP) for massage establishments.

The foregoing resolution was adopted at a regular meeting of the Kerman Planning Commission held on this 12<sup>th</sup> day of October 2015, by the following vote.

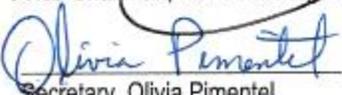
AYES: Bandy, Kehler, Jones, Nehring, Nunez, Wettlaufer

NOES: None

ABSENT Epperson:

ABSTAIN: None

APPROVED BY:

  
Vice-Chairman, Kevin Nehring  
  
Secretary, Olivia Pimentel

30 SEPTEMBER 2015  
Date  
9/30/15  
Date

Attachment 'B'

## Massage Parlor to be discussed at City Council

By KELLI BALLARD kballard@portervillerecorder.com | Posted: Monday, October 5, 2015 9:08 am

### Another arrest for prostitution adds to the list

Another contracted employee with Best Massage was arrested for alleged prostitution less than two weeks after the matter was scheduled to be heard by the city council to consider revoking the business's license for illicit behavior, including prostitution.



Porterville City Hall

Zi-Rong Wong, 35, was arrested on Sept. 24 for suspicion of prostitution at the Best Massage on Mill Street in Porterville after an undercover operation by the Porterville Police Department. Wong is only the most recent person from Best Massage to be arrested for prostitution. On three separate dates in September, the police department received complaints on the business by an unknown source. The complaint report said photographs of alleged prostitution were provided, alleging to Best Massage as the location, and complaints of male customers that "have entered the premises after business hours, allegations of having found condoms and lubricant in the business's trash, and allegations of individuals possibly living at the premises."

Wong is suspected of living at the business after police found a bed, personal items, clothing, a microwave and a refrigerator.

Xin Lu, 46, was arrested on suspicion of prostitution on Aug. 7 and Li Jiang, 51, was arrested for prostitution on April 8. Both women were arrested at Best Massage after an undercover operation by the police.

A public hearing was scheduled for the Sept. 15 city council meeting to decide whether to revoke Best Massage's business licence because of the recent prostitution arrests, but was continued to Tuesday's council meeting to give the business owner's attorney time to research the situation.

The city's charter states the city council "reserves the right to revoke the license granted any person, when, after notice to the licensee and upon hearing had, it shall appear the business licensed is unlawful, immoral or a menace to the public health, safety, morals, peace or general welfare, or is, or has been carried on in an illegal or immoral manner, or in such manner as to constitute a menace to the health, safety, morals, peace or general welfare of the people of the city."

City staff is also asking council to consider an emergency ordinance to prevent any new massage

businesses from starting within the city. If approved, the ordinance will be in effect for 45 days.

An administrative hearing will be held Tuesday to determine whether to revoke Best Massage license.

In other business, the council will:

- consider residential requests to hook up to the city's water system
- hold a public hearing to receive comments on the draft for the Housing Element
- discuss the military banner program
- hear a report evaluating the Porterville Animal Control Shelter facility and practices

The council meeting will be held at 6:30 p.m. Tuesday at city hall.

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Attachment 'C'

ORDINANCE NO. 15-\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN  
AMENDING CHAPTER 17.48 OF TITLE 17 OF THE KERMAN MUNICIPAL CODE  
TO REQUIRE A CONDITIONAL USE PERMIT FOR MASSAGE ESTABLISHMENTS  
IN THE GENERAL COMMERCIAL ZONE DISTRICT

WHEREAS, the City of Kerman recognizes that massage is a valid professional field offering the public health and therapeutic services; and

WHEREAS, it is the intent of the Council to provide for the orderly regulation of massage establishments, therapists, and practitioners in the interest of the public health, safety, and welfare; and

WHEREAS, Article 11, Section 7 of the California Constitution authorizes the City of Kerman to make and enforce within its limits all ordinances and regulations not in conflict with general laws; and

WHEREAS, the City has carefully considered the regulation of the location and manner in which businesses offering massages are to occur so as to prevent impacts on nearby residents and businesses; and

WHEREAS, Senate Bill 731 has been widely criticized by local agencies and other groups for providing massage businesses with unprecedented protection from local zoning and land use authority, and interfering with local law enforcement efforts to close massage businesses allowing prostitution and other illegal activities; and

WHEREAS, the increased number of massage parlors in cities across California has resulted in an increase of police and code enforcement calls and services to many of those establishments, some of which are suspected of allowing and encouraging sexually explicit activity to occur on the premises, including prostitution; and

WHEREAS, the California Legislature passed Assembly Bill 1147, recently signed into law by Governor Jerry Brown, which went into effect on January 1, 2015, in response to widespread criticism of Senate Bill 731; and

WHEREAS, Assembly Bill 1147 authorizes cities and counties to use zoning and licensing processes to regulate massage establishments by imposing reasonable zoning, business licensing, and health and safety requirements on massage establishments; and

WHEREAS, City staff has reviewed and considered data about the adverse impacts of massage establishments and researched, studied and considered ways to possibly amend the City's business license process and the Kerman Municipal Code to reduce potential illegalities occurring at massage establishments and to mitigate adverse impacts being experienced in other communities; and

WHEREAS, City staff has recommended that the City may ameliorate the potential for criminal activity and Municipal Code violations as a result of massage establishments through the requirement of a Conditional Use Permit and through a Massage Establishments and Therapists Ordinance; and

WHEREAS, the City Planning Commission conducted a public hearing regarding a proposed ordinance requiring a Conditional Use Permit for massage establishments in the General Commercial Zone District and is recommending approval to the City Council.

THE CITY COUNCIL OF THE CITY OF KERMAN DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 17.48.030 of Title 17 of Chapter 17.48 of the Kerman Municipal Code is amended to read as follows:

Section 17.48.030 Conditional Uses.

Conditional uses in this district are as follows:

- Auction houses;
- Auto lease and rental;
- Automobile, motorcycle, and small engine repair;
- Auto sales, new and used;
- Bar, liquor store, and tavern;
- Boarding or rooming facilities;
- Bowling alleys;
- Bus depots;
- Cabinet shops;
- Card rooms;
- Carwash;
- Churches;
- Equipment sales and rental;
- Feed and seed store;
- Furniture upholstery shops;
- Glass, radiator, tire, and muffler shops;
- Hotel and motel;
- Hospital;
- Library;
- Liquor store;
- Massage Establishments as defined in Section 9.27.030 of the Kerman Municipal Code;
- Multiple-family residential dwellings (R-2 and R-3 district);
- Outdoor sales and storage;
- Second hand store;
- Sign shops;
- Theater and auditorium;
- Utility yards;
- Veterinary offices with enclosed boarding structure;
- A residential dwelling associated with a business listed above.

SECTION 2. CEQA. Enactment and amendment of zoning ordinances does not constitute a project under the California Environmental Quality Act. (Title 14, California Code of Regulations, Section 15378(a)(1) )

SECTION 3. Severance. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

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SECTION 4. Publication. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

SECTION 5. Effective Date. This ordinance shall become effective thirty (30) days after its adoption.

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The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Kerman held on \_\_\_\_\_, 2015, and was passed and adopted at a regular meeting of the City Council held on \_\_\_\_\_, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing ordinance is hereby approved.

\_\_\_\_\_  
Stephen B. Hill  
Mayor

ATTEST:

\_\_\_\_\_  
Marci Reyes  
City Clerk



MAYOR  
Stephen B. Hill

MAYOR PRO-TEM  
Gary Yep

COUNCIL MEMBER  
Rhonda Armstrong

COUNCIL MEMBER  
Nathan Fox

COUNCIL MEMBER  
Bill Nijjer

DEPARTMENT: PLANNING & DEVELOPMENT  
STAFF REPORT  
CITY COUNCIL MEETING  
COUNCIL MEETING DATE: NOVEMBER 18, 2015

To: Mayor and Council Members  
From: Olivia Pimentel, Planning Technician  
Subject: Second Reading and Adoption of Ordinance Adding Chapter 9.27 to the Kerman Municipal Code Relating to Massage Establishments and Therapists

## RECOMMENDATION

Council by motion waive full reading and adopt ordinance adding Chapter 9.27 to the Kerman Municipal Code relating to Massage Establishments and Therapists.

## EXECUTIVE SUMMARY

A public hearing, introduction and first reading of the proposed ordinance was conducted on November 4<sup>th</sup>. The City recognizes most Massage Parlor Establishments provide a valid professional field offering public health and therapeutic services. It is the purpose and intent of this proposed ordinance to provide for the orderly regulation of massage therapists and massage establishments, in the best interest of the public health, safety, and welfare of the citizens of Kerman to the extent now allowable under state law. The detailed background concerning the need to regulate massage establishments is set forth in the report to Council concerning an ordinance to require a Conditional Use Permit (CUP) for Massage Establishments considered earlier on this agenda. That background is incorporated by reference.

Currently, there is nothing in the Kerman Municipal Code to address businesses offering massage services. City staff and the Police Chief are concerned that under the current Municipal Code, the City would be unable to prevent a proliferation of massage establishments and the secondary effects in crime in the City similar to what many California cities have been experiencing. In order to ensure the protection of the public health, safety, and welfare, City staff were given some time to study the effects of the massage businesses on the City and to determine what regulations might best serve the interests of the City.

The proposed Ordinance specifically addresses these types of businesses in terms of requiring registration and permit process administered through the Police Department. A copy of the Massage Establishment Ordinance is attached for your convenience as Attachment 'A'. Unlike the companion CUP ordinance, the ordinance does not require processing through the Planning Commission. The Building & Planning Department and the Police Department will work cooperatively in the administration of the two ordinances.

## FISCAL IMPACTS

There is no anticipated fiscal impact; costs would be recovered through existing planning entitlement fees.

### Attachments:

- A. Ordinance

Attachment 'A'

ORDINANCE NO. 15-\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN ADDING CHAPTER 9.27  
TO TITLE 9 OF THE KERMAN MUNICIPAL CODE RELATING TO MASSAGE  
ESTABLISHMENTS AND THERAPISTS.

THE CITY COUNCIL OF THE CITY OF KERMAN DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 9.27 is added to Title 9 of the Kerman Municipal Code to read as follows:

***MASSAGE ESTABLISHMENTS AND THERAPISTS***

Sections:

- 9.27.010 Purpose and Intent.
- 9.27.020 Findings.
- 9.27.030 Definitions.
- 9.27.040 Massage Therapist and Massage Practitioner Registration.
- 9.27.050 Massage establishment permits.
- 9.27.060 Record Keeping.
- 9.27.070 Health and safety requirements.
- 9.27.080 Inspections.
- 9.27.090 Hours of operation.
- 9.27.100 Department Coordination with CAMTC.
- 9.27.110 Property Owner Responsibility.
- 9.27.120 Applicability of Regulations to Existing Massage Establishments, Therapists and Practitioners.
- 9.27.130 Report to City Council.
- 9.27.140 Penalties for Violation.
- 9.27.150 Public Nuisance.

9.27.010 Purpose – Intent.

The City recognizes that massage is a valid professional field offering the public health and therapeutic services. It is the purpose and intent of this chapter to provide for the orderly regulation of massage therapists and massage establishments, in the interest of the public health, safety, and welfare. The City wishes both to recognize the practice of massage as a valid professional field and to discourage prostitution and other unlawful activity which otherwise may become associated with some massage establishments. It is not the intent of this chapter to punish legitimate massage therapists, massage practitioners and establishments.

This chapter relies upon the state certification process of the California Massage Therapy Council under California Business and Professions Code Sections 4600 *et seq.* In addition, this chapter provides certain minimum standards for the operation of massage establishments, their managing employees, and massage therapists and practitioners.

This chapter is adopted under the authority of Government Code Sections 51030 through 51034, Government Code Section 37101, Business and Professions Code Section 16000, and California Constitution Article XI, Section 7.

### 9.27.020 Findings.

The City Council finds and declares as follows:

- A. The permit requirements and restrictions imposed by this chapter are reasonably necessary to protect the health, safety and welfare of the citizens of the City.
- B. Massage establishments have been found to present opportunities for acts of prostitution and other unlawful activity, and in fact the department of public safety has made several arrests leading to convictions for prostitution in massage establishments located within the City.
- C. The California legislature and the courts have long recognized the necessity of imposing reasonable regulations and standards for the operation of massage establishments, including but not limited to minimum educational and experience requirements, passage of a practical examination of competence, sanitary conditions, hours of operation, and other operational regulations designed to minimize opportunities for illegal activities and to ensure the protection of the health, safety and welfare of citizens.
- D. Some establishments, seeking to avoid regulations applicable to massage establishments, attempt to characterize or advertise themselves as "relaxation" or feature other services, including, but not limited to, tanning, hot towel wraps, steam baths, or saunas. Such establishments are considered to be similarly susceptible to opportunities for prostitution and other illegal activities, and are therefore regulated pursuant to this chapter.
- E. There is a significant risk of injury to clients of massage establishments by improperly trained and/or educated massage therapists.
- F. The presence of establishments known or reputed to be places of prostitution or other illegal activity can have an adverse impact on surrounding properties and result in blight, foster further illegal activities, and generally become a public nuisance.
- G. The costs of investigation, surveillance and prosecution of criminal activities in or at massage establishments, both in terms of requirements for specialized training and operations, are extraordinary.
- H. Effective investigation, enforcement and prosecution of prostitution and other illegal activities in or at massage establishments often require a disproportionate diversion of public safety and law enforcement resources not only from within the city, but also from other jurisdictions.
- I. Minimum hours of training and experience, restrictions on advertising, and standards for professional conduct contained in this chapter are consistent with recommended standards promulgated by nationally recognized trade organizations for massage therapists.

### 9.27.030 Definitions.

- A. *California Massage Therapy Council* or *CAMTC* means the California Massage Therapy Council created under Business and Professions Code Section 4602.
- B. *Certified Massage Practitioner* or *Practitioner* means a person who is currently certified as a massage practitioner by the CAMTC pursuant to Business and Professions Code Section 4604.2. A certified massage practitioner who is an independent contractor is one who works at a massage establishment (or has an outcall massage service), but is not a salaried employee and does not share a percentage of massage proceeds with a massage establishment.

- C. *Certified Massage Therapist or Therapist* means a person who is currently certified as a massage therapist by the CAMTC pursuant to Business and Professions Code Section 4604. A Certified Massage Therapist who is an independent contractor is one who works at a massage establishment (or has an Outcall Massage Service), but is not a salaried employee and does not share a percentage of massage therapy proceeds with a Massage Establishment.
- D. *Chief or Chief of Police* means the Chief of Police of the City of Kerman or his/her designee.
- E. *Department* means the Police Department of the City of Kerman.
- F. *Massage or bodywork* means the application of various techniques to the muscular structure and soft tissues of the human body as defined in Business and Professions Code Section 4601(e). Application of massage and bodywork techniques may include, but is not limited to, stroking, kneading, tapping, compression, vibration, rocking, friction, pressure, and similar techniques. Examples of massage include Swedish massage, sports massage, shiatsu, polarity therapy, rolfing, hellerwork and reflexology. *Massage* and *bodywork* have the same meaning.
- G. *Massage Establishment* means a studio or place where Certified Massage Therapists, or Certified Massage Practitioners practice massage as provided in Business and Professions Code Section 4601(f). The following are not considered Massage Establishments under this chapter: a hospital, nursing home, sanitarium, physiotherapy establishment, office of a licensed medical professional, or other state-licensed physical or mental health professional or facility; nor a personal fitness training center, gymnasium, athletic facility, health club, beauty shop, or day spa and salon when the giving of massage is an incidental function of the business, constituting 10% or less of the business. *Outcall Massage Service* means a business which provides massage at a location designated by the client or massage practitioner or therapist, other than at a massage establishment.
- H. *Owner* means an individual natural person, firm, corporation, association, organization, partnership, limited liability company, business trust, corporation or company that owns, has an equity interest in, or shares a percentage of massage therapy proceeds with, a massage establishment.

#### 9.27.040 Massage Therapist and Massage Practitioner registration.

- A. Massage Therapist or Massage Practitioner. No person may practice massage in the City who is not a Certified Massage Therapist or Certified Massage Practitioner as defined in the definitions above.
- B. All Therapists and Practitioners. A Certified Massage Therapist or, Certified Massage Practitioner providing or offering massage in the City must:
  - 1. Work at a City-permitted Massage Establishment as an employee or independent contractor; or
  - 2. Obtain a Massage Therapist or Massage Practitioner registration if providing massage for compensation in the therapist's or practitioner's own home, or providing outcall massage services.
- C. Other City permits. Registrants are advised that they must also obtain (i) a City business license, and (ii), a home occupation permit if massage is practiced at the therapist's or practitioner's home. If a Massage Therapist or Practitioner is an independent contractor of a massage establishment, he or she must obtain a City business license.

- D. **Massage Therapist/Practitioner Registration.** A Massage Therapist or Massage Practitioner that is required to register under subsection B above, must register with the City Police Department annually, and shall post evidence of City registration whenever massage is practiced. The registration application shall include: name, address and telephone of the massage therapist or massage practitioner; and proof of CAMTC certification or exemption pursuant to subsection B above. The registrant shall also indicate on the registration form whether he or she will be providing massage at the registrant's home and whether he or she will perform outcall massage services. There is no charge for the registration. The Massage Therapist or Massage Practitioner shall notify the Police Department in writing within ten (10) days of any change in the information provided shall immediately notify the Police Department in writing if CAMTC suspends or revokes the registrant's certification or takes other disciplinary action against the Massage Therapist or Massage Practitioner, and shall include a copy of any notice or order.

9.27.050 **Massage Establishment Permits.**

- A. **Massage Establishment.** No person may own or operate a Massage Establishment in the City unless:
1. Each person administering massage for compensation (whether as an employee or an independent contractor) is either a Certified Massage Therapist or a Certified Massage Practitioner under this chapter; and
  2. The owner obtains, and continues to maintain, a current Massage Establishment Permit pursuant to this chapter.
- B. **Land Use and Zoning Requirements.** The premises and property on which the premises occupied by a Massage Establishment are located must conform to all applicable land use and zoning requirements.
- C. **Massage establishment permit application procedure.**
1. The owner of a proposed massage establishment shall be the only person eligible to obtain a massage establishment permit for such business. The owner shall not be eligible to obtain a massage establishment permit unless the owner is at least eighteen (18) years of age.
  2. A separate permit is required for each Massage Establishment location.
  3. The following shall be submitted to the Chief at the time of application for a massage establishment permit:
    - a. A completed application form signed by: (i) the applicant; and (ii) either the record owner of the property or the lessor of the premises (if the business premises are leased to the applicant business) where the massage establishment is to be conducted. The application shall include the applicant's full legal name and contact information, the address where the applicant desires to do business, and such other information as the Police Department may reasonably require.
    - b. **Background check.** Each applicant shall submit the following:
      - i. Information related to the applicant's business, occupation and employment history for the 10 years preceding the date of application, and the inclusive dates of same.
      - ii. The name and address of any massage business or other like establishment owned

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- or operated by the applicant, the name of all partners and co-owners in each business, and any discipline, suspension, or revocation for each business.
- iii. A description of any other business located in the City of Kerman, even if not massage-related, that is owned or operated by the applicant.
  - iv. Information regarding any felony or misdemeanor convictions within the last five years, any outstanding warrants for arrest and any pending criminal case.
  - v. The applicant's fingerprints on a form provided by the Police Department. Any fees for the fingerprints shall be paid by the applicant.
- c. Two (2) color photographs, taken within six (6) months prior to the date of the application, that clearly show the applicant's face. Any fees for the photographs shall be paid by the applicant.
  - d. A written description of the proposed massage establishment and how it will satisfy the requirements of this chapter.
  - e. A detailed floor plan in feet and inches drawn to scale showing: entrances, exits, windows, interior doors, restrooms, all other separately enclosed rooms with dimensions, including but not limited to closets, storerooms, break rooms, and changing rooms, and location of massage tables and chairs.
  - f. The register of massage therapist and practitioners required by this chapter.
  - g. A statement signed by the applicant certifying under penalty of perjury that all of the information submitted in connection with the application is true and correct.
  - h. A nonrefundable application fee in an amount set by resolution of the City Council.
4. The Chief shall, within sixty (60) calendar days of the filing of a complete application, approve and issue the Massage Establishment permit if the requirements of this chapter have been met. The Chief may deny a permit if any one of grounds for denial as set forth below is found to be true. Notice of the approval or denial of the permit shall be given to the applicant in writing by first class mail, postage prepaid. If the application is denied, the Chief shall attach to the notice a statement of the reasons behind the denial. The time period set forth in this paragraph for the Chief to render a decision on the permit shall not be extended except upon the written consent of the applicant. Within fifteen (15) days of mailing of the notice, the applicant may request a reconsideration hearing. A request for reconsideration shall be submitted to the Chief in writing on a form provided by the Police Department, and shall specifically state the pertinent facts of the case and the reasons for the request for reconsideration. The reconsideration hearing shall be held within thirty (30) days of the applicant's request. The applicant may present any evidence to refute the Chief's original decision. The Chief shall render a decision on the matter with ten (10) days of the reconsideration hearing and shall notify the applicant in the same manner as the original decision. The decision of the Chief is final.
  5. Grounds for denial. The Chief may deny a Massage Establishment Permit application if any of the following is true:
    - a. If the applicant has been convicted within the last five years of any felony or misdemeanor, or has an outstanding warrant for his or her arrest or a pending criminal case regarding an offense having reasonable relationship to the functions of a permittee.

- b. The application was falsified in any material respect.
- c. The applicant is required to register as a sex offender in any state.
- d. If there has been a criminal investigation resulting in arrest related to the operation of the Massage Establishment within the last five (5) years.

D. Permits nontransferable.

1. No person shall operate a Massage Establishment under the authority of a massage permit at any place other than the address of the Massage Establishment stated in the application for the permit. The Chief may approve a change of location, provided the Massage Establishment complies with all ordinances and regulations of the City and requirements of this chapter.
2. No massage establishment permit issued pursuant to this chapter shall be transferable to another person or entity.
3. Any attempt to transfer a Massage Establishment is hereby declared invalid and the permit shall automatically become void effective the date of such attempted transfer.
4. Nothing in this section shall prevent the Chief from approving a second Massage Establishment permit for a single location provided that the holder of the Massage Establishment Permit previously approved for such location consents in writing to the automatic expiration of such previously approved permit upon the effective date of such second permit.

E. Conditions of Massage Establishment Permit.

1. Every Massage Establishment shall display at all times during hours the permit issued pursuant to the provisions of this chapter for such business. The permit shall be displayed in a conspicuous place so that it may be readily seen by all persons entering the Massage Establishment.
2. If an individual's CAMTC certification is suspended or revoked or if the individual is not CAMTC certified, the Massage Establishment may not allow that person to provide massage services, including Outcall Massage Services, at or through the Massage Establishment.
3. The Massage Establishment must notify the City immediately upon the notice of any disciplinary action taken by the CAMTC regarding one of the establishment's Massage Therapists or Massage Practitioners and submit a copy of any notice or order.
4. Any act or omission of anyone providing massage at the establishment's location, whether as an employee or an independent contractor, which constitutes a violation of this chapter shall also be deemed to be an act or omission of the Massage Establishment.
5. Compliance with all federal, state, and local laws, and the requirements of this chapter.

F. Content of permit. The permit shall specify the legal name of permittee. An establishment permit shall specify the name and address of the business location. A Massage Establishment Permit authorizes massage services only at the location specified in the permit.

G. Term of permit. A Massage Establishment Permit issued under this chapter shall be valid for twenty-four (24)

months from the date of issuance unless suspended or revoked. However, it shall expire immediately upon the revocation or expiration of the related Conditional Use Permit.

- H. Renewal. A holder of a Massage Establishment Permit issued under this chapter shall submit an application for renewal no later than sixty (60) calendar days prior to the expiration of the permit issued for such establishment. The renewal application shall be submitted together with a nonrefundable fee in an amount established by resolution of the City Council. Applications for renewal of massage establishment permit shall be processed in accordance with the procedures governing initial applications.
- I. Grounds for suspension or revocation. The Chief may suspend or revoke a massage establishment permit for the following causes:
  - 1. The permittee has made any false, misleading, or fraudulent statement of material fact in any application, report, or record required to be filed with the City.
  - 2. The permittee, or any employee, independent contractor, owner, agent, partner, director, stockholder, or manager of the massage establishment business has failed to comply with any of the requirements or conditions of this chapter.
  - 3. An individual who is not a certified massage therapist, a certified massage practitioner or whose CAMTC certification is suspended or revoked, has provided massage at the massage establishment.
  - 4. The permittee, or an employee, independent contractor, owner, agent, partner, director, stockholder, or manager of the massage establishment business has allowed or permitted, with or without knowledge, the occurrence of criminal activity on the premises of the massage establishment business.
  - 5. There have been one or more acts prohibited under California Penal Code sections 246, 266a, 266e, 266g, 266h, 266i, 266j, 315, 316, 318, 647(b), or 653.22 taking place on the premises of the massage establishment, whether or not any criminal prosecution has been pursued or conviction obtained for such acts, and whether or not they occurred with or without the actual knowledge of the permittee.
  - 6. The permittee, or an employee, independent contractor, owner, agent, partner, director, stockholder, or manager of the massage establishment business has committed a misdemeanor, felony, or violation of this chapter in the conduct of the business.
  - 7. The permittee has been subject to a permanent injunction against the conducting or maintaining of a nuisance pursuant to this code, or section 11225 through 11235 of the California Penal Code, or any similar provision of law in any jurisdiction outside the state of California.
  - 8. The permittee, or an employee, independent contractor, owner, agent, partner, director, stockholder, or manager of the massage establishment has failed to abide by any disciplinary action previously imposed by an authorized City official.
- J. Procedure for suspension or revocation.
  - 1. On determining that grounds for permit suspension or revocation exist, the Chief shall furnish written notice of the proposed suspension or revocation to the permittee. Such notice shall set forth the time and place of a hearing, and the ground(s) upon which the proposed suspension or revocation is based. The notice shall be mailed, postage prepaid, addressed to the last known address of the permittee, or

shall be personally delivered to the permittee, at least ten (10) days prior to the hearing date.

2. Hearings shall be conducted in accordance with procedures established by the Chief which may include retention of an independent hearing officer. All parties involved shall have a right to: (i) offer testimonial, documentary, and tangible evidence bearing on the issues; (ii) be represented by counsel; and (iii) confront and cross-examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this section may be continued for a reasonable time for the convenience of a party or witness.
3. After holding the hearing in accordance with this section or upon receipt of the decision of an independent hearing officer and upon determining that there are sufficient grounds for disciplinary action, the Chief shall impose one of the following penalties:
  - a. A warning;
  - b. Suspension of the permit for a specified period not to exceed six (6) months; or
  - c. Revocation of the permit.
  - d. The Chief may, in conjunction with the issuance of a warning or the suspension of a permit, order the permittee to take appropriate corrective action.

#### 9.27.060 Record Keeping.

A. The holder of a Massage Establishment Permit shall maintain:

1. A register of all Certified Massage Therapists and Certified Massage Practitioners, providing massage at the establishment, including independent contractors, and each such person's state certificate number, home address, date of hiring, and whether the Massage Therapist or Massage Practitioner will be performing outcall massages. An amended copy of the register shall be provided to the Chief within five (5) days of the date of hiring, commencement of services, or termination of services by each Massage Therapist or Massage Practitioner at the establishment. Such filings shall be accompanied by a statement, signed by the owner, that all of the information in the register is true and correct.
2. A daily register, approved in form by the Chief, of each client, the assigned room (or location of outcall massage service), the massage therapist or practitioner who treated the client, a description of service(s) performed, the price of the services, including any gratuity or tip, and the time of the appointment. The daily register shall be completed by the close of business every day, and shall be available for inspection by the City at all times during regular business hours. The register shall be considered confidential, not for public review, and may be inspected by the City only as part of a criminal investigation or during proceedings to investigate compliance with this chapter. These records shall be retained for at least one year.

B. A Massage Therapist or Practitioner registered under this chapter is responsible for compliance with subsection A.2 of this section.

**9.27.070 Health and Safety Requirements.**

The operator of a Massage Establishment and a registered Massage Therapist or Practitioner shall conduct the Massage Establishment business in a safe and sanitary manner, and shall:

- A. Comply with all applicable building, fire, safety, health, electrical, plumbing, mechanical, heating and ventilating, sanitation, and other laws applicable to the premises;
- B. Provide for the regular removal of garbage and refuse, and the safe storage or removal of flammable materials;
- C. Maintain all equipment used to perform massage services in a safe and sanitary condition, including the regular application of cleansers and bacterial cleaning agents;
- D. Launder all materials furnished for the personal use of the client, such as towels and linens, before each use;
- E. Maintain all bathroom and plumbing fixtures in a sanitary condition, provide hot and cold running water, and comply with sanitation requirements of the county health department;
- F. Provide a wash basin for therapists and employees, located within or as close as practicable to the area devoted to the massage therapy services. Each wash basin shall be equipped with hot and cold running water, soap in a dispenser and sanitary towels. In the case of a massage establishment located in a home, existence of a bathroom meeting this requirement is sufficient;
- G. Provide either a separate room or dressing and locker facilities for each client. However, dressing and undressing may occur in the same room as massage therapy if the client is alone in the room with the door(s) closed and opaque coverings are present on any windows while undressing or dressing. The massage therapist or other clients may not be present in the same room when the client is undressing;
- H. In each room or cubicle where massage is administered, have lighting whenever the area is occupied equivalent to a minimum of an incandescent 25-watt clear-glass light bulb;
- I. For a massage establishment in which the therapist or practitioner is an employee, all massage services shall be paid for in the reception area, and all tips, if any, shall be paid in the reception area. For a massage establishment at which a therapist or practitioner is an independent contractor, all massage services and all tips, if any, may be paid in the same room where the massage occurred, provided the door to the room is fully open. A massage establishment which is located in a home is exempt from this subsection because by the nature of the site it does not include a reception area;
- J. Comply with the portions of the Massage Therapy Act (B&P Code §4608) relating to the requirements that a certificate holder display his or her original certificate wherever he or she provides massage for compensation; and to have his or her identification card in his or her possession while providing massage services for compensation;
- K. Comply with the portions of the Massage Therapy Act (B&P Code §4609(a)) relating to sexual acts, including not allowing certificate holders: to engage in any form of sexual activity on the premises of a massage establishment where massage is provided for compensation, excluding a residence; to engage in sexual activity while providing massage services for compensation; to provide massage of the genitals or anal region; or to provide massage of female breasts without the written consent of the person receiving the massage and a referral form from a licensed California health care provider;

- L. Comply with portions of the Massage Therapy Act (B&P Code §§ 4608, 4609, 4611) relating to advertising, including requiring certificate holders: to include the name under which he or she is certified and his or her certificate number in any and all advertising of massage services; to not hold him- or herself out as a certified massage therapist or practitioner, or use terms such as "licensed" or "certified," that implies that an uncertified person is certified as a massage therapist or practitioner; to not falsely state or advertise or put out any sign or card, or to falsely represent to the public, that any individual is licensed, certified, or registered as a massage therapist or practitioner if that individual is not so certified;
- M. Comply with the portions of the Massage Therapy Act (B&P Code §4609) related to dressing requirements, including dressing while engage in the practice of massage for compensation, or while visible to clients in a massage establishment, in attire that is not: transparent, see-through, or substantially exposes the certificate holder's undergarments; swim attire, if not providing a water-based massage modality approved by CAMTC; a manner that exposes the certificate holder's breasts, buttocks, or genitals; a manner that constitutes a violation of section 314 of the Penal Code; or a manner that has been deemed by CAMTC to constitute unprofessional attire; and
- N. Not serve or permit the consumption of alcoholic beverages unless the massage establishment has a current and valid (California Department of Alcoholic Beverage Control) ABC license and all required City approvals, nor permit the consumption of any drugs, except pursuant to a valid prescription.

#### 9.27.080 Inspections

The Chief may inspect the premises at the time of permitting a massage establishment, and may make periodic, reasonable inspections of the establishment during business hours to assure compliance with the CAMTC requirement, this chapter and applicable fire, health and safety requirements. If any violations are found, the Chief shall notify the holder of the massage establishment permit in writing. The Chief may give the establishment ten (10) days to correct the violation(s), or, if the violation(s) present a danger to public health or safety, close the establishment until the violation(s) is corrected.

#### 9.27.090 Hours of Operation.

No massage establishment and no registered massage therapist or practitioner may provide massage service between the hours of 10:00 p.m. and 7:00 a.m. Clients and visitors shall be excluded from a massage during those hours.

#### 9.27.100 Department Coordination with CAMTC.

The Chief of Police shall designate a person in the Police Department to coordinate with CAMTC, including maintaining a list of certified therapists and practitioners practicing in the City, maintaining a list of massage establishments operating in the City, receiving notices and information from the CAMTC, and notify CAMTC of any arrest or conviction of Penal Code section 647 or other act punishable as a sexually related crime. (Business and Professions Code §4614.)

#### 9.27.110 Property Owner Responsibility.

Any place where lewdness, assignation or prostitution occurs is a public nuisance which may be abated and permanently enjoined, and for which the City may recover damages from the property owner, as well as from the person conducting or maintaining the nuisance. (Penal Code §§ 11225 and 11226.)

**9.27.120 Applicability of Regulations to Existing Massage Establishments, Therapists and Practitioners.**

- A. Any massage establishment that was validly registered as of the date of this ordinance to operate a massage establishment must apply for a massage establishment permit within forty-five (45) days of the effective date of this Chapter. Any registration issued hereunder prior to the effective date of this Ordinance shall be null and void upon the passage of forty-five (45) days from the effective date hereof. Notwithstanding the prior sentence, if an application for a massage establishment is submitted prior to the expiration of the massage establishment registration, the prior registration shall continue in effect until such time as a determination is made by the City on the massage establishment permit application.
- B. Registrations for massage therapists and massage practitioners shall continue in effect until their normal expiration.

**9.27.130 Report to City Council.**

Annually, the Police Department shall report to the City Council on permits issued, denied, suspended, or revoked and any enforcement activity related to massage establishments.

**9.27.140 Penalties for Violation.**

- A. Criminal proceedings. Any person who violates a provision of this chapter shall be guilty of a misdemeanor unless the City Attorney elects to prosecute the violation as an infraction.
- B. Injunction and abatement. Nothing in this chapter shall be deemed to prevent the City of Kerman from commencing a civil action to enjoin the continued violation of any provision of this chapter or to abate a nuisance, as an alternative, or in conjunction with any other civil or criminal proceeding.

**9.27.150 Public Nuisance.**

Any violation of this chapter shall be considered a public nuisance pursuant to Title 17 of the Kerman Municipal Code.

**SECTION 2. Severance.** If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 3. CEQA.** This ordinance is exempt from CEQA pursuant to Title 14, California Code of Regulations Section 15061(b)(3) under the general rule that CEQA does not apply to activities which can be seen with certainty to have no effect on the environment. Adopting regulations relating to massage establishments will not create any environmental impacts.

**SECTION 4. Publication.** This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

**SECTION 4. Effective Date.** This ordinance shall become effective thirty days after its adoption.

\*\*\*\*\*

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Kerman held on 4<sup>th</sup> day of November 2015, and was passed and adopted at a regular meeting of the City Council held on \_\_\_\_\_, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing ordinance is hereby approved.

\_\_\_\_\_  
Stephen B. Hill  
Mayor

ATTEST:

\_\_\_\_\_  
Marci Reyes  
City Clerk



# City of Kerman

*"Where Community Comes First"*

MAYOR Stephen B. Hill  
MAYOR PRO-TEM Gary Yep  
COUNCIL MEMBER Rhonda Armstrong  
COUNCIL MEMBER Nathan Fox  
COUNCIL MEMBER Bill Nijjer

DEPARTMENT: PUBLIC WORKS  
STAFF REPORT  
CITY COUNCIL MEETING  
COUNCIL MEETING DATE: NOVEMBER 18, 2015

To: Mayor and City Council  
From: Ken Moore  
Subject: Resolution Amending Section 3 of the Municipal Utility Guidelines During Drought Emergency

## RECOMMENDATION

Council by motion adopt resolution amending Section 3 of the Municipal Utility Guidelines During Drought Emergency to restricting landscape watering to zero days December 1, 2015 to March 1, 2016 with exceptions for homes and businesses with drip systems in place.

## EXECUTIVE SUMMARY

The City of Kerman has been ordered by the State of California to reduce its potable water use by 32% compared to 2013-2014 from June to February. At this time our cumulative reduction is 26% and therefore we need to take further action not only to reach our goal and prevent possible fines but to show the State that we are doing our best to meet the emergency mandate.

## OUTSTANDING ISSUES

If the weather should turn exceptionally dry we may have to revisit this decision.

## DISCUSSION

From the beginning of the reporting period (June 1, 2015), the City of Kerman has failed to meet our assigned Conservation Standard reduction of 32%. Our cumulative reduction as of the end of October is only 26%. This puts us in the "Priority (2) 5% - 15% From Meeting Standard" level for enforcement.

We received a Notice of Violation from the State Water Resources Control Board, and an Informational Order that has to be completed and submitted by November 20<sup>th</sup> outlining what steps we have taken to reduce our usage.

Because Kerman's water usage is at its lowest during the fall and winter months, it will be hard to reach our final reduction number of 32%. In consideration of the rain we have received, and a projected El Nino winter, we believe that reducing our watering days to zero will help us to reach the goal that the State has set for us without causing the loss of the beneficial trees and shrubs.

As an additional consideration, we believe allowing the homes and businesses with drip irrigation systems to water once a week to provide an incentive for other home owners and businesses to do the same.

## FISCAL IMPACT

Water pumping power savings

Attachments:

- A. Resolution
- B. State Water Resources Board Letter

Exhibit 'A'

RESOLUTION NO. 15-\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN AMENDING SECTION 3 OF  
RESOLUTION NO. 14-47 RELATING TO WINTER WATERING SCHEDULE TO  
ZERO DAYS DURING DROUGHT EMERGENCY

WHEREAS, California is currently entering the fourth consecutive year of drought conditions and most of the state, including the City of Kerman is experiencing extremely serious drought conditions; and

WHEREAS, on August 1, 2014 the Kerman City Council adopted Resolution 14-47 adopting Municipal Utility Guidelines During Drought Emergency; and

WHEREAS, The City has been ordered by the State of California to reduce its potable water use by 32% compared to 2013-2014 from June to February; and

WHEREAS, at this time our cumulative reduction is 26% and therefore we need to take further action not only to reach our goal and prevent possible fines, but to show the State that we are doing our best to meet the emergency mandate; and

WHEREAS, Resolution 14-47 contains limitations on outdoor watering including limitation on dates and times; and

WHEREAS, a revision to Section 3 of the Municipal Utility Guidelines During Drought Emergency to restrict landscape watering to zero days December 1, 2015 to March 1, 2016 with exceptions for homes and businesses with drip systems in place would assist with the State mandates.

NOW, THEREFORE, the City Council of the City of Kerman resolves as follows:

- Section 1. The foregoing recitals are true and correct and are incorporated by reference.
- Section 2. A revision to Section 3 of the Municipal Utility Guidelines During Drought Emergency to restrict landscape watering to zero days December 1, 2015 to March 1, 2016 with exceptions for homes and businesses with drip systems in place is hereby approved.
- Section 3. Dependent upon weather conditions a revision may be considered.

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Kerman on the 18th day of November, 2015 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby approved.

\_\_\_\_\_  
Stephen B. Hill  
Mayor

ATTEST:

\_\_\_\_\_  
Marci Reyes  
City Clerk

Exhibit 'B'



**State Water Resources Control Board**

November 10, 2015

*Sent via Electronic and U.S. Mail*

Mr. Ken Moore, PW Director  
City of Kerman  
850 S. Madera Avenue  
Kerman, CA 93630  
[kmoore@cityofkerman.org](mailto:kmoore@cityofkerman.org)

**SUBJECT: NOTICE OF VIOLATION FOR FAILURE TO MEET WATER CONSERVATION STANDARD AND ORDER FOR ADDITIONAL INFORMATION**

On May 5, 2015, the State Water Resources Control Board (State Water Board) adopted Resolution 2015-0032, an Emergency Regulation for Statewide Urban Water Conservation (Emergency Regulation) pursuant to Water Code section 1058.5. The Emergency Regulation became effective on May 18, 2015. Among other things, the Emergency Regulation is designed to achieve the 25 percent statewide potable water usage reduction through February 2016 ordered by Governor Brown in his April 1, 2015 executive order.

The Emergency Regulation requires each urban water supplier to "reduce its total potable water production by the percentage identified as its conservation standard", pursuant to the California Code of Regulations, Title 23, Section 865(c)(1).

Section 866 of the Emergency Regulation provides the State Water Board with the authority to issue Conservation Orders requiring additional actions by the supplier to come into compliance with its conservation standard, as well as Information Orders requiring urban water suppliers to submit additional information related to water production, water use, or water conservation.

Our records indicate that the City of Kerman has not met the conservation standard. You should immediately take additional steps to enhance water conservation efforts and ensure that the conservation requirement is met in the few months between now and February 2016.

**The State Water Board requires that you comply with the Emergency Regulation immediately.**

Furthermore, I am issuing you an Informational Order under section 866(b) that requires you to provide the State Water Board information relating to your water production, water use, and water conservation efforts. Please see Attachment A for the information you are required to provide by November 20, 2015. Please provide this information electronically to Dr. Matthew Buffleben by email at [Matthew.Buffleben@waterboards.ca.gov](mailto:Matthew.Buffleben@waterboards.ca.gov). Failure to provide the information within 30 days, or any additional time extension granted, is a violation subject to civil liability of up to \$500 per day, for each day the violation continues.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)



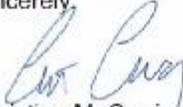
**City of Kerman**

- 2 -

November 10, 2015

If you have questions, please contact Dr. Matthew Buffleben at (916) 341-5891, or by email at [Matthew.Buffleben@waterboards.ca.gov](mailto:Matthew.Buffleben@waterboards.ca.gov).

Sincerely,



Christian M. Carrigan, Director  
**Office of Enforcement**

Enclosure

cc: *(via email only; without enclosures)*

Dr. Matthew Buffleben, Chief  
Special Investigations Unit  
[Matthew.Buffleben@waterboards.ca.gov](mailto:Matthew.Buffleben@waterboards.ca.gov)



# City of Kerman

*"Where Community Comes First"*

MAYOR Stephen B. Hill  
MAYOR PRO-TEM Gary Yep  
COUNCIL MEMBER Rhonda Armstrong  
COUNCIL MEMBER Nathan Fox  
COUNCIL MEMBER Bill Nijjer

DEPARTMENT: PUBLIC WORKS  
STAFF REPORT  
CITY COUNCIL MEETING  
COUNCIL MEETING DATE: NOVEMBER 18, 2015

To: Mayor and City Council  
From: Ken Moore  
Subject: Resolution Approving Memorandum of Understanding for Implementation of Sustainable Groundwater Management Act

## RECOMMENDATION

Council by motion adopt resolution approving Memorandum of Understanding for Implementation of the Sustainable Groundwater Management Act in the Fresno Area / North Kings Sub-Basin.

## EXECUTIVE SUMMARY

The State of California has enacted the Sustainable Groundwater Management Act (contained in SB 1168, AB 1739, and SB 1319), pursuant to which certain local agencies may become groundwater sustainability agencies and adopt groundwater sustainability plans in order to manage and regulate groundwater in the underlying groundwater basins. Each party is a local agency qualified to become a groundwater sustainability agency and adopt a groundwater sustainability management plan under the act or a corporation regulated by the Public Utilities Commission and qualified upon the approval of the local agencies to participate in the groundwater sustainability agency. Multiple agencies overlying a single groundwater basin or sub-basin may adopt individual groundwater sustainability plans if those plans are coordinated, or may join together to adopt a single plan.

The primary purposes of this MOU is to facilitate a cooperative and ongoing working relationship between the parties that will allow them to explore, study, evaluate, develop and implement mutually beneficial approaches and strategies for implementing the ACT in the Basin and facilitate contacts with other agencies overlying the Basin so that they can be invited to participate in this MOU or activities undertaken in connection with the agency. As part of their cooperative efforts under this MOU, parties shall discuss and explore the formation of a new Joint Powers Authority (JPA) to develop and implement a single groundwater sustainability plan. Such a JPA can only be created by formal agreement that would be brought back to Council for approval.

## OUTSTANDING ISSUES

None

## DISCUSSION

There are 515 groundwater basins and sub-basins in California. State officials have designated 127 as high/medium priority, meaning that they are not in a sustainable condition. The Kings River sub-basin is not only one of the 127, it is one of 22 sub-basins statewide found to be in critical overdraft. As a result, the Kings sub-basin must meet an expedited schedule of forming local groundwater sustainability agencies (GSAs) by June 30, 2017 and creating a groundwater sustainability plan (GSP) by January 31, 2020. The formation of this agency will be far

more cost effective and efficient than attempting to form our own groundwater sustainability agency and develop our own coordinated groundwater management plan.

GSP development is likely to be significant, lengthy and expensive. It is to include measurable objectives as well as interim milestones to help achieve the basin's sustainability goals. Physical descriptions, groundwater levels, water quality, subsidence, water budgeting and what is termed "a planning and implementation horizon" are to be included. Also to be included are details about basin monitoring and management and overdraft mitigation. The California Department of Water Resources will ultimately determine if the completed groundwater sustainability plan is adequate.

#### FISCAL IMPACT

Each party shall bear all costs it incurs with respect to its activities under this MOU, including without limitation, costs relative to management activities in which they wish to participate prior to their implementation.

#### PUBLIC HEARING

None

#### Attachments:

- A. Resolution w/Exhibit

Attachment 'A'

RESOLUTION NO. 15-\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN APPROVING  
MEMORANDUM OF UNDERSTANDING FOR IMPLEMENTATION OF THE  
SUSTAINABLE GROUNDWATER MANAGEMENT ACT IN THE  
FRESNO AREA/NORTH KINGS SUB-BASIN**

WHEREAS, the State of California has enacted the Sustainable Groundwater Management Act (SGMA) contained in SB 1168, AB 1739, and SB 1319; and

WHEREAS, the SGMA requires the creation of groundwater sustainability agencies (GSAs) to develop and implement local plans allowing 20 years to achieve sustainability; and

WHEREAS, the Fresno Irrigation District, City of Fresno, City of Clovis, Fresno County, Fresno Metropolitan Flood Control District, City of Kerman, Bakman Water Company, Malaga and Pinedale County Water Districts, Garfield and International Water Districts, the communities of Biola and Easton, and California State University, Fresno (collectively "the Parties") are interested in working together via a Memorandum of Understanding (MOU) to form a GSA to explore, study, evaluate, develop and implement mutually beneficial approaches and strategies for implementing the Sustainable Groundwater Management Act in the basin and to facilitate contacts with other agencies overlying the basin; and

WHEREAS, as part of their cooperative efforts under the proposed MOU, the Parties shall discuss and explore the formation of a new Joint Powers Authority to develop and implement a single groundwater sustainability plan; and

WHEREAS, each of the Parties has the authority pursuant to law and their local governing authorities to enter into this Memorandum of Understanding to study and plan for the management of the underlying groundwater basin; and

WHEREAS, the City Council of the City of Kerman believes that the groundwater can best be managed by local agencies in coordination with owners of lands overlying the basin; and

WHEREAS, the Kings River sub-basin is one of 22 sub-basins state wide found to be in critical overdraft and must meet an expedited schedule of forming groundwater sustainability agencies by June, 30 2017.

NOW, THEREFORE, the City Council of the City of Kerman resolves as follows:

Section 1. The foregoing recitals are true and correct and are incorporated by reference.

Section 2. A Memorandum of Understanding attached as Exhibit 'A' to form a Sustainable Groundwater Management Agency consistent with the California Sustainable Groundwater Management Act in accordance with SB 1168, AB 1739 and SB 1319 for the management of groundwater in the Fresno Area /North Kings groundwater sub-basin in substantially to form attached hereto is hereby approved.

Section 3. The City Manager is authorized to execute the Memorandum of Understanding.

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Kerman on the 18th day of November, 2015 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby approved.

\_\_\_\_\_  
Stephen B. Hill  
Mayor

ATTEST:

\_\_\_\_\_  
Marci Reyes  
City Clerk

Exhibit 'A'

**MEMORANDUM OF UNDERSTANDING  
FOR IMPLEMENTATION OF THE  
SUSTAINABLE GROUNDWATER MANAGEMENT ACT  
IN THE FRESNO AREA / NORTH KINGS SUB-BASIN**

THIS MEMORANDUM OF UNDERSTANDING (the "MOU") is made and effective as of \_\_\_\_\_, 2015, by and between the Fresno Irrigation District, the City of Fresno, the City of Clovis, the County of Fresno, Malaga County Water District, Garfield Water District, Biola Community Service District, Pinedale County Water District, Fresno State University, Fresno Metropolitan Flood Control District, City of Kerman, International Water District, Bakman Water Co., a PUC regulated private water company (*and other organizations*) \_\_\_\_\_, each a "Party" and collectively the "Parties," with reference to the following facts:

A. The State of California has enacted the Sustainable Groundwater Management Act (contained in SB 1168, AB 1739, and SB 1319), referred to in this MOU as the "Act", pursuant to which certain local agencies may become "groundwater sustainability agencies" and adopt "groundwater sustainability plans" in order to manage and regulate groundwater in underlying groundwater basins. (The Act defines "basin" as a basin or sub-basin identified and defined in California Department of Water Resources Bulletin 118.) Each Party is a local agency qualified to become a groundwater sustainability agency and adopt a groundwater sustainability plan under the Act or a corporation regulated by the Public Utilities Commission and qualified (upon approval of the local agencies) to participate in a groundwater sustainability agency.

B. Multiple local agencies overlying a single groundwater basin or sub-basin may adopt individual groundwater sustainability plans if those plans are coordinated, or may join together to adopt a single plan. The Parties all overlie portions of the Kings Sub-basin as it is currently defined by the California Department of Water Resources (the "Basin") and wish to participate in the implementation of the Act specifically within the Fresno Area / North Kings Sub-basin. Coordination and cooperation between the Parties is necessary in order to determine the respective roles and the manner in which the Parties will implement the Act. Parties acknowledge the importance of involving other agencies in the management of groundwater resources in the Basin under the Act. The Parties wish to create a vehicle that will allow other agencies to become involved in that management if they so desire.

C. The Parties wish to provide a framework for cooperative efforts relative to implementation of the Act in the Basin, both with each other and with other agencies in the Basin interested in implementing the Act, to help ensure that the Act is implemented in the Basin effectively, efficiently, fairly, and at the lowest reasonable cost.

THEREFORE, in consideration of the mutual promises set forth below and to implement the goals described above, the Parties agree as follows:

1. Purposes of MOU. The primary purposes of this MOU are to (i) facilitate a cooperative and ongoing working relationship between the Parties that will allow them to

explore, study, evaluate and (to the extent the Parties agree) develop and implement mutually beneficial approaches and strategies for implementing the Act in the Basin ("Management Activities") and (ii) facilitate contacts with other agencies overlying the Basin so that they can be invited to participate in this MOU or activities undertaken in connection herewith.

2. Implementation of Management Activities. The Parties intend that this MOU govern their joint activities while they are exploring, studying, evaluating, and developing Management Activities. The Parties shall regularly confer on Management Activities, and nothing in this MOU is intended to restrict the range of Management Activities that may be discussed or pursued by the Parties. If any or all of the Parties identify a Management Activity they wish to jointly implement, they shall develop the appropriate agreement(s) governing such Management Activity. Such agreement(s), and not this MOU, shall govern implementation of a Management Activity to be pursued jointly by any of the Parties. No Management Activity identified by the Parties shall be undertaken until they have complied with all applicable environmental laws, including without limitation the California Environmental Quality Act and any other applicable federal or state law.

3. Outreach to Other Agencies. In recognition of the importance of involving all interested agencies in the Fresno Area / North Kings Sub-Basin, as an initial activity under this MOU, the Parties shall develop and implement an outreach plan pursuant to which the Parties will contact other agencies within or near their respective jurisdiction to invite their participation in this MOU and activities undertaken in connection herewith. Subject to Section 13 of this MOU, such agencies may become Parties hereto.

4. Adding Parties to the MOU. An agency overlying the Basin that is qualified to become or can participate in a groundwater sustainability agency under the Act that wishes to become a Party to this MOU (an "Interested Agency") may become a Party to this MOU upon the concurrence of 75% of the then-current Parties to this MOU. No amendment of this MOU shall be required. Such concurrence shall specify the terms on which the Interested Party will become a Party to this MOU, which terms may differ from the terms of this MOU, including without limitation with respect to the calculation and payment of costs described in Section 7 below. The Interested Agency shall become a Party to this MOU upon its execution of a commitment to be bound by the terms of this MOU and the terms so specified that includes the Interested Agency's contact information for notices under the MOU.

5. Formation of Joint Powers Authority. As a part of their cooperative efforts under this MOU, the Parties shall discuss and explore the formation of a new joint powers authority or similar arrangement to develop and implement a single groundwater sustainability plan. Without limiting the range of issues associated with formation of such a joint powers authority or similar arrangement to be considered by the Parties, they shall evaluate whether agencies overlying the Basin which have been contacted pursuant to Section 3 of this MOU but which have not joined in this MOU, should be invited to participate in such joint powers authority or similar arrangement.

6. No Obligation. None of the Parties is obligated to pursue any Management Activity it does not believe, in its sole and absolute discretion, to be in such Party's best interests.

7. Costs. Each Party shall bear all costs it incurs with respect to its activities under this MOU, including without limitation, costs relative to Management Activities in which they wish to participate prior to their implementation.

8. Party Representatives. Each Party shall designate a principal contact person for that Party, who may be changed from time to time, and other such appropriate staff members and consultants to participate on such Party's behalf in activities undertaken pursuant to this MOU. The principal contact person for each Party shall be responsible for coordinating meetings and other activities under this MOU with the principal contact person for the other Parties. Meetings shall occur as the principal contacts determine are necessary, and each Party shall make its expertise and resources reasonably available for activities under this MOU.

9. Other Management Activities. While the Parties intend to diligently explore Management Activities in which all of them participate, nothing in this MOU shall preclude any of the Parties from pursuing Management Activities with less than all of the other Parties.

10. Ongoing Cooperation. The Parties acknowledge that activities under this MOU will require the frequent interaction between them in order to explore opportunities and resolve issues that arise. The Parties shall work cooperatively and in good faith. The goal of the Parties shall be to preserve flexibility with respect to the implementation of each Management Activity to maximize the mutual benefits of that Management Activity to the Parties. Notwithstanding the foregoing, nothing in this MOU shall be interpreted to require the Parties to jointly implement any Management Activities, and each Party reserves the unrestricted authority and right to determine whether it wishes to implement any Management Activities with the other Parties.

11. Confidentiality. The Parties acknowledge that, in connection with their mutual activities under this MOU, each of them may share sensitive and/or confidential information with the other Parties. To the fullest extent permitted by law, each of the Parties shall maintain any information, documents or materials shared by the other Parties or mutually developed pursuant to this MOU in confidence and shall not voluntarily provide or reveal such information, documents or materials to any third party. If any Party receives a request or order from a third party that the receiving Party believes requires it to disclose any such information, documents or materials, the receiving Party shall (i) immediately notify the other Parties and provide them with a copy of such request or order, (ii) defer any disclosure of such information, documents or materials for as long as legally permitted, and (iii) cooperate with any other Party that wishes to pursue an order preventing the disclosure of such information, documents or materials.

12. Notices. Any formal notice or other formal communication given under the terms of this MOU shall be in writing and shall be given personally, by facsimile, or by certified mail, postage prepaid and return receipt requested at the addresses or facsimile numbers beneath such the recipient's signature line on this MOU. Any notice shall be delivered or addressed to the parties at the addresses or facsimile numbers set forth below or at other address or facsimile numbers as shall be designated by notice in writing in accordance with the terms of this Agreement. The date of receipt of the notice shall be the date of actual personal service, or confirmed facsimile transmission, or three days after the postmark on certified mail.

13. Entire Agreement. This MOU incorporates the entire and exclusive agreement of the Parties with respect to the matters described herein and supersedes all prior negotiations and agreements (written, oral, or otherwise) related thereto. This MOU may be amended (including without limitation to add new Parties) only in a writing executed by all of the Parties.

14. Termination. This MOU shall remain in effect unless terminated by the mutual written consent of the Parties, or upon 30 days written notice of termination delivered by one Party to the others that is not withdrawn prior to the specified termination date; provided, that upon termination by one Party, the remaining Parties may by mutual written agreement continue this MOU in effect as between the non-terminating Parties. No Party shall be liable to any other if it elects to terminate this MOU.

15. Severability. Should any provision of this MOU be determined by a court of competent jurisdiction to be void, in excess of a Party's authority, or otherwise unenforceable, the validity of the remaining provisions of this MOU shall not be affected thereby.

16. Assignment. No rights and duties of any of the Parties under this MOU may be assigned or delegated without the express prior written consent of all of the other Parties, and any attempt to assign or delegate such rights or duties without such consent shall be null and void.

IN WITNESS WHEREOF, the parties have executed this MOU as of the date first above written.

*Signatures on next page (include address and fax number)*

IN WITNESS WHEREOF, the parties have executed this MOU as of the date first above written.

AGENCY NAME

City of Kerman

By: \_\_\_\_\_  
John Kunkel

Date: \_\_\_\_\_

Title: City Manager

850 S. Madera Ave  
Kerman, CA 93630  
(559) 846-6199