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**AGENDA**  
**KERMAN CITY COUNCIL**  
**REGULAR MEETING**  
Kerman City Hall  
850 S. Madera Avenue  
Wednesday, October 19, 2016  
6:30 PM

Stephen B. Hill – Mayor  
Gary Yep – Mayor Pro Tem  
Rhonda Armstrong – Council Member  
Kevin Nehring – 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. Proclamation Commemorating the 31st Anniversary of the Kerman-Kannami Friendship Across the Sea Program (PG)

ATTACHMENTS: [Proclamation](#)

- B. Mid Valley Quarterly Presentation (MR)

### 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: [October 5, 2016](#)

### B. SUBJECT: Payroll

Payroll Report: 09-11-2016 - 09/24/2016: \$143,088.61; Overtime: \$10,670.84; Standby: \$752.22; Comp time Earned: 40.50

RECOMMENDATION: Council approve payroll as presented.

ATTACHMENTS: [Payroll/Overtime Report](#)

### C. SUBJECT: Warrants

1. Nos. 9540-9691 \$581,022.14
2. Excepting- Sebastian: 9661 \$3,166.76

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

ATTACHMENTS: [Warrants](#)

### D. SUBJECT: Monthly Investment Report Ending September 30, 2016 (TJ)

RECOMMENDATION: Council accept the Monthly Investment Report as presented.

ATTACHMENTS: [Investment Report](#)

## 3. PUBLIC HEARINGS

None

## 4. DEPARTMENT REPORTS

### A. SUBJECT: Ordinance Amending Section 12.32.150 of Chapter 12.32 to Title 12 of the Kerman Municipal Code Relating to Prohibition of Smoking and Tobacco Products in Recreation Areas (PG)

RECOMMENDATION: Council accept public presentation, comment and by motion approve introduction and first reading of an ordinance, by title only, amending Section 12.32.150 of Chapter 12.32 to Title 12 of the Kerman Municipal Code relating to prohibition of smoking and tobacco products in recreation areas.

ATTACHMENTS: [Staff Report - Ordinance on Smoking and Tobacco](#)

- B. **SUBJECT**: Resolution Appointing Alternate Representative to the North Kings Groundwater Sustainability Agency (KM)

**RECOMMENDATION**: Council by motion adopt resolution appointing public works director as an alternate representative to the North Kings Groundwater Sustainability Agency.

**ATTACHMENTS**: [Staff Report - Groundwater Sustainability Agency](#)

- C. **SUBJECT**: Resolution Establishing Policies for Plumbing Fixture Replacement (SB 407) for Existing Single Family Residential, Multi-family Residential and Commercial Buildings (OP)

**RECOMMENDATION**: Council by motion approve resolution establishing policies for Plumbing Fixture Replacement (SB 407) for Existing Single Family Residential, Multi-family Residential and Commercial Buildings.

**ATTACHMENTS**: [Staff Report - SB 407](#)

- D. **SUBJECT**: Resolution Authorizing Submittal of Drinking Water State Revolving Fund Application for Planning Funding for Hexavalent Chromium Mitigation Project (JJ)

**RECOMMENDATION**: Council by motion adopt:

1. Resolution authorizing the submittal of a Drinking Water State Revolving Fund application and designating the City Manager as the authorized representative to represent the City for the Hexavalent Chromium Mitigation Project; and
2. Resolution authorizing the City Manager to sign financing agreement, amendments, and certifications for funding under the Drinking Water State Revolving Fund (DWSRF); to approve claims for reimbursement; to execute budget and expenditure summary; to sign the final release form; and pledging and dedicating net water revenues from to payment of DWSRF financing.

**ATTACHMENTS**: [Staff Report - Hexavalent Chromium DWSRF Planning Application](#)

- E. **SUBJECT**: Resolution Approving Agreement with Union Pacific Railroad for Purchase of Public Street Right-of-Way for California and May Avenue Reconstruction Project (JJ)

**RECOMMENDATION**: Council by motion adopt resolution approving agreement with Union Pacific Railroad for purchase of public street right-of-way for the California and May Avenue reconstruction project and authorize the City Manager to sign the agreement.

**ATTACHMENTS**: [Staff Report - Union Pacific Railroad](#)

- F. **SUBJECT:** Resolution Awarding Contract for California Avenue Sidewalk Project Phase 1, Federal Project No. CML-5291(024) (JJ)

**RECOMMENDATION:** Council by motion adopt the resolution awarding contract for California Avenue Sidewalk Project, Phase 1, Federal Project No. CML-5291(024), to Serna Construction, Inc. in the amount of \$119,775.00 and authorize the City Manager to sign the contract.

**ATTACHMENTS:** [Staff Report - California Sidewalk Phase 1 Award](#)

- G. **SUBJECT:** Budget Adjustment Request for Urban Water Management Plan Update (TJ)

**RECOMMENDATION:** Council approve budget amendment request for City Engineers estimate of \$30,000 to update the Urban Water Management Plan.

**ATTACHMENTS:** [Staff Report - Urban Water Management Plan Update](#)

- H. **SUBJECT:** Resolution Rescinding Resolution Nos. 92-03 and 05-43 Relating to Water Meter Liens and Approving a Release of Water Meter Lien Fees (TJ)

**RECOMMENDATION:** Council by motion adopt resolution rescinding Resolution Nos. 92-03 and 05-43 and approve a release of water meter lien fees.

**ATTACHMENTS:** [Staff Report - Water Meter Liens](#)

- I. **SUBJECT:** Ordinance Adopting Marijuana Regulations (HCM)

**RECOMMENDATION:** Council waive full reading and introduce ordinance relating to marijuana regulations.

**ATTACHMENTS:** [Staff Report - AUMA Ordinance](#)

- J. **SUBJECT:** Ordinance Repealing Chapter 9.06 of Title 9 of the Kerman Municipal Code Relating to Medical Marijuana Dispensaries (HCM)

**RECOMMENDATION:** Council by motion waive full reading and introduce ordinance repealing Chapter 9.06 of Title 9 of the Kerman Municipal Code relating to medical marijuana dispensaries.

**ATTACHMENTS:** [Staff Report - Marijuana Dispensaries](#)

5. CITY MANAGER/STAFF COMMUNICATIONS

6. MAYOR/COUNCIL REPORTS

7. CLOSED SESSION

- A. Government Code Section 54956.8 Conference with Real Property Negotiators - Property: APN 023-040-90S; Agency Negotiator: Jerry Jones, City Engineer; Negotiating Party: Fai-Bordeaux IIIA LLC; Under Negotiation: Price
- B. Government Code Section 54956.8 Conference with Real Property Negotiators - Property: 14491 W. Whitesbridge Road; Agency Negotiator: City Manager; Negotiating Parties: Jack Sidhu; Under Negotiation: Price and Terms

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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# Proclamation

**WHEREAS**, friendship among people of different countries and cultures is a great focus in creating peace, tranquility, harmony and understanding; and

**WHEREAS**, the City of Kerman, through its Council, in its establishment of the Kannami Friendship Across the Sea program in 1985, has established a lasting friendship between the people of the community and Kannami, Japan; and

**WHEREAS**, over the years, this Friendship Across the Sea has grown, allowing numerous families, students and professionals to be welcomed into one another's countries in order to learn about the two municipalities, to share new ideas, and to experience on another's culture and rich history; and

**WHEREAS**, October 2016 marks the 31<sup>st</sup> Anniversary of this relationship that was created under the Kannami Friendship Across the Sea mission of promoting peace and prosperity through mutual respect, understanding and cooperation; and

**WHEREAS**, our continued Friendship Across the Sea relationship adds richness, diversity, and mutual educational opportunities for our citizens; and

**WHEREAS**, a delegation from Kannami has travelled to Kerman to celebrate our long-standing friendship; and

**NOW THEREFORE**, I, Stephen B. Hill, Mayor of the City of Kerman, California, U.S.A. do confer upon:

## **Kannami, Japan**

the highest commendation from our city for our long-standing partnership and to thank you for your friendship, kindness and hospitality over the last thirty-one years.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Official Seal of the City of Kerman to be affixed on this 19<sup>th</sup> day of October 2016.

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Stephen B. Hill, Mayor



**MINUTES**  
**KERMAN CITY COUNCIL**  
 REGULAR MEETING  
 Kerman City Hall  
 850 S. Madera Avenue  
 Wednesday, October 5, 2016  
 6:30 PM

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

Present: Mayor Hill (SH), Gary Yep (GY), Rhonda Armstrong (RA), Kevin Nehring (KN) Bill Nijjer (BN)  
 Absent: None  
 Also Present: City Attorney Cantú, Chief of Police, Community Services Director, Finance Director, Public Works Director, Planning Technician

Voting: Yes,  
 No, Absent  
 (Abstain or  
 Recuse if  
 needed)

**OPENING CEREMONIES**

- Welcome – Mayor
- Call to Order
- Roll Call
- Invocation
- Pledge of Allegiance – City Clerk

6:33 p.m.  
 All present  
 SH  
 Performed

**AGENDA APPROVAL/ADDITIONS/DELETIONS**

1. PRESENTATIONS/CEREMONIAL MATTERS
  - A. Swearing In of Officer Miguel Antuna (JKB)

Approved  
 GY/KN  
 (5-0-0)  
 Performed

**REQUEST TO ADDRESS COUNCIL**

2. CONSENT CALENDAR

A. SUBJECT: Minutes

RECOMMENDATION: Council approve minutes as presented.

None  
 RA Recuse  
 from 2.C.2  
 Approved  
 GY/BN  
 Excepting  
 9523 (5-0-0)

B. SUBJECT: Payroll

Payroll Report: 8/28/2016 - 9/10/2016:

RECOMMENDATION: Council approve payroll as presented.

Approved  
 9523 GY/KN  
 (4-0-1) RA

C. SUBJECT: Warrants

1. Nos. 9465-9539 \$402,660.36
2. Excepting Sebastian 9523 \$2,756.31

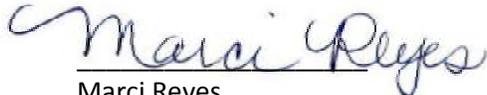
RECOMMENDATION: Council approve warrants and electronic bank transfers as presented. (Pursuant to Government Code 37208)

<p>D. <u>SUBJECT</u>: Resolution Approving Donation of Non-Functional GEM Cars To KUSD</p> <p><u>RECOMMENDATION</u>: Adopt resolution approving the donation of two (2) 2001 non-functional electric GEM cars to Kerman Unified School District.</p>	<p>Res 16-61</p>
<p>E. <u>SUBJECT</u>: Resolution Accepting Public Street Right-of-Way from Ernest R. Quiroz Trust of 2002 for Public Use (JJ)</p> <p><u>RECOMMENDATION</u>: Council by motion adopt the resolution accepting the public street right-of-way from the Ernest R. Quiroz Trust of 2002 for public use.</p>	<p>Res 16-62</p>
<p>3. PUBLIC HEARINGS</p>	<p>None</p>
<p>4. DEPARTMENT REPORTS</p>	
<p>A. <u>SUBJECT</u>: Resolution Approving Non-Support of Proposition 57 (JKB)</p> <p><u>RECOMMENDATION</u>: Council by motion adopt resolution approving non-support of Proposition 57.</p>	<p>Approved KN/RA (5-0-0)</p> <p>Res 16-63</p>
<p>B. <u>SUBJECT</u>: Presentation of the City of Kerman 2015/2016 Auditor's Report and Financial Statements (TJ)</p> <p><u>RECOMMENDATION</u>: Council by motion approve the City of Kerman 2015/2016 Auditor's Report and Financial Statements as presented.</p>	<p>Approved GY/KN (5-0-0)</p>
<p>C. <u>SUBJECT</u>: Resolution Adopting Amendments to the Conflict of Interest Code</p> <p><u>RECOMMENDATION</u>: Council by motion adopt resolution amending the Conflict of Interest Code and accept the 2016 Local Agency Biennial Notice.</p>	<p>Approved BN/GY (5-0-0)</p> <p>Res 16-64</p>
<p>5. CITY MANAGER/STAFF COMMUNICATIONS</p>	
<p>6. MAYOR/COUNCIL REPORTS</p>	
<p>7. CLOSED SESSION</p>	<p>None</p>
<p>COUNCIL RECESS TO CONVENE AS THE PUBLIC FINANCE AUTHORITY</p>	
<p>8. ADJOURNMENT</p>	

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: October 6, 2016

  
 Marci Reyes  
 City Clerk

# CITY OF KERMAN PAYROLL REPORT

**PAY PERIOD: September 11, 2016 - September 24, 2016**

EMPLOYEE	SALARY	RETRO PAY & Other	OVERTIME		HOLIDAY at 1/2 TIME		STANDBY		GROSS SALARY	COMP TIME EARNED
			HOURS	AMOUNT	HOURS	AMOUNT	HOURS	AMOUNT		
<b>ADMINISTRATION</b>										
Alvarez, Josefina	\$ 1,881.23	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,881.23	-
Camacho, Josie	\$ 1,250.31	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,250.31	-
Camacho-Collier, Carolina	\$ 2,533.85	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,533.85	-
Gonzalez, Diana	\$ 1,993.55	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,993.55	-
Jones, Toni	\$ 3,698.31	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 3,698.31	-
Kunkel, John	\$ 6,620.19	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 6,620.19	-
Lopez, Jacqueline	\$ 1,055.54	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,055.54	-
Mendoza, Gabriela	\$ 1,191.23	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,191.23	-
Nazaroff, Helen	\$ 2,107.85	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,107.85	-
Reyes, Marcia	\$ 2,715.69	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,715.69	-
<b>TOTAL</b>	<b>\$ 25,047.74</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>\$ 25,047.74</b>	<b>-</b>
<b>REC/SOCIAL</b>										
Arredondo, Barbara	\$ 269.86	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 269.86	-
Arredondo, Raquel	\$ 104.50	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 104.50	-
Ayala, Mariah	\$ 65.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 65.00	-
Burdine-Slaven, Jeanna	\$ 1,683.23	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,683.23	-
Escamilla, Emi	\$ 5.75	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 5.75	-
Gallegos, Philip	\$ 3,734.77	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 3,734.77	-
Garfias, Braylan	\$ 220.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 220.00	-
Gonzalez, Jose Felix	\$ 1,697.88	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,697.88	-
Hurlbert, Ronald	\$ 126.50	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 126.50	-
Johnson, Theresa	\$ 1,767.23	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,767.23	-
LeBlanc, Noah	\$ 310.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 310.00	-
Lujan, Vanessa	\$ 726.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 726.00	-
Negrete, Dean	\$ 494.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 494.00	-
Salvador, Mark	\$ 2,083.85	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,083.85	-
Sidhu, Nirmal	\$ 1,538.77	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,538.77	-
Silva, Jessica	\$ 219.38	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 219.38	-
Villa, Erika	\$ 380.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 380.00	-
Villalobos, Stacey	\$ 245.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 245.00	-
Villarreal, Arlene	\$ 1,410.92	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,410.92	-
<b>TOTAL</b>	<b>\$ 17,082.63</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>\$ 17,082.63</b>	<b>-</b>
<b>POLICE</b>										
Antuna, Eric	\$ 2,343.28	\$ -	13.00	\$ 571.17	-	\$ -	-	\$ -	\$ 2,914.45	-
Antuna, Miguel	\$ 1,360.00	\$ -	21.50	\$ 548.25	-	\$ -	-	\$ -	\$ 1,908.25	-
Barbosa, Isaias	\$ 2,392.06	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,392.06	-
Barcoma, Wilbert	\$ 3,070.74	\$ -	40.00	\$ 2,303.06	-	\$ -	-	\$ -	\$ 5,373.80	3.00
Belding, Jeff	\$ 2,652.54	\$ -	7.00	\$ 348.15	-	\$ -	-	\$ -	\$ 3,000.69	22.50
Blohm, Joseph	\$ 4,686.47	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 4,686.47	-
Chapman, Tom	\$ 2,437.62	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,437.62	-
Davis, Jeff	\$ 3,070.74	\$ -	-	\$ -	-	\$ -	6.50	\$ 62.37	\$ 3,133.12	-
Dunn, Jacob	\$ 1,784.77	\$ -	8.00	\$ 267.72	-	\$ -	-	\$ -	\$ 2,052.48	-
Francone, Kevin	\$ 840.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 840.00	-
Gill, Kevin	\$ 798.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 798.00	-
Godfrey, Kyle	\$ 1,241.08	\$ -	2.25	\$ 52.36	-	\$ -	-	\$ -	\$ 1,293.43	-
Golden, John	\$ 3,712.64	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 3,712.64	-
Ledezma, Linda	\$ 636.05	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 636.05	-
Lehman, Dustin	\$ 1,968.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,968.00	-
Lopez, Matt	\$ 552.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 552.00	-
Madrugá, Ron	\$ 2,437.62	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,437.62	-
Magallon, Peter	\$ 2,494.58	\$ -	15.00	\$ 701.60	-	\$ -	-	\$ -	\$ 3,196.18	-



**CITY OF KERMAN  
OVERTIME SUPPLEMENTAL PAYROLL REPORT**

**PAY PERIOD 9/11/16-9/24/16**

**POLICE DEPARTMENT**

**Overtime Categories - Number of Hours**

Regular Overtime	Court	Shift Coverage	SID	Training	Avoid the 21 Grant	Special Events	Total
5.25	3	49		22	41	24	144.25

(see notes below for overtime description)

**DOUBLE TIME: (Sunday)**

**PUBLIC WORKS DEPARTMENT**

Sub Total 0  
144.25

**Overtime Categories - Number of Hours**

Water Service	Sewer Emergencies	Animal Control	Special Events	Other or Call Back	On Call Duties	Total
15	4	0	59.5	10	3	91.5

**DOUBLE TIME: (Sunday)**

7	5	0	26	0	9	47
Sub Total						138.50

**COMMUNITY SERVICES DEPARTMENT**

**Overtime Categories - Number of Hours**

Regular Overtime	After Hour Event	Total
		0
Sub Total		0

**FINANCE / PLANNING DEPARTMENTS**

**Overtime Categories - Number of Hours**

Regular Overtime	Utility Billing	Payroll	Dog Clinic	Year End Audit	Total
					0
Sub Total					0

**Total Hours (All Departments) 282.75**

**POLICE DEPARTMENT:**

- Regular Overtime** – 1 hr late call, 2.25 hrs dog calls, 1 hr evidence mtg, 1 hr called in early to translate
- Shift Coverage** – 49 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** – 6 hrs POST Rifle training, 16 hrs Leadership conference
- Court** - 3 hrs court appearance
- Grant** – 41 hrs AVOID Grant
- Special Events** - 24 hrs Harvest Festival

**PUBLIC WORKS DEPARTMENT:**

- Water Service** - 15 hrs OT & 7 hrs DT for shut-off and turn-on of service, all water related emergencies
- Sewer Emergencies** - 4 hrs OT & 5 hrs DT SCADA problems/Sewer emergencies. (SCADA controls pumps, wells and sewer, lift stations, all sewer and storm drain related issues)
- Animal Control** - Vicious or dead animals. (not normally used for stray animals)
- Special Events** - 59.5 hrs OT & 26 hrs DT - Harvest Festival Parade and Carnival Cleanup
- Other** - 8 hrs OT - Worked through lunch-Soroptomist Restrms,Unlock gate-Kerchkoff Park,Lock Comm Ctr,Alarm,Traffic Control/Oil Spill Clean
- Call Back** - 2 hr OT - Pastor called to assist Carl with traffic control and oil spill clean up
- On-Call Duties** 3 hrs OT & 9 hrs DT - 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: gmendoza  
 Printed: 10/11/2016 8:30 AM



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
9540	10013 INV223442	ADAMSON POLICE PRODUCTS PD- (2) TRANSPORT HOOD PACKS OF 5	09/22/2016	68.73
Total for Check Number 9540:				68.73
9541	10015 69134	ADVANCE FORMS MANAGEMENT PD- 1000 REGULAR CITES 45701 THRU 4670	09/22/2016	561.10
Total for Check Number 9541:				561.10
9542	10039 09102016	AT&T PD - T-1 LINE 09/10/16 TO 10/09/16	09/22/2016	275.79
Total for Check Number 9542:				275.79
9543	11144 09132016 09132016	DANIEL AVILA CTC- DEPOSIT REFUND - CTC- 02-18-17 CTC- RENTAL FEE REFUND- CTC 02-18-17	09/22/2016	400.00 500.00
Total for Check Number 9543:				900.00
9544	10059 366798	BROWN BAG CO BPO- PLAN CHECK DELIVERY SUPPLIES	09/22/2016	161.55
Total for Check Number 9544:				161.55
9545	10617 394490	C A REDING CO INC PD- AUG BILLING FOR COPIES 08-13-16 TO	09/22/2016	77.24
Total for Check Number 9545:				77.24
9546	10078 9162016 9162016 9162016	CALIFORNIA STATE DISBURSEMENT HR- C WAGE ASGMT-0195005641-01 HR- C WAGE ASGMT-0470282980-01 HR- C WAGE ASGMT-1070070330-01	09/22/2016	46.15 69.23 152.30
Total for Check Number 9546:				267.68
9547	10092 08022016 080220161 08152016 081520160 081520161	CENTRAL VALLEY TOXICOLOGY INC PD- BLOOD TEST 16-2437 PD- BLOOD TEST 16-2512 PD- BLOOD TEST 16-2538 PD- BLOOD TEST 16-2565 PD- BLOOD TEST 16-2550	09/22/2016	142.00 78.00 78.00 78.00 104.00
Total for Check Number 9547:				480.00
9548	10104 815550021014764	COMCAST TECH- TECHNOLOGY SERVICES 09-14-16 -	09/22/2016	191.08
Total for Check Number 9548:				191.08

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
9549	10109 09202016	COUNTY OF FRESNO PD- JULY PARKING ACTIVITY	09/22/2016	100.00
Total for Check Number 9549:				100.00
9550	10826 885134	CROWN SERVICES CORPORATION MEDIANS- PORTABLE RESTROOM RENTAL	09/22/2016	245.65
Total for Check Number 9550:				245.65
9551	10114 91913	CROWN SHORT LOAD CONCRETE STRT- CONCRETE - VINELAND/KEARNEY	09/22/2016	242.42
Total for Check Number 9551:				242.42
9552	10115	CSJVRMA	09/22/2016	
	RMA-2017-0074	VAR- 2ND QTR WORKERS COMP DEPOSIT		63,125.00
	RMA-2017-0074	VAR- 2ND QTR LIABILITY PROGRAM		13,162.05
	RMA-2017-0074	VAR- 2ND QTR LIABILITY PROGRAM		4,387.35
	RMA-2017-0074	VAR- 2ND QTR LIABILITY PROGRAM		3,363.63
	RMA-2017-0074	VAR- 2ND QTR LIABILITY PROGRAM		1,462.45
	RMA-2017-0074	VAR- 2ND QTR LIABILITY PROGRAM		584.98
	RMA-2017-0074	VAR- 2ND QTR LIABILITY PROGRAM		4,094.86
	RMA-2017-0074	VAR- 2ND QTR LIABILITY PROGRAM		438.74
	RMA-2017-0074	VAR- 2ND QTR LIABILITY PROGRAM		1,754.94
Total for Check Number 9552:				92,374.00
9553	10118 43639331	DAPPER TIRE VE EQUIP- TIRES FOR TRAILER	09/22/2016	365.61
Total for Check Number 9553:				365.61
9554	10128 189305	DEPARTMENT OF JUSTICE PD- 4 BLOOD ALCOHOL ANALYSIS CASE 1	09/22/2016	140.00
Total for Check Number 9554:				140.00
9555	10154	FASTENAL COMPANY	09/22/2016	
	CAFR258365	WTR- SUPPLIES 1 LINE ITEM <\$50		12.97
	CAFR258365	STRTC- RUSTOLEUM RED PAINT		76.03
	CAFR258365	VE SUPPL- SUPPLIES 1 LINE ITEM <\$50		31.90
	CAFR258365	STRTC- SUPPLIES 1 LINE ITEM <\$50		19.75
	CAFR258365	SWR- SUPPLIES		13.47
	CAFR258365	SWR- SUPPLIES		4.35
	CAFR258365	SWR- SUPPLIES		43.17
	CAFR258365	VE SUPPL- LG NITRILE GLOVES 100 CT		293.21
	CAFR258365	LLD- SUPPLIES 1 LINE ITEM		2.24
	CAFR258365	LLD- SUPPLIES 1 LINE ITEM		0.87
	CAFR258365	WTR- SUPPLIES 1 LINE ITEM		2.63
	CAFR258365	LLD- SUPPLIES 1 LINE ITEM		23.78
	CAFR258365	WTR- SUPPLIES 1 LINE ITEM		12.02
	CAFR258365	VE SUPPL- SUPPLIES 1 LINE ITEM		2.83
	CAFR258365	VE SUPPL- SUPPLIES 1 LINE ITEM		3.20
	CAFR258365	LLD- SUPPLIES 1 LINE ITEM		44.19
	CAFR258365	PD MAINT- SUPPLIES 1 LINE ITEM		5.02
	CAFR258365	SWR- L 15" UNLINED GLV PR		57.46
	CAFR258365	SWR- SUPPLIES 1 LINE ITEM		7.57
	CAFR258365	SWR- SUPPLIES 1 LINE ITEM		27.49
	CAFR258365	BLDG- ELECTRICAL TAPE 33" ROLLS 8		57.70
	CAFR258365	STRTC- SUPPLIES 1 LINE ITEM		1.74

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	CAFR258365	STRTC- L/XL ORANGE VESTS-7		147.57
	CAFR258365	LLD- SUPPLIES 1 LINE ITEM		16.10
	CAFR258365	PARKS- SUPPLIES 1 LINE ITEM		12.67
	CAFR258365	PARKS- SUPPLIES 1 LINE ITEM		6.29
	CAFR258365	STRTC- SUPPLIE 1 LINE ITEM		6.68
	CAFR258365	LLD- RECIP BLADES- 30		147.71
	CAFR258365	WTR- SUPPLIES 1 LINE ITEM <\$50		21.02
	CAFR258365	SWR- SUPPLIES 1 LINE ITEM		17.61
			Total for Check Number 9555:	1,119.24
9556	10157 1211597	FERGUSON ENTERPRISES INC WTR- METER BOX LID LIFTER	09/22/2016	38.95
			Total for Check Number 9556:	38.95
9557	11143 09162016 09162016 412900	FIRST IMPRESSION FENCING AND AU CS- REPAIR CHAIN LINK FENCE SM HOLE CS- REPAIR CHAIN LINK FENCE LG HOLE CS- REPAIR CHAIN LINK FENCE COLEMA	09/22/2016	350.00 480.00 350.00
			Total for Check Number 9557:	1,180.00
9558	10175 08312016 08312016 08312016 08312016 08312016 08312016 08312016 08312016 08312016 08312016 08312016 08312016 08312016 08312016	G & K SERVICES, INC VAR- UNIFORMS, MATS AND SUPPLIES VAR- UNIFORMS, MATS AND SUPPLIES	09/22/2016	0.95 32.92 6.40 19.05 1,044.40 82.16 69.09 6.27 12.10 17.10 17.09 18.41 44.74
			Total for Check Number 9558:	1,370.68
9559	11141 01818765	HYDRAULIC CONTROLS INC VE EQUIP- HYDRAULIC HOSE FOR #1213	09/22/2016	58.69
			Total for Check Number 9559:	58.69
9560	10514 12837 12837 12838	ICAD INC. WTR- 75%- TROUBLESHOOT/REPAIR PLC'S SWR 25%- TROUBLESHOOT/REPAIR PLC'S WTR- TROUBLESHOOT/REPAIR PLC'S	09/22/2016	786.94 262.31 431.25
			Total for Check Number 9560:	1,480.50
9561	10215 09132016	J - S AUTO SALES VE- TOW #1416 TO H&J CHEV	09/22/2016	195.00
			Total for Check Number 9561:	195.00
9562	11142 5119804 5121548	KIMBALL MIDWEST VE SUPPL- SUPPLIES FOR SHOP TOOL BO VE SUPPL- SUPPLIES FOR SHOP TOOL BO	09/22/2016	150.44 393.74

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 9562:	544.18
9563	10739 09092016	SOCORRO LEAL CTC- DEPOSIT REFUND - CTC 09-03-16	09/22/2016	400.00
			Total for Check Number 9563:	400.00
9564	11096 2011293	LOZANO SMITH, LLP HR- EMPLOYEE EEOC- MEDIATION	09/22/2016	662.50
			Total for Check Number 9564:	662.50
9565	10262 975522	MID VALLEY DISTRIBUTORS, INC. WTR- STAINLESS PIPE	09/22/2016	16.23
			Total for Check Number 9565:	16.23
9566	11145 09162016	ADRIAN NAJERA CTC- DEPOSIT REFUND- CTC- 05-06-17	09/22/2016	400.00
			Total for Check Number 9566:	400.00
9567	10274 219662	NASCO MODESTO AAC- LIXIT VALVE FOR KENNEL	09/22/2016	28.32
			Total for Check Number 9567:	28.32
9568	10281 NCHAZ-111565	NORTH CENTRAL FIRE PROT DIST VE- SPECIAL HAZARD USER PERMIT FEE	09/22/2016	131.00
			Total for Check Number 9568:	131.00
9569	10282 860150618001 864196863001	OFFICE DEPOT BPO- OFFICE SUPPLIES PD- SPEAKERS FOR PO COMPUTERS (3)	09/22/2016	62.59 37.60
			Total for Check Number 9569:	100.19
9570	10289 6206788690-3 6206788690-3 6206788690-3 6206788690-3 6206788690-3	P.G.& E. CS- MONTHLY ELECT & GAS CS- MONTHLY ELECT & GAS 8-9-16 09-7-16 CS- MONTHLY ELECT & GAS 8-9-16 09-7-16 CS- COMMUNITY SERVICES CS- COMMUNITY SERVICES	09/22/2016	1,398.53 27.65 3,720.25 856.01 100.00
			Total for Check Number 9570:	6,102.44
9571	10312 21603189	QUALIFICATION TARGETS, INC. PD- TARGETS, CARDBOARD BACKERS, PL	09/22/2016	575.96
			Total for Check Number 9571:	575.96
9572	10329 C251417	SAN JOAQUIN VALLEY AIR POLL PD- PERMIT #C6994-1-0 GENERATOR KPD	09/22/2016	264.00
			Total for Check Number 9572:	264.00
9573	10335 28991 29109 CM28677	SILVA AUTO GROUP INC PD REP- INSTRUMENT CLUSTER #1468 PD REP- WHEEL ASSEMBLY #1492 PD REP- CORE CREDIT	09/22/2016	466.73 228.57 -108.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 9573:	587.30
9574	10337	SLUMBERGER LUMBER	09/22/2016	
	08302016	CS- BLDGS- MAINT/REPAIR SUPPLIES		198.12
	08302016	CS- BLDGS- MAINT/REPAIR SUPPLIES		212.14
	08302016	CS- BLDGS- MAINT/REPAIR SUPPLIES		-1.21
	B292382	PD- EXT CORDS FOR HARVEST FESTIVAL ]		43.17
	C185170	PD- EXT CORDS FOR HARVEST FESTIVAL ]		119.01
			Total for Check Number 9574:	571.23
9575	10420	SPRINT	09/22/2016	
	622685312-177	VAR- MONTHLY CELLULAR SERVICE 08-1:		22.11
	622685312-177	VAR- MONTHLY CELLULAR SERVICE 08-1:		26.85
	622685312-177	VAR- MONTHLY CELLULAR SERVICE 08-1:		107.39
	622685312-177	VAR- MONTHLY CELLULAR SERVICE 08-1:		18.95
	622685312-177	VAR- MONTHLY CELLULAR SERVICE 08-1:		18.95
	622685312-177	VAR- MONTHLY CELLULAR SERVICE 08-1:		138.99
	622685312-177	VAR- MONTHLY CELLULAR SERVICE 08-1:		25.27
	622685312-177	VAR- MONTHLY CELLULAR SERVICE 08-1:		18.95
	622685312-177	VAR- MONTHLY CELLULAR SERVICE 08-1:		41.07
	622685312-177	VAR- MONTHLY CELLULAR SERVICE 08-1:		113.72
	622685312-177	VAR- MONTHLY CELLULAR SERVICE 08-1:		69.50
	622685312-177	VAR- MONTHLY CELLULAR SERVICE 08-1:		63.18
			Total for Check Number 9575:	664.93
9576	10345	STATE OF CALIFORNIA	09/22/2016	
	09162016	HR- FTB TAX WAGE GARNISHMENT P/R D		50.00
			Total for Check Number 9576:	50.00
9577	11129	STATE OF CALIFORNIA	09/22/2016	
	JK-188-5761	HR- C FTC- TAX- WAGE GARNISHMENT		24.31
	JK-188-7450	HR- C FTC- TAX- WAGE GARNISHMENT		210.46
			Total for Check Number 9577:	234.77
9578	10355	TARGET SPECIALTY PRODUCTS	09/22/2016	
	PI0484047	SWR- FINALE HERBICIDE & REWARD		787.84
	PI0484593	WTR- SPECTICLE HERBICIDE		80.99
			Total for Check Number 9578:	868.83
9579	10644	US BANK EQUIPMENT FINANCE	09/22/2016	
	312561996	BPO- LANIER/MP C3503 COPIER LEASE		106.99
	313135832	PD- COPIER LANIER MPC4503		177.93
			Total for Check Number 9579:	284.92
9580	10389	VALLEY AIR CONDITIONING & REPAI	09/22/2016	
	37496	CS- QTLY PREVENT MAINT - CITY HALL		575.00
	37497	CS- QTLY PREVENT MAINT - PD		375.00
	37498	CS- QTLY PREVENT MAINT - COMM TEEN		580.00
	37499	CS- QTLY PREVENT MAINT		312.50
			Total for Check Number 9580:	1,842.50
9581	10391	VALLEY FARM SUPPLY STORES	09/22/2016	
	08012016	SWR- SUPPLIES 5 INV <\$50		58.87
	08032016	PARKS- SUPPLIES 3 INV <\$50		56.02

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	08032016	WTR- SUPPLIES 13 INV <\$50		183.74
	08032016	STRTC- SUPPLIES 5 INV <\$50		95.62
	08172016	VE EQUIP- SUPPLIES 3 INV <\$50		63.13
	08172016	LLD- SUPPLIES 2 INV <\$50		46.49
	109249	VE SUPPL- SUPPLIES 1 INV <\$50		9.73
	109348	LLD 50 %- HONDA WEED TRIMMER		205.09
	109348	PARKS 50 %- HONDA WEED TRIMMER		205.09
	109388	VE EQUIP- STIHL FILTERS, BELTS		120.54
	109421	MEDIANS- SPRINKLER		94.34
	109425	VE EQUIP- POWER TRIM BRACKET ASSEM		172.37
	109435	VE REP- SUPPLIES 1 INV <\$50		3.14
	109507	PARKS- WEED EATER LINE & HEADS		232.24
	113480	STRTC- STRA		79.05
	113623	PARKS- TRASH CAN		56.82
	113623	MEDIANS- NETAFIM, PLUGS AND FITTING		77.81
	113653	WTR- CREDIT		-19.46
	113664	VE EQUIP- STIHL BAR		67.08
	113798	WTR 50- ACE STRIPING MACHINE		64.93
	113798	SWR 50- ACE STRIPING MACHINE		64.93
	113939	PARKS- PRUNERS, TOOL POUCH, COAT SH		217.75
			Total for Check Number 9581:	2,155.32
9582	10399	VETERINARY MEDICAL CENTER	09/22/2016	
	214765	AAC- 1 EUTHANASIA OF ANIMALS		24.70
			Total for Check Number 9582:	24.70
9583	11034	VIANEY VILLA	09/22/2016	
	00067844	CTC- DEPOSIT REFUND - SH 09-03-16		100.00
			Total for Check Number 9583:	100.00
9584	10412	XEROX CORPORATION	09/22/2016	
	086170702	ADM- COPIER LEASE FOR AUGUST 0 PRIN		290.03
			Total for Check Number 9584:	290.03
9585	10413	YAMABE & HORN ENGINEERING INC	09/22/2016	
	08312016	WHT BRIDGE & VINE TRAFFIC SIGNAL		300.00
	35997	GOLDENROD RAILROAD CROSSING		240.00
	35999	TRACT NO. 5478 WESTERN INS LAWSUIT		105.00
	36001	DOUBLE L MHP WATER SERVICE PROJ		1,380.00
	36002	MEDIAN TRANSITION PLAN		1,560.00
	36003	VINELAND AVE WIDENING		240.00
	36004	UPRR PEDESTRIAN AND BICYCLE TRAIL		1,515.00
	36005	PROP 84. WATER METER PROJECT		1,500.00
	36006	WATER METER INSTALLATION PROJECT		791.25
	36007	CAL & MAY RECONSTRUCTION		1,065.00
	36008	CDBG- SOROPTIMIST PARK RESTROOM		3,347.50
	36009	CHROM 6 MCL SUPPORT		436.50
	36010	SPR 14-03 KERMAN CROSSINGS PHASE II		420.00
	36011	SR2S PEDESTRIAN SAFETY IMPROV		90.00
	36012	CALIFORNIA AVE SIDEWALK		796.25
	36014	FY 17-18 CDBG APPLICATION		315.00
	36015	FY 16/17 ADA INSPECTIONS		250.00
	36016	FY 16/17 GIS MAPPING		1,020.00
	36017	FY 16/17 GENERAL ENGINEERING - GENE		1,155.00
	36018	FY 16/17 GENERAL ENGINEERING - STREE		360.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 9585:	16,886.50
			Total for 9/22/2016:	135,679.76
9586	10019 39189	AFLAC HR- SEPTEMBER EMPLOYEE VOLUNTARY	09/28/2016	127.70
			Total for Check Number 9586:	127.70
9587	10923 0338419-IN	AMBER CHEMICAL INC WTR- 530 GALLONS BULK CHLORINE 2.10	09/28/2016	1,204.55
			Total for Check Number 9587:	1,204.55
9588	11036 CB13302 CB13302	APPLEBY & CO BPO- BUILDING PLANS- IMAGING & ELEC BPO- BUILDING PLANS- IMAGING & ELEC	09/28/2016	3,022.87 1,295.52
			Total for Check Number 9588:	4,318.39
9589	10054 162570012481	BLUE SHIELD OF CALIFORNIA HR- OCTOBER MEDICAL COVERAGE AND	09/28/2016	37,724.64
			Total for Check Number 9589:	37,724.64
9590	11146 0112806-IN	BORGA STEEL BUILDINGS & COMPO WTR- GALVANIZED STEEL PANELS	09/28/2016	194.81
			Total for Check Number 9590:	194.81
9591	11148 1	CABLE LINKS CONSTRUCTION GROU CDBG- SOROPTIMIST PARK RESTROOM IM	09/28/2016	9,785.00
			Total for Check Number 9591:	9,785.00
9592	10522 100000014810916	CalPERS FIN- GASB68 CUST ID# 2321945323 6-30-16	09/28/2016	2,600.00
			Total for Check Number 9592:	2,600.00
9593	10094 12358225	CHEAPER THAN DIRT PD- 3000 RND OF .40 S&W AMMO AND SH	09/28/2016	945.08
			Total for Check Number 9593:	945.08
9594	10452 K080316 K080316 K081016 K081016 K081716 K081716 K082416 K082416 K083116 K083116 k090716 k090716	CITY OF FRESNO WMD WTR- LAB ANAYLISIS WATER SWR- LAB ANAYLISIS SEWER WTR- LAB ANALYSIS WATER SWR- LAB ANALYSIS SEWER WTR- LAB ANALYSIS SEWER SWR- LAB ANALYSIS SEWER WTR- LAB ANALYSIS WATER SWR- LAB ANALYSIS SEWER	09/28/2016	75.00 73.50 30.00 69.50 30.00 73.50 30.00 73.50 30.00 73.50 75.00 76.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 9594:	709.50
9595	10099 09192016 09202016	CLEARs PD- CLEARs 2016 MEMBERSHIP DON RAM PD- CLEARs 2016 ASSOC MEMBERSHIP FC	09/28/2016	50.00 25.00
			Total for Check Number 9595:	75.00
9596	10103 3420205-1001504 3420205-1001504	COLONIAL LIFE HR- SEPT EMPLOYEE CONTRIBUTION HR- ROUNDING ADJ	09/28/2016	634.80 -0.05
			Total for Check Number 9596:	634.75
9597	10105 08312016	COMMUNITY HOSPITALS OF CENTRA PD- 1 BLOOD DRAW 16-2565	09/28/2016	175.00
			Total for Check Number 9597:	175.00
9598	10106 443241 443319	CONSOLIDATED EDISON SOLUTIONS SWR- SOLAR POWER 070116-080116 112,591 SWR- SOLOR POWER 080116-090116 89,796	09/28/2016	14,056.76 11,210.85
			Total for Check Number 9598:	25,267.61
9599	10108 130016 130033	COOKS COMMUNICATIONS CORP VE- INSTALL LIGHT BAR SIREN CONTROL PD REP- NOISE CANCELLING MIC	09/28/2016	935.82 107.14
			Total for Check Number 9599:	1,042.96
9600	10118 43666135	DAPPER TIRE VE REP- 4 TIRES #1398, 1 TIRE STOCK	09/28/2016	676.50
			Total for Check Number 9600:	676.50
9601	10144 5907922 5907922	ELBERT DISTRIBUTING INC PD MAINT- VEH AND PD VARIOUS SUPPLI VE MAINT- VEH AND PD VARIOUS SUPPLI	09/28/2016	115.89 115.89
			Total for Check Number 9601:	231.78
9602	11143 09222016	FIRST IMPRESSION FENCING AND AU CS- 2ND REPAIR ON"G"ST SM HOLE FENCI	09/28/2016	350.00
			Total for Check Number 9602:	350.00
9603	11149 R06162	FRESNO TRACTOR INC SWR- TRACTOR RENTAL/WWTP WEED CO	09/28/2016	764.58
			Total for Check Number 9603:	764.58
9604	10166 1543 1543 1543	FRESNO-MADERA AGENCY ON AGINC NUT- NON-QUALIFIED MEALS (6) NUT- SITE SUPPLIES NUT- CREDIT ADJ, NON- QUALIFIED MEAL	09/28/2016	20.58 309.12 -34.30
			Total for Check Number 9604:	295.40
9605	10514 12866	ICAD INC. WTR- TROUBLESHOOT LOSS OF COM AT V	09/28/2016	431.25

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 9605:	431.25
9606	11027	KEPWARE TECHNOLOGIES	09/28/2016	
	102025	WTR- SCADA SYSTEM		995.00
	102025	SWR- SCADA SYSTEM		995.00
			Total for Check Number 9606:	1,990.00
9607	10238	KERMAN UNIFIED SCHOOL DIST	09/28/2016	
	170137	CS- PG&E BILL BALLFIELD LIGHTS GOLD		937.87
			Total for Check Number 9607:	937.87
9608	10246	KUCKENBECKER TRACTOR CO	09/28/2016	
	IV96944	SWR- DRIVELINE FOR CHOPPER		170.55
			Total for Check Number 9608:	170.55
9609	11147	GERARDO MARCOS	09/28/2016	
	74998	FIN- VAR CHARITABLE REPORT REFUND		10.00
			Total for Check Number 9609:	10.00
9610	10259	MES VISION	09/28/2016	
	162533088101	HR- OCTOBER VISION PREMIUM		713.40
			Total for Check Number 9610:	713.40
9611	BP-COVI	MITCH COVINGTON	09/28/2016	
		BP Refund- C&D REFUNDTRACT 5488 LOT :		636.00
		BP Refund- C & D REF TRACT 5329 LOT 77 8		707.00
		BP Refund- C & D REFUND 5329 LOT 65 787		615.25
			Total for Check Number 9611:	1,958.25
9612	10272	MUTUAL OF OMAHA	09/28/2016	
	000574906004	HR-- OCTOBER LTD INS EMPLOYEE		455.76
	000574906004	HR-- OCTOBER LTD INS EMPLOYER		455.76
	000574906004	HR-- OCTOBER LIFE INS		418.63
	000574906004	HR-- OCTOBER VOLUNTARY LIFE		1,164.54
			Total for Check Number 9612:	2,494.69
9613	10282	OFFICE DEPOT	09/28/2016	
	864196693001	PD- HARD DRIVE BACKUP		67.21
	866282797001	FIN- OFFICE SUPPLIES		52.73
	866282797001	FIN- OFFICE SUPPLIES		52.74
			Total for Check Number 9613:	172.68
9614	10285	ONTRAC	09/28/2016	
	8502379	BPO- PLAN CHECK OVERNIGHT DELIVER'		63.80
			Total for Check Number 9614:	63.80
9615	10301	PETTY CASH	09/28/2016	
	09272016	VAR- MEAL REIMBURSEMENT (CC)		24.95
	09272016	VAR- HAZARD MAT TRAINING		79.00
	09272016	VAR- BOARD ROOM SUPPLIES		26.83
	09272016	VAR- MICRO SD CARDS 64G		29.09
	09272016	VAR- CHAMBER CONTEST DECORATIONS		28.56

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	09272016	VAR- BICKMORE HARRASSMENT		80.44
			Total for Check Number 9615:	268.87
9616	10723 09162016	DONNIE RAMIREZ PD- CLEARS LEADERSHIP TRAINING	09/28/2016	30.00
			Total for Check Number 9616:	30.00
9617	10319 1512	RENO'S HARDWARE CS- DISHWASHER REPAIR (SR CTR)	09/28/2016	5.57
			Total for Check Number 9617:	5.57
9618	11006 09272016	RIGHT NOW PHLEBOTOMY PD- BLOOD DRAW CASE 16-3184 KPD CON	09/28/2016	125.00
			Total for Check Number 9618:	125.00
9619	10324 84106	RIVERSIDE LANDSCAPE & NURSERY MEDIANS- 40 YDS OF WALK-ON BARK	09/28/2016	1,861.04
			Total for Check Number 9619:	1,861.04
9620	10774 09262016	KARLA SAPIAN CTC- DEP REF-SH 09/24/16 POSTED TO REN	09/28/2016	100.00
			Total for Check Number 9620:	100.00
9621	10337 B293146	SLUMBERGER LUMBER PD- DUCT TAPE	09/28/2016	10.80
			Total for Check Number 9621:	10.80
9622	10754 378868095	SUPPLYWORKS CTC- JANITORIAL SUPPLIES	09/28/2016	31.45
			Total for Check Number 9622:	31.45
9623	10168 MSP- 20767	UNITY IT TECH- MONTHLY TECH SUPPORT SERVICE	09/28/2016	2,335.10
			Total for Check Number 9623:	2,335.10
9624	11150 09262016	TARA URREA CTC- DEPOSIT REFUND- SH 09-25-16	09/28/2016	100.00
			Total for Check Number 9624:	100.00
9625	10647 BP14-0144 BP14-0145	VALLEY VANGUARD PROPERTIES C&D REFUND TRACT 5488 LOT5, 16003 MA C&D REFUND TRACT 5488 LOT2, 16037 MA	09/28/2016	586.00 798.50
			Total for Check Number 9625:	1,384.50
9626	10399 214803	VETERINARY MEDICAL CENTER AAC- 4 EUTHANASIA OF ANIMALS	09/28/2016	84.10
			Total for Check Number 9626:	84.10
9627	10406 231246 53028	WEST HILLS OIL INC VE- DIESEL FUEL 500 GALLONS VE- FUEL- SEPT 1-15 1297.178 GALLONS	09/28/2016	1,294.11 3,579.22

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	53028	VE- B. ARREDONDO TRNSPT 86.398		228.33
			Total for Check Number 9627:	5,101.66
			Total for 9/28/2016:	107,503.83
9629	10014	ADMINISTRATIVE SOLUTIONS INC	10/04/2016	
	9202016	HR- SEPT SEC 125 EMPLOYEE CONT - SEPT		2,276.68
	9272016	HR- OCTOBER - EMPLOYER FLEX PLAN		10,900.00
	97308	HR- OCT BLUE SHIELD PLAN ADMIN		870.00
	97309	HR- OCTOBER DENTAL CLAIMS FUNDING		4,486.65
	97310	HR- OCT SEC 125 PLAN ADMIN		110.00
			Total for Check Number 9629:	18,643.33
9630	10021	ALERT O LITE	10/04/2016	
	00016755	STRIC- RENTAL -BARRICADES AND MESS		432.90
	00016755	STRIC- LOST/STOLEN SIGN REPLACEMEN1		101.30
	00016755	STRIC- DELIVERY, SETUP & TAKEDOWN		500.50
			Total for Check Number 9630:	1,034.70
9631	10029	ALLIED ELECTRIC	10/04/2016	
	1260120-01	SWR- AC DRIVE FOR VFD KEARNEY LIFT		637.17
			Total for Check Number 9631:	637.17
9632	11016	AT&T	10/04/2016	
	10032016	FIN- REIMBURSE OVERPAYMENT OF TOW		11,374.00
			Total for Check Number 9632:	11,374.00
9633	10040	AT&T MOBILITY	10/04/2016	
	10032016	PD- SEPT MDT WIRELESS SERVICE 8-20-16		276.75
			Total for Check Number 9633:	276.75
9634	10061	BSK ASSOCIATES	10/04/2016	
	A621498	WTR- TESTING - TCP BY PURGE		240.00
			Total for Check Number 9634:	240.00
9635	10078	CALIFORNIA STATE DISBURSEMENT	10/04/2016	
	09302016	HR- WAGE ASGMT- 0195005641-01		46.15
	09302016	HR- WAGE ASGMT- 0470282980-01		69.23
	09302016	HR- WAGE ASGMT- 1070070330-01		152.30
			Total for Check Number 9635:	267.68
9636	11152	ISABELLA CAMACHO	10/04/2016	
	10032016	CTC- DEPOSIT REFUND CTC- 10/01/16		400.00
			Total for Check Number 9636:	400.00
9637	10085	CDW GOVERNMENT	10/04/2016	
	FKL5085	SWR- ALLIED MEDIA CONVERTER		402.46
			Total for Check Number 9637:	402.46
9638	10096	CHILDS AND COMPANY, INC.	10/04/2016	
	107087	CTC- (2) 2 DOOR HANDLE REPLACEMENT		638.53

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 9638:	638.53
9639	10109 10042016	COUNTY OF FRESNO PD- AUG PARKING ACTIVITY	10/04/2016	137.50
			Total for Check Number 9639:	137.50
9640	10563 0000647631 0000647631	CWEA RENEWAL WTR- CWEA CERT & MEMBERSHIP RENEV SWR- CWEA CERT & MEMBERSHIP RENEV	10/04/2016	86.00 86.00
			Total for Check Number 9640:	172.00
9641	10151 1818733 1827325 2243421	EWING IRRIGATION PRODUCTS MEDIANS- MEDIAN RENOVATION SUPPLII MEDIANS- MEDIAN RENOVATION SUPPLII MEDIANS- MEDIAN RENOVATION SUPPLII	10/04/2016	104.71 913.98 225.24
			Total for Check Number 9641:	1,243.93
9642	10491 2310	FORENSIC NURSE SPECIALISTS OF CI PD- SEXUAL ASSAULT EXAM 16-2985	10/04/2016	900.00
			Total for Check Number 9642:	900.00
9643	10800 12713057-00	FRESNO OXYGEN #5 VE EQUIP- WELDSKILL LINER	10/04/2016	17.10
			Total for Check Number 9643:	17.10
9644	10169 27115	FRESNO PET CEMETERY AAC- 20 ANIMAL CARCASSES DISPOSED C	10/04/2016	209.10
			Total for Check Number 9644:	209.10
9645	11155 09122016 09122016	GARYS PLUMBING INC CS- LABOR AND TRAVEL CHARG VFW BO CS- INSTALL WATER HEATER & PARTS VF	10/04/2016	450.00 580.00
			Total for Check Number 9645:	1,030.00
9646	10194 G101694	HD SUPPLY WATERWORKS LTD WTR- WILKINS BACKFLOW FOR WELL # 1	10/04/2016	348.24
			Total for Check Number 9646:	348.24
9647	11154 1617-01	HEDRON ARCHITECTURE FIN- ARCHITECTURE FEES- 1ST PHASE	10/04/2016	4,747.00
			Total for Check Number 9647:	4,747.00
9648	10767 09302016 09302016	IDESIGN CUSTOM SCREEN PRINTING REC- YOUTH TENNIS T- SHIRTS REC- PETER PAN T SHIRTS	10/04/2016	354.98 307.36
			Total for Check Number 9648:	662.34
9649	10229 6225	JUDICIAL DATA SYSTEMS CRP PD- PARKING ACTIVITY FOR AUG	10/04/2016	164.28
			Total for Check Number 9649:	164.28

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
9650	10232	KERMAN CAR WASH	10/04/2016	
	5815	VE- CAR WASH		10.00
	90	VE- CAR WASH		10.00
Total for Check Number 9650:				20.00
9651	10239	KERWEST INC	10/04/2016	
	119	CS- KERMAN NEWS 2 YR SUBSCRIPTION		60.00
Total for Check Number 9651:				60.00
9652	10449	PRECILIANO LUA	10/04/2016	
	10032016	CTC- DEPOSIT REFUND- SH 10/02/16		100.00
Total for Check Number 9652:				100.00
9653	10678	MAC'S EQUIPMENT INC	10/04/2016	
	141047	VE EQUIP- FUEL FILTER FOR MUD VAC		13.12
	141057	SWR- RED SAFETY LIGHT		31.25
	141356	PD REP- BRAKE BOLT KIT #1469		21.98
	141368	VE SUPPL- 1/4 IN RACHET FOR SHOP TOOI		18.49
	141464	PD REP 50%- THERMOMETER TESTER		41.27
	141464	VE REP 50%- THERMOMETER TESTER		41.27
	141672	VE EQUIP- AIR FILTER FOR PAINT MACHIN		12.49
	141851	PD REP- FRONT BRAKES/ROTORS #1468		235.53
	142328	VE EQUIP- OIL FOR TORO MOWER		22.36
Total for Check Number 9653:				437.76
9654	10269	MOUNTAIN VALLEY PEST CONTROL	10/04/2016	
	09092016	BLDG- PEST CONTROL- KERCKHOFF SCOI		150.00
Total for Check Number 9654:				150.00
9655	11153	LISA MUNOZ	10/04/2016	
	10032016	CTC- DEPOSIT REFUND- SH 10/01/16		100.00
Total for Check Number 9655:				100.00
9656	10273	NAFFA INTERNATIONAL INC	10/04/2016	
	29347	BPO- PLAN CHECK FEES SERVICES( 8-1- 8		2,573.79
Total for Check Number 9656:				2,573.79
9657	10487	LORA NEHRING	10/04/2016	
	09302016	REC- INSTRUCTOR FEE- ZUMBA SEP 2016		339.50
Total for Check Number 9657:				339.50
9658	10282	OFFICE DEPOT	10/04/2016	
	864558652001	BPO- OFFICE SUPPLIES		88.07
	866282847001	FIN- OFFICE SUPPLIES		1.83
	866282847001	FIN- OFFICE SUPPLIES		1.84
Total for Check Number 9658:				91.74
9659	10457	OFFICEMAX INC	10/04/2016	
	105394	PARKS- MOUSE FOR SHOP BRKROOM COM		29.55
	105394	WTR 50%- CASE OF PAPER		37.75
	105394	SWR 50%- CASE OF PAPER		37.75
	105394	WTR 50%- PRINTERINK WWTP OFFICE		18.17
	105394	SWR 50%- PRINTER INK WWTP OFFICE		18.17

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	105394	STRTC- MAGNIFYING GLASS		21.97
	956216	STRTC- OFFICE SUPPLIES		80.68
Total for Check Number 9659:				244.04
9660	10289	P.G.& E.	10/04/2016	
	5741309690-0	BPO- MONTHLY SERVICE 082516-092516		551.76
	9081203718-3	CS- KATEY'S PARK- ID # 9081203854 PG&E		80.91
Total for Check Number 9660:				632.67
9661	10332	SEBASTIAN	10/04/2016	
	10405981	MONTHLY PHONE SERVICE - 9-21-16 10-20-		572.06
	10405981	MONTHLY PHONE SERVICE - 9-21-16 10-20-		17.45
	10405981	MONTHLY PHONE SERVICE - 9-21-16 10-20-		26.18
	10405981	MONTHLY PHONE SERVICE - 9-21-16 10-20-		218.14
	10405981	MONTHLY PHONE SERVICE - 9-21-16 10-20-		2.18
	10405981	MONTHLY PHONE SERVICE - 9-21-16 10-20-		7.85
	10405981	MONTHLY PHONE SERVICE - 9-21-16 10-20-		200.69
	10405981	MONTHLY PHONE SERVICE - 9-21-16 10-20-		305.39
	10405981	MONTHLY PHONE SERVICE - 9-21-16 10-20-		65.44
	10405981	MONTHLY PHONE SERVICE - 9-21-16 10-20-		82.89
	10405981	MONTHLY PHONE SERVICE - 9-21-16 10-20-		218.14
	10405981	MONTHLY PHONE SERVICE - 9-21-16 10-20-		327.21
	10405981	MONTHLY PHONE SERVICE - 9-21-16 10-20-		50.17
	10405981	MONTHLY PHONE SERVICE - 9-21-16 10-20-		218.14
	10405981	MONTHLY PHONE SERVICE - 9-21-16 10-20-		104.00
	10405981	MONTHLY PHONE SERVICE - 9-21-16 10-20-		74.17
	10405981	MONTHLY PHONE SERVICE - 9-21-16 10-20-		139.61
	10409160	PD- SEPT T 1 - LINE		429.79
	10409489	MONTHLY BURGLAR ALARM SERV-3408 9		53.63
	10409490	MONTHLY BURGLAR ALARM SERV-3409 9		53.63
Total for Check Number 9661:				3,166.76
9662	10345	STATE OF CALIFORNIA	10/04/2016	
	09302016	HR- C FTB TAX- WAGE GARNISHMENT P/R		50.00
Total for Check Number 9662:				50.00
9663	11129	STATE OF CALIFORNIA	10/04/2016	
	JK-188-5761	HR- FTB TAX- WAGE GARNISHMENT P.R I		24.31
	JK-188-7450	HR- FTB TAX- WAGE GARNISHMENT		199.54
Total for Check Number 9663:				223.85
9664	10349	STEAMRITE CARPET CLEANING	10/04/2016	
	2132	CS- SR. CTR CARPET CLEANING (BINGO R		255.00
	2132	CS- SR. CTR CARPET CLEANING (BINGO R		30.00
Total for Check Number 9664:				285.00
9665	10355	TARGET SPECIALTY PRODUCTS	10/04/2016	
	PI0483872	SWR- FINALE & REWARD		436.08
	PI0491481	LLD- 50% SEDGEHAMMER HERBICIDE		130.68
	PI0491481	STRTC- 50% SEDGEHAMMER HERBICIDE		130.68
Total for Check Number 9665:				697.44
9666	10168	UNITY IT	10/04/2016	
	MSP-20801	SWR 50 %- SCADA SUPPORT AUG 2016		27.50
	MSP-208011	WTR50 %- SCADA SUPPORT AUG 2016		27.50

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 9666:	55.00
9667	10387	USABBLUEBOOK	10/04/2016	
	025515	WTR- PRESSURE GUAGE		56.74
	045399	WTR 50%- CYLINDERS, TESTING SUPPLIE		199.91
	045399	SWR 50%- CYLINDERS, TESTING SUPPLIE		199.90
	052517	SWR- CORE PRO SAMPLER		146.07
	057337	SWR- ACTIVATED SLUDGE CHART		89.21
			Total for Check Number 9667:	691.83
9668	10751	EDWARD VALLEJO	10/04/2016	
	09302016	WTR- REIMB FOR SWRCP OPERATOR REN		90.00
			Total for Check Number 9668:	90.00
9669	10399	VETERINARY MEDICAL CENTER	10/04/2016	
	214850	AAC- 4 EUTHANASIA OF ANIMALS		84.10
			Total for Check Number 9669:	84.10
9670	11151	VIVINT SOLAR DEVELOPERS	10/04/2016	
	15-RES-0187	BP- PARTIAL BP REFUND CANCELLED JOE		156.05
			Total for Check Number 9670:	156.05
9671	UB*00354	VOLCAN EMPIRE INC	10/04/2016	
	014699-000	FIN- UB OVERPAYMENT & DEPOSIT REFU		10.53
	014699-000	FIN- UB OVERPAYMENT & DEPOSIT REFU		22.65
	014699-000	FIN- UB OVERPAYMENT & DEPOSIT REFU		1.14
	014699-000	FIN- UB OVERPAYMENT & DEPOSIT REFU		0.70
	014699-000	FIN- UB OVERPAYMENT & DEPOSIT REFU		150.00
			Total for Check Number 9671:	185.02
9672	10412	XEROX CORPORATION	10/04/2016	
	314330283	ADM- COPIER LEASE OCTOBER 9-22-16/ 10		259.74
			Total for Check Number 9672:	259.74
9673	10386	US BANK CORPORATE PAYMENT	10/04/2016	
	08232016	REC- ARTREACH CHILDRENS THEATRE		144.95
	08262016	ADM- 2 NEW KEYBOARDS/MOUSE		64.91
	082620160	REC- WALMART CANDY FOR KHS/KMS CL		17.16
	082620168	REC- SWANK MOTION PICTURE - MOVIES		281.50
	08302016	PD- WALMART- REFRESHMENTS FOR KPD		23.52
	090616	WTR- SCADA PHONE BELT CLIP		4.50
	090616	SWR- SCADA PHONE BELT CLIP		4.49
	090616	WTR- 3 BLUETOOTH SPEAKERS		40.00
	090616	SWR- 3 BLUETOOTH SPEAKERS		40.00
	090616	STRTC- 3 BLUETOOTH SPEAKERS		40.00
	090616	WTR-7 BLUETOOTH HEADSETS		104.98
	090616	SWR-7 BLUETOOTH HEADSETS		104.98
	090616	STRTC-7 BLUETOOTH HEADSETS		104.97
	0906161	SWR- 2 OFFICE CHAIRS & MATS		166.53
	0906162	WTR- 2 OFFICE CHAIRS & MATS		166.54
	09092016	PD- GAS FOR VEHICLE CHIEFS EXECUTIV		43.44
	090920160	PD- 3 NIGHT STAY CHIEF BLOHM K SHOP (		479.07
	090920169	PD- 3 NIGHT STAY LT GOLDEN WK SHOP- 9		479.07
	09122016	CS- EASELS- OFFICE DEPOT		151.18
	09132016	CC- BUNTINGS FOR COUNCIL/CITY HALL		104.58

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	09142016	FIN- GFOA EXCELLENCE IN BUDGET AWA		280.00
	09142016-2	FIN- CSMFO BUDGET AWARD		150.00
	09152016	FIN- WALMART- HACIENDA SUPPLIES		57.22
	091520161	ADM- CITY MANAGER MEET 02/8/ 10-17		650.00
	09162016	SWR- BATTERY FOR CAMERA AT WWTP		18.69
	091620161	CC- COUNCIL PARADE DECOR		18.34
	10723	CS- SOUND- PROOFING ROLLS (3) SKATE		987.39
	859989932-001	FIN- 5 KEYBOARDS & MICE		32.46
	859989932-001	FIN- 5 KEYBOARDS & MICE		64.91
	859989932-001	FIN- 5 KEYBOARDS & MICE		64.91
	WW1007	SWR- WQI WASTEWATER REV A TINOCO C		700.00
Total for Check Number 9673:				5,590.29
Total for 10/4/2016:				59,830.69
9674	10346	STATE WATER RESOURCE CNTRL BRI	10/05/2016	
	09302016	WWTP DEBT SERVICE - PRIN PMT		161,012.25
	09302016	WWTP DEBT SERVICE - INT PMT		40,730.61
	09302016	WWTP DEBT SERVICE - INT PMT		75,000.00
Total for Check Number 9674:				276,742.86
Total for 10/5/2016:				276,742.86
9675	UB*00427	CHRIS ARMACK Refund Check	10/06/2016	3.41
Total for Check Number 9675:				3.41
9676	UB*00423	JOHN & CHRISTINA BEAULIEU Refund Check Refund Check Refund Check Refund Check Refund Check	10/06/2016	0.15 8.95 5.52 13.45 0.75
Total for Check Number 9676:				28.82
9677	UB*00430	IGNACIO BECERRA Refund Check Refund Check Refund Check Refund Check Refund Check Refund Check Refund Check	10/06/2016	5.01 0.04 1.53 3.74 2.69 0.27 0.17
Total for Check Number 9677:				13.45
9678	UB*00422	SAIRA CARDENAS Refund Check	10/06/2016	150.00
Total for Check Number 9678:				150.00
9679	UB*00417	ANGEL DOMINGUEZ Refund Check Refund Check	10/06/2016	29.03 0.24

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
		Refund Check		8.89
		Refund Check		21.66
		Refund Check		15.58
		Refund Check		1.55
		Refund Check		0.97
			Total for Check Number 9679:	77.92
9680	UB*00433	JERRY P & NANCY GALVAN Refund Check	10/06/2016	126.91
			Total for Check Number 9680:	126.91
9681	UB*00420	HAYNES PROPERTIES LLC Refund Check	10/06/2016	39.82
			Total for Check Number 9681:	39.82
9682	UB*00424	K-CITY SMOKE SHOP Refund Check Refund Check Refund Check Refund Check	10/06/2016	156.38 10.44 6.44 12.66
			Total for Check Number 9682:	185.92
9683	UB*00426	GABRIELA NAVARRETE Refund Check	10/06/2016	95.73
			Total for Check Number 9683:	95.73
9684	UB*00428	TOBY & JAMES PETRUCELLI Refund Check Refund Check Refund Check Refund Check	10/06/2016	0.06 3.48 2.15 2.52
			Total for Check Number 9684:	8.21
9685	UB*00421	ROBERT PORRAS Refund Check	10/06/2016	116.97
			Total for Check Number 9685:	116.97
9686	UB*00419	JAIME RAMIREZ Refund Check Refund Check Refund Check Refund Check Refund Check	10/06/2016	0.24 14.42 8.89 21.66 4.95
			Total for Check Number 9686:	50.16
9687	UB*00429	ANDREA ROBLES Refund Check	10/06/2016	56.00
			Total for Check Number 9687:	56.00
9688	UB*00432	LARRY SALINAS Refund Check	10/06/2016	73.46
			Total for Check Number 9688:	73.46

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
9689	UB*00431	ADRIANA SEPULVEDA	10/06/2016	
		Refund Check		0.04
		Refund Check		1.63
Total for Check Number 9689:				1.67
9690	UB*00425	SYLVIA TAPIA	10/06/2016	
		Refund Check		86.55
Total for Check Number 9690:				86.55
9691	UB*00418	JOSEPH WHITE	10/06/2016	
		Refund Check		148.88
		Refund Check		0.31
		Refund Check		0.06
		Refund Check		0.36
		Refund Check		0.34
		Refund Check		0.04
		Refund Check		0.01
Total for Check Number 9691:				150.00
Total for 10/6/2016:				1,265.00
Report Total (151 checks):				581,022.14

**CITY OF KERMAN  
CD/Securities Portfolio  
As of September 30, 2016**

Institution	Account Number	Interest Rate/ Trans. Date	Opening Date	Maturity Date	6/30/2016 Book Balance	Additions/ (Deletions)	Cashed In	6/30/2017 Book Balance	Fair Value	FY to Date Interest Paid
<b>CD's:</b>										
State Bank of India	615-030525-245	2.00%	8/12/11	8/12/16	47,000.00	(47,000.00)	-	-	-	468.71
Medallion Bank	615-030525-245	1.00%	8/19/13	8/19/16	100,000.00	(100,000.00)	-	-	-	498.63
Goldman Sachs Bank USA	615-030525-245	1.85%	8/31/11	8/31/16	200,000.00	(200,000.00)	-	-	-	1,865.21
Ally Bank	615-030525-245	0.95%	10/2/14	10/11/16	100,000.00			100,000.00	100,008.00	-
Capital One Bank Glen Allen VA	615-030525-245	1.00%	11/12/14	11/14/16	96,000.00			96,000.00	96,047.04	-
Firstbank of Puerto Rico	615-030525-245	1.10%	1/25/13	1/25/17	53,000.00			53,000.00	53,095.93	146.96
Firstbank of Puerto Rico	615-030525-245	0.90%	3/1/13	3/1/17	196,000.00			196,000.00	196,295.96	444.63
Cit Salt Lake City UT	615-030525-245	0.90%	3/27/13	3/27/17	98,000.00			98,000.00	98,163.66	444.62
Ge Capital Bank	615-030525-245	1.10%	5/8/14	5/16/17	248,000.00			248,000.00	248,791.12	-
Cap One NA Mclean VA	615-030525-245	1.15%	7/22/15	7/24/17	150,000.00			150,000.00	150,421.50	860.14
American Express Centurion Bank	615-030525-245	1.70%	7/26/12	7/26/17	98,000.00			98,000.00	98,835.94	830.72
Whitney Bank Gulfport MS	615-030525-245	1.20%	8/12/15	8/14/17	50,000.00			50,000.00	50,192.00	299.18
Sallie Mae Bank	615-030525-245	1.70%	8/22/12	8/22/17	150,000.00			150,000.00	151,483.50	1,271.51
Ally Bank Midvale UT CD	615-030525-245	1.25%	9/17/15	9/18/17	99,000.00			99,000.00	99,429.66	623.84
1st Merchants Bank	615-030525-245	1.00%	3/21/14	9/21/17	96,000.00			96,000.00	96,563.52	483.95
Third Federal Cleveland OH	615-030525-245	1.15%	2/21/14	11/21/17	99,000.00			99,000.00	99,761.31	567.69
Capital One Bank Glen Allen VA	615-030525-245	1.25%	1/22/15	1/22/18	100,000.00			100,000.00	100,564.00	623.29
BMO Harris BK Chicago IL	615-030525-245	1.20%	2/4/16	2/2/18	51,000.00			51,000.00	51,311.61	305.16
Bank of Baroda New York City NY	615-030525-245	1.25%	3/8/13	3/8/18	248,000.00			248,000.00	249,971.60	1,562.74
Wells Fargo Bank in SD	615-030525-245	1.10%	4/6/16	4/6/18	248,000.00			248,000.00	249,063.92	687.60
Discover Greenwood DE	615-030525-245	1.15%	4/8/15	4/9/18	98,000.00			98,000.00	98,434.14	-
Everbank CD Jacksonville FL	615-030525-245	1.10%	4/15/15	4/13/18	150,000.00			150,000.00	150,550.50	-
Rollstone Bank Fitchburg MA	615-030525-245	1.10%	4/15/15	4/16/18	248,000.00			248,000.00	248,910.16	-
American Express Centurion Bank	615-030525-245	1.15%	5/16/13	5/16/18	98,000.00			98,000.00	98,731.08	-
Compass Bank	615-030525-245	1.70%	7/31/13	7/31/18	97,000.00			97,000.00	98,796.44	822.24
American Express Salt Lake City Ut	615-030525-245	1.25%	8/14/14	8/14/18	98,000.00			98,000.00	99,149.54	781.85
Franklin Synergy Bank	615-030525-245	1.10%	4/8/16	10/9/18	98,000.00			98,000.00	98,655.62	271.72
Sallie Mae Bank Salt Lake City UT	615-030525-245	1.50%	1/27/16	1/28/19	95,000.00			95,000.00	96,444.00	710.55
Goldman Sachs New York NY	615-030525-245	1.45%	2/3/16	2/4/19	48,000.00			48,000.00	48,743.04	347.05
Comenity Bank Salt Lake City UT	615-030525-245	1.25%	3/21/16	3/21/19	100,000.00			100,000.00	100,964.00	315.06
Third Federal Cleveland OH	615-030525-245	1.55%	3/26/15	3/26/19	98,000.00			98,000.00	99,827.70	765.74
Barclays Bank	615-030525-245	1.90%	4/15/14	4/15/19	248,000.00			248,000.00	253,845.36	-
Worlds Foremost Bank	615-030525-245	1.30%	5/26/16	5/28/19	100,000.00			100,000.00	99,270.00	327.67
BMW Salt Lake City UT	615-030525-245	1.95%	6/20/14	6/20/19	200,000.00			200,000.00	204,890.00	-
Medallion Bank Salt Lake City UT	615-030525-245	1.20%	8/19/16	8/19/19	-	147,000.00		147,000.00	146,964.72	-
ST Bank of India CD Chicago IL	615-030525-245	2.15%	8/18/15	8/19/19	100,000.00			100,000.00	102,825.00	1,072.05
JPM Columbus OH	615-030525-245	1.25%	8/31/16	8/31/19	-	200,000.00		200,000.00	200,018.00	-
Discover Greenwood	615-030525-245	2.00%	9/30/15	9/30/19	100,000.00			100,000.00	102,723.00	1,008.22
Cit Salt Lake City UT	615-030525-245	2.15%	11/13/14	11/13/19	100,000.00			100,000.00	103,125.00	-
Synchrony Draper UT	615-030525-245	1.95%	3/13/15	3/13/20	150,000.00			150,000.00	154,030.50	1,474.52
Comenity Bank Jumbo Formerly World Fi	615-030525-245	2.10%	6/10/15	6/10/20	200,000.00			200,000.00	200,746.00	1,058.63
Amex Centurion Salt Lake City Ut	615-030525-245	2.30%	6/24/15	6/24/20	52,000.00			52,000.00	53,410.76	-
Capital One Bank Glen Allen VA	615-030525-245	2.20%	6/24/15	6/24/20	46,000.00			46,000.00	47,250.28	-
Capital One NA Mclean VA	615-030525-245	2.30%	8/12/15	8/12/20	97,000.00			97,000.00	100,735.47	1,112.44
	Average Rate	1.45%								
Subtotal - CD's					5,148,000.00	-	-	5,148,000.00	5,199,040.58	22,052.92

**CITY OF KERMAN  
CD/Securities Portfolio  
As of September 30, 2016**

Institution	Account Number	Interest Rate/ Trans. Date	Opening Date	Maturity Date	6/30/2016 Book Balance	Additions/ (Deletions)	Cashed In	6/30/2017 Book Balance	Fair Value	FY to Date Interest Paid
<b>Central Valley Comm Bank CD</b>										
		1.34	6/8/12	6/8/17	200,000.00			200,000.00	200,000.00	506.63
<b>Total Other Certificates of Deposits</b>					<b>200,000.00</b>	<b>-</b>	<b>-</b>	<b>200,000.00</b>	<b>200,000.00</b>	<b>506.63</b>
Total CD's					<b>5,348,000.00</b>	<b>-</b>	<b>-</b>	<b>5,348,000.00</b>	<b>5,399,040.58</b>	<b>22,559.55</b>
<b>Local Agency Investment Fund</b>										
Beginning Balance	98-10-400		7/28/15		2,008,030.30			2,008,030.30	2,008,030.30	
Interest			9/30/16					-		-
			12/31/16					-		-
			3/31/17					-		-
			6/30/17					-		-
Total - LAIF					<b>2,008,030.30</b>	<b>-</b>	<b>-</b>	<b>2,008,030.30</b>	<b>2,008,030.30</b>	<b>-</b>
<b>Chandler Asset Management</b>										
Beginning Balance	(City of Kerman)				-			-		
Interest					154,507.64			154,507.64	154,507.64	-
<b>Chandler Ending Balance</b>					<b>154,507.64</b>	<b>-</b>	<b>-</b>	<b>154,507.64</b>	<b>154,507.64</b>	<b>-</b>
<b>Total Chandler Investments</b>					<b>154,507.64</b>	<b>-</b>	<b>-</b>	<b>154,507.64</b>	<b>154,507.64</b>	<b>-</b>
<b>Central Valley Money Market Acct</b>										
Beginning Balance	015030960				2,512,391.65			2,512,391.65		
Interest			7/31/16			165.49		165.49		165.49
			8/31/16			162.22		162.22		162.22
			9/30/16			146.47		146.47		146.47
								-		-
Transfers In/(Out)			7/13/16			(125,000.00)		(125,000.00)		
			9/15/16			(300,000.00)		(300,000.00)		
								-		-
								-		-
								-		-
					<b>2,512,391.65</b>	<b>(424,525.82)</b>	<b>-</b>	<b>2,087,865.83</b>	<b>2,087,865.83</b>	<b>474.18</b>
Subtotal All City Investments					<b>10,022,929.59</b>	<b>(424,525.82)</b>	<b>-</b>	<b>9,598,403.77</b>	<b>9,649,444.35</b>	<b>23,033.73</b>
Total Investments					<b>10,022,929.59</b>	<b>(424,525.82)</b>	<b>-</b>	<b>9,598,403.77</b>	<b>9,649,444.35</b>	<b>506.63</b>
								Market Value Adjustment	51,040.58	
								(424,525.82)		
								(424,525.82)		
								-		



# City of Kerman

*"Where Community Comes First"*

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

DEPARTMENT: PARKS AND RECREATION  
STAFF REPORT  
CITY COUNCIL MEETING  
COUNCIL MEETING DATE: OCTOBER 19, 2016

To: Mayor and City Council  
From: Philip Gallegos, Parks, Recreation and Community Services Director  
Subject: Ordinance Amending Section 12.32.150 of Chapter 12.32 to Title 12 of the Kerman Municipal Code Relating to Prohibition of Smoking and Tobacco Products in Recreation Areas

## RECOMMENDATION

Council accept public presentation, comment and by motion approve introduction and first reading of an ordinance by title only, amending Section 12.32.150 of Chapter 12.32 to Title 12 of the Kerman Municipal Code relating to prohibition of smoking and tobacco products in recreation areas.

## EXECUTIVE SUMMARY

Youth representative from Friday Night Live and Youth Leadership Institute will give a compelling presentation in support of smoke free parks and recreation areas. The youth presented a draft ordinance for the Parks and Recreation Commission review. The proposed ordinance formulated by local youth included provision for prohibiting smoking and the use of tobacco products in parks and recreation areas.

On September 28th the updated ordinance was brought back to the Parks and Recreation Commission and approved with a recommendation for City Council consideration.

## OUTSTANDING ISSUES

None

## BACKGROUND

On August 31 of 2016, the Parks and Recreation Commission (Commission) received a compelling presentation from Friday Night Live and Youth Leadership Institute youth representatives on the possibility of Kerman Parks and Recreation areas becoming tobacco free. Youth collected 114 public opinion poll (POP) surveys and the results came back with 95.6% support tobacco free parks and recreation areas. POP results attached. Exhibit 'A'. They also received 67 letters of support, two are attached. Exhibit 'B'

The youth also presented a draft ordinance for the Commission to review. The purposed ordinance formulated by local youth included provision for prohibiting smoking and the use of tobacco products in parks and recreation areas. The Commission made a motion to support the smoke free park ordinance and requested staff to come back with a final ordinance. Staff submitted the youth's purposed ordinance to the City attorney for review and editing.

Upon review of the City's municipal code, we found an existing ordinance prohibiting smoking in Chapter 12.32 Use of Park and Recreation Facilities Section 12.32.150. This reads, "No person shall smoke any substance in any area

designated as Rotary Park or any park facility where smoking is prohibited.” Finding no need to create a new ordinance area the attorney and staff elected to amend the existing ordinance, by replacing the out dated language with the attached ordinance. Exhibit ‘C’. On September 28<sup>th</sup> the updated ordinance was brought back to the Commission and approved, with a recommendation for City Council consideration.

## DISCUSSION

Currently the State of California’s Health and Safety Code ; Section104495 prohibits smoking in and within 25 feet of any playground or precreation area specifically designed to be used by children, on public or private school grounds, or city, or county, or state park grounds. Approximately 365 municipalities in California have already adopted more restrictive smoking bans in recreation areas beyond state law. (Exhibit ‘D’) These bans vary from a complete ban in all recreational areas including parks, community centers and skate parks to a partial such as only in golf courses or beaches. Fresno County cities that have banned smoking in their parks include Clovis, Firebaugh, Fresno, Mendota, Orange Cove and Reedley. On a national level there are several hundred more cities across the country that has prohibited smoking in public parks.

The proposed ordinance bans the use of any cigarettes, cigars or other tobacco product, including electronic smoking devices in recreation areas. The purpose ordinance also bans the use of marijuana in parks and recreation areas. The amended ordinance refines and expands the definition of recreation areas and includes current laws and health guidelines.

Enforcement would begin with education of the community that would include new signage (provided by the American Lung Association) and public outreach information. Most cities do not intend for staff to proactively patrol areas in search of people in prohibited smoking areas. Kerman consistent with most cities would rely on self-enforcement. The police department would not be responsible for direct enforcement. (i.e.: Patrolling Parks and Recreation areas looking for people using tobacco), but would respond in the event a complaint came in. This would similar to how smoking in a restaurant is handled. This type of ordinance has worked well in other jurisdictions with community enforcement (i.e.: Community members respectfully educating and reminding tobacco users that they can’t use tobacco products in certain areas).

## FISCAL IMPACT

Minimal fiscal impact is expected. Signage in parks will be paid for using funds from the American Lung Association. Public education would include a variety of n media outlets such as City wed site and Parks and Recreation Facebook.

## PUBLIC HEARING

None

Attachments:

- A. Public Opinion Poll (POP) surveys
- B. Letters of Support
- C. List of Municipalities
- D. Draft Ordinance

Attachment 'A'



### DEMOGRAPHIC RESULTS

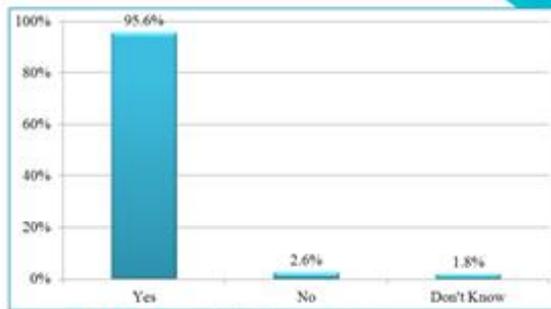


- A total of 93 (81.6%) females, 18 (15.8%) males, and 3 (2.6%) not stated completed the surveys.
- The mean age of the participants was 31.9 years, ranging from 6 to 81 years.
- Of those who participated, 71.1% of the surveys were in English, 28.1% were in Spanish, and 0.3% not stated.



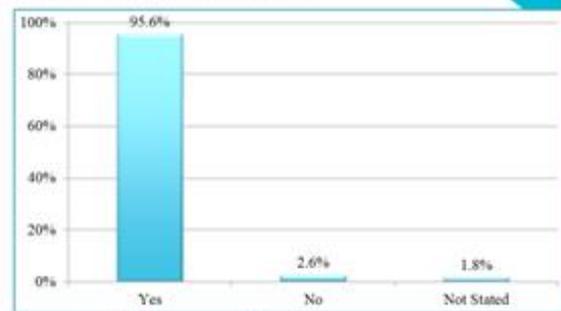
14

“WOULD YOU SUPPORT THE ADOPTION OF A TOBACCO-FREE POLICY FOR YOUR CITY PARKS?”



15

“IT’S IMPORTANT TO ME TO HAVE TOBACCO-FREE PARKS”



16

Attachment 'B'



Community Care - Kerman  
1000 S. Madera Ave.  
Kerman, CA 93630  
Tel 559-846-9370

Shawn Luna, PA-C  
Physician Assistant

City Hall  
850 S. Madera Ave  
Kerman, CA 93630

Dear Mayor Stephen Hill and City Council Members:

It is my pleasure to provide a letter of support for a Tobacco-Free Parks Ordinance in the City of Kerman.

According to the U.S. Surgeon General and research findings, there is no safe level of exposure to secondhand smoke. Exposure to secondhand smoke can have immediate health consequences, including eye, nose and throat irritation, and can cause asthma attacks and breathing problems for people with chronic lung disease. In 2006, the U.S. Surgeon General stated that secondhand smoke exposure can cause disease and premature death in nonsmokers, and the California Air Resources Board (ARB) formally identified secondhand smoke as a toxic air contaminant.

While California state law only restricts smoking within 25 feet of tot lots and playgrounds, municipalities are specifically authorized to pass stronger laws to prohibit smoking within all recreation areas. The adoption of tobacco-free park policies is critical to help keep our community and parks clean, safe, and healthy, especially for those who are most vulnerable, our children. Children are particularly vulnerable to the effects of secondhand smoke because they are still developing physically and have little control over their environment. Exposure to secondhand smoke can trigger an asthma episode and increases the risk for pneumonia and bronchitis. In addition, littered cigarette butts are unhealthy to the environment, children, and animals.

The need to create and maintain tobacco-free parks is crucial for families since parks provide measureable health benefits, direct contact with nature, and opportunities for an active lifestyle. Keeping tobacco out of our parks is extremely important to the health and well-being of children and families who use our community parks.

As a certified physician assistant who cares for many Kerman residents, I urge you to support a Tobacco-Free Parks Ordinance in the City of Kerman. Our residents deserve to live in a city free of harmful secondhand smoke exposure. Thank you for your consideration.

Sincerely,

*Shawn Luna, PA-C*

Shawn Luna, PA-C  
Physician Assistant Certified

Attachment 'B' (con't)



California Health Collaborative

City Hall  
850 S. Madera Ave  
Kerman, CA 93630

Dear Mayor Stephen Hill and City Councilmembers,

On behalf of the California Health Collaborative, it is my pleasure to provide a letter of support for a Tobacco-Free Parks Ordinance in the City of Kerman.

According to the U.S. Surgeon General and findings from research studies, there is no safe level of exposure to secondhand smoke. Exposure to secondhand smoke can have immediate health consequences, including eye, nose and throat irritation, and can cause asthma attacks and breathing problems for people with chronic lung disease. In 2006, the U.S. Surgeon General stated that secondhand smoke exposure can cause disease and premature death in nonsmokers, and the California Air Resources Board (ARB) formally identified secondhand smoke as a toxic air contaminant.

While California state law only restricts smoking within 25 feet of tot lots and playgrounds, municipalities are specifically authorized to pass stronger laws to prohibit smoking within all recreation areas. The adoption of tobacco-free park policies is critical to help keep our community and parks clean, safe, and healthy, especially for those that are most vulnerable, our children. Children are particularly vulnerable to the effects of secondhand smoke because they are still developing physically and have little control over their environment. Exposure to secondhand smoke can trigger an asthma episode and increases the risk for pneumonia and bronchitis.

In addition, cigarette butts are the most littered item in the world and are unhealthy to the environment, children, and animals. They pollute the earth and our waterways with toxic chemicals. Birds, fish, and other animals often mistake cigarette butts for food. Even children may pick up cigarette butts and swallow and choke on them, or burn themselves. The need to create and maintain tobacco-free parks is crucial for families since parks provide measureable health benefits, direct contact with nature, and opportunities for an active lifestyle. Keeping tobacco out of our parks is extremely important to the health and well-being of children and families that use our community parks for sports, recreation and family quality time.

Our residents deserve to live in a community free of harmful secondhand smoke exposure. I urge you to support a Tobacco-Free Parks Ordinance in the City of Kerman.

We appreciate your time and consideration. I can be reached with any questions or comments related to this communication by e-mail at [sramirez@healthcollaborative.org](mailto:sramirez@healthcollaborative.org) or by phone at (559) 221-6315.

Sincerely,

A handwritten signature in blue ink that reads "Stephen Ramirez".

Stephen Ramirez  
Chief Executive Officer

1680 West Shaw Avenue • Fresno, California 93711-3504 • Phone 559-221-6315 • Fax 559-221-6219  
[www.healthcollaborative.org](http://www.healthcollaborative.org)

Attachment 'C'

## List of Municipalities that Restrict Smoking in Recreation Areas



### JUNE 2016

According to the U.S. Surgeon General, secondhand smoke exposure is harmful at any level. Therefore, many cities and counties in California have taken steps to protect their residents from this danger by passing ordinances that restrict smoking in recreation areas, including parks, beaches and trails. While California state law only restricts smoking within 25 feet of tot lots and playgrounds, municipalities are specifically authorized to pass stronger laws to prohibit smoking within any recreation areas.

There are 356 municipalities in California that have restricted smoking in at least some recreation areas beyond state law. The table below lists all of these cities and counties and divides the policies into three categories:

#### 1. Municipalities that restrict smoking in all recreation areas with no designated smoking areas

There are 206 municipalities with this type of policy. This is the strongest type of restriction because no designated smoking areas are allowed, ensuring that residents will not be exposed to secondhand smoke in any recreation areas.

#### 2. Municipalities that restrict smoking in all recreation areas but allow designated smoking areas

There are 45 municipalities with this type of policy. Examples of this type of policy include allowing designated smoking areas that meet certain conditions in all parks or only in specific areas of certain parks. The policies do a lot to protect people from secondhand

smoke, but mean that people can continue to be exposed to secondhand smoke in certain parts of recreation areas.

#### 3. Municipalities that restrict smoking in some recreation areas

There are 105 municipalities with this type of policy. These policies range from only restricting smoking at beaches to restricting smoking within certain recreation areas during fire season to only restricting smoking at specific parks or skate parks. While these ordinances do protect people from secondhand smoke exposure in some recreation areas, there is still more that can be done to restrict smoking and protect residents from secondhand smoke in all recreation areas.

For more information about smokefree recreation areas and other restrictions on smoking in outdoor areas, visit <http://center4tobaccopolicy.org/smokefree-outdoor-areas>. These resources include information on the need for and benefits of these policies, a list of cities and counties that have adopted comprehensive outdoor secondhand smoke ordinances and answers to tough questions about smokefree outdoor policies.

Attachment 'C' (con't)

THE CENTER FOR TOBACCO POLICY & ORGANIZING

Page 2 of 5

County	Restricts Smoking in All Recreation Areas	Restricts Smoking in All Recreation Areas But Allows Designated Smoking Areas	Restricts Smoking in Some Recreation Areas
Alameda County	Alameda Alameda County Albany Berkeley Dublin Emeryville Fremont	Hayward Livermore Oakland Piedmont Pleasanton San Leandro Union City	
Alpine County			Alpine County
Amador County	Jackson		Ione
Butte County	Chico	Paradise	Biggs
Colusa County	Colusa	Williams	Colusa County
Contra Costa County	Clayton Contra Costa County Danville El Cerrito Lafayette Martinez Oakley	Pinole Pittsburgh Pleasant Hill Richmond San Ramon Walnut Creek	Concord Orinda
Del Norte County	Crescent City		
El Dorado County	South Lake Tahoe	Placerville	El Dorado County
Fresno County	Clovis Firebaugh Fresno	Mendota Orange Cove Reedley	Coalinga Fresno County Kerman Kingsburg Selma
Glenn County		Orland	
Humboldt County	Arcata Blue Lake	Eureka	
Imperial County	Calexico	Imperial	Imperial County
Inyo County			Bishop Inyo County
Kern County	Arvin Tehachapi		California City Delano Shafter
Kings County			Lemoore
Lake County	Clearlake	Lakeport	
Lassen County	Susanville		

Attachment 'D'

**DRAFT ORDINANCE NO. 16-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN  
AMENDING SECTION 12.32.150 OF CHAPTER 12.32 TO TITLE 12 OF  
THE KERMAN MUNICIPAL CODE RELATING TO PROHIBITION OF  
SMOKING AND TOBACCO PRODUCTS IN RECREATION AREAS**

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

**SECTION 1.** Section 12.32.150 of the Kerman Municipal Code is amended to read as follows:

**12.32.150. Smoking and Tobacco Products Prohibited.**

A. Findings. The City Council finds and declares as follows:

(1) Numerous studies have found that tobacco smoke is a major contributor to air pollution.

(2) Reliable studies have shown that breathing second-hand smoke is a significant health hazard for certain population groups, including elderly people, children, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease.

(3) Medical studies have shown that health hazards induced by breathing second-hand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm.

(4) Studies have shown that non-smokers who suffer allergies, respiratory diseases and other ill effects of breathing second-hand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of such adverse reactions.

(5) Studies have shown that a majority of both non-smokers and smokers desire to have restrictions on smoking in public places.

(6) Smoking and tobacco use in the proximity of children and adults engaged in activities at City-owned or operated facilities is detrimental to their health and can be offensive to those using such facilities.

(7) The City believes parents, leaders, and officials involved in recreation are role models for youth and can have a positive effect on the lifestyle choices they make.

(8) Secondhand smoke exposure causes as many as 300,000 children in the United States under the age of 18 months to suffer lower respiratory tract infections, such as pneumonia and bronchitis; exacerbates childhood asthma; and increases the risk of acute, chronic, middle-ear infections in children.

(9) The tobacco industry advertises at and sponsors recreational events to foster a connection between tobacco use and recreation.

(10) Cigarette butts pose a health threat to young children as evidenced by thousands of reports of children poisoned by the ingestion of cigarette butts.

(11) Cigarette butts and packaging are often discarded on the ground, creating additional maintenance expenses, diminished beauty of the City's recreational facilities, and pose a risk to toddlers due to ingestion.

(12) Community youth groups have determined that the prohibition of tobacco use at the City's recreational facilities serves to protect the health, safety, and welfare of the citizens in our City. The City Parks, Recreation and Community Services Commission concurs and recommends approval.

B. Definitions.

(1) "Smoking" means possessing or using a lighted tobacco product, lighted tobacco paraphernalia or any other lighted plant or weed including a pipe, cigar, hookah pipe, or cigarette of any kind including an electronic smoking device.

(2) "Tobacco Product" means any product containing, made, or derived from tobacco leaf or nicotine that is intended for human use, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, and any electronic smoking device.

(3) "Electronic Smoking Device" means an electronic device that can be used to deliver an inhaled dose of nicotine, or other substances, including any component, part, or accessory of such a device, whether or not sold separately. "Electronic Smoking Device" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

(4) "Recreation Area" means any area including streets and sidewalks that are public or privately owned, controlled or used by the City of Kerman and open to the general public for recreational purposes, regardless of any fee or age requirement. The term "Recreation Area" includes but is not limited to parks, picnic areas, playgrounds, sports fields, walking paths, gardens, bike paths, riding trails, swimming pools, and skateboard parks.

C. Prohibition of Smoking and Tobacco Product Use.

Smoking and the use of tobacco products is prohibited in all City Recreation Areas including public events.

D. Tobacco Product Sale and Distribution Prohibited in City Recreation Areas.

(1) No person shall sell, offer for sale, or exchange, or offer for exchange for any form of consideration tobacco products in City Recreation Areas.

(2) No person shall engage in the non-sale distribution of any tobacco product in City Recreation Areas.

I

**E. Public Education.**

The Parks Director or designee will engage in a continuing education program regarding the prohibition of smoking and tobacco products in City Recreation Areas. However, lack of such education shall not be a defense to a violation of this ordinance.

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

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor, City of Kerman



# City of Kerman

*"Where Community Comes First"*

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MAYOR Stephen B. Hill	MAYOR PRO-TEM Gary Yep		DEPARTMENT: PUBLIC WORKS STAFF REPORT
COUNCIL MEMBER Rhonda Armstrong	COUNCIL MEMBER Bill Nijjer	COUNCIL MEMBER Kevin Nehring	CITY COUNCIL MEETING COUNCIL MEETING DATE: OCTOBER 19, 2016

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TO: Mayor and City Council  
FROM: Ken Moore, Public Works Director  
SUBJECT: Resolution Appointing Alternate Representative to the North Kings Groundwater Sustainability Agency

## RECOMMENDATION

Council by motion adopt resolution appointing public works director as an alternate representative to the North Kings Groundwater Sustainability Agency.

## EXECUTIVE SUMMARY

Adam Claes, an employee of Fresno Irrigation District and a participant in the Administration and Fiscal Committee of the North Kings Groundwater Sustainability Agency (NKGSA) contacted the Kerman Public Works Director and asked that we have someone appointed by the Kerman City Council at the November 16 meeting of NKGSA to represent Kerman. He informed me that the agency may want to appoint the at large seat to one of the NKGSA members and Kerman would be considered. November 16 is also the night of the Kerman City Council meeting and therefore our mayor would not be available for that meeting. I informed him of this conflict and he told me going forward the agency would look for a night of the week that would not conflict with our City Council meeting, however the date and time of the first meeting of the agency was already agreed upon.

## OUTSTANDING ISSUES

The Kerman City Council will need to appoint two alternates to the NKGSA after the November election

## FISCAL IMPACT

None

## Attachments:

- A. Resolution
- B. Roster

Attachment 'A'

RESOLUTION NO. 16-\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN  
APPROVING APPOINTMENT OF ALTERNATE TO THE NORTH KINGS GROUNDWATER  
SUSTAINABILITY AGENCY

WHEREAS, the City of Kerman is a member of the North Kings Groundwater Sustainability Agency (NKGSA); and

WHEREAS, the Mayor has been appointed as the Board Member, in addition, according to the joint powers agreement each member city is to appoint two alternates; and

WHEREAS, the City has been asked to appoint the Public Works Director as an alternate.

NOW; THEREFORE, THE CITY COUNCIL OF THE CITY OF KERMAN DOES HEREBY RESOLVE;

Section 1. The foregoing recitals are incorporated by reference.

Section 2. The City Council has appointed the Mayor as a board member and is to appoint two alternates for North Kings Groundwater Sustainability Committee.

Section 3. The City Council appoints the Public Works Director to fill one of the alternate appointments.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Kerman held on October 19, 2016 and passed at said regular meeting by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby approved.

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

ATTEST:

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

Attachment 'B'

**North Kings GSA Structure Roster**

**Board of Directors**

Seat	Name	Agency	Alternate 1	Alternate 2
1	Jerry Prieto	Fresno I.D.	Ryan Jacobsen (FID)	
2	Karl Kienow	Garfield W.D.		
3	Rudy Hernandez	Biola C.S.D.		
4	Jose Flores	City of Clovis		
5	Ashley Swearengin	City of Fresno		
6	Brian Pacheco TBD at 1st Board Meeting	County of Fresno	Buddy Mendes	Staff
7				

**Legal Counsel**

Name	Firm	Notes
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**Secretary / Treasurer**

Name	Agency	Notes
Gary Serrato (temp)	Fresno I.D.	Would only like to serve during initial GSA formation.

**Advisory Committee (Representatives from each Member)**

Name	Agency	Notes
<i>Chair - Luke Serpa</i>	City of Clovis	
Bill Stretch	FID	
Nick Keller	Garfield WD	
Shay Bakman	Bakman WC	
Dwight Miller	Biola CSD	
Sarge Green	CSU Fresno	
<b>Ken Moore</b>	<b>City of Kerman</b>	
Tommy Esqueda	City of Fresno	
Bernard Jimenez	County of Fresno	

**GSP Project Management Team (Consists of Chairs of Subcommittees)**

Name	Agency	Notes
Bill Stretch	FID	
Lisa Koehn	City of Clovis	
Dwight Miller	Biola CSD	

**Technical & Coordination Support (Consultant)**

Name	Firm	Notes
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**Technical Development Subcommittee (Representatives from Each Member, plus FMFCD and Ag Rep)**

Name	Agency	Notes
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<i>Chair - Bill Stretch</i>	FID	
Nick Keller	Garfield WD	
Shay Bakman	Bakman WC	
Dwight Miller	Biola CSD	
Sarge Green	CSU Fresno	
<b>Ken Moore</b>	<b>City of Kerman</b>	
Luke Serpa	City of Clovis	
Tommy Esqueda	City of Fresno	
Bernard Jimenez	County of Fresno	
Peter Sanchez	FMFCD	
Sayre Miller	Agriculture	
Any Interested Parties?		

**Administration and Fiscal Subcommittee**

Name	Agency	Notes
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<i>Chair - Lisa Koehn</i>	City of Clovis	
Dwight Miller	Biola CSD	
Adam Claes	FID	Represent fiscal/admin agent
Shay Bakman	Bakman WC	
Someone from City of Fresno		Tommy is probably too swamped.
Any Interested Parties?		

**Membership, Outreach, and Communication Subcommittee**

Name	Agency	Notes
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<i>Chair - Dwight Miller</i>	Biola CSD	Schools
Sue Ruiz	Self-Help Enterprises Community Water	Rural community outreach
Kristin Dobbin	Center	
Phil Larson	Agriculture	Agriculture outreach
<b>Ken Moore</b>	<b>City of Kerman</b>	
Bernard Jimenez	County of Fresno	
Any Interested Parties?		



MAYOR  
Stephen B. Hill

MAYOR PRO-TEM  
Gary Yep

COUNCIL MEMBER  
Rhonda Armstrong

COUNCIL MEMBER  
Kevin Nehring

COUNCIL MEMBER  
Bill Nijjer

DEPARTMENT: PLANNING & DEVELOPMENT  
STAFF REPORT  
PLANNING COMMISSION MEETING  
MEETING DATE: OCTOBER 19, 2016

To: Mayor and City Council  
From: Olivia Pimentel, Planning Technician  
Subject: Resolution Establishing Policies for Plumbing Fixture Replacement (SB 407) for Existing Single Family Residential, Multi-family Residential and Commercial Buildings

## RECOMMENDATION

Council by motion approve resolution establishing policies for Plumbing Fixture Replacement (SB 407) for Existing Single Family Residential, Multi-family Residential and Commercial Buildings.

## EXECUTIVE SUMMARY

Staff is recommending that Council establish policies by resolution in order to comply with SB 407.

As of January 1, 2014, SB 407 requires non-compliant plumbing fixtures to be replaced with water conserving plumbing fixtures when a property is undergoing additions, alterations or improvements. Applicants seeking to obtain permits for any of these types of work will be required to replace non-compliant fixtures prior to final permit approval or issuance of a certification of occupancy by the local building department. This law applies only to properties built on or before January 1, 1994.

Per Civil Code Section 1101.4 for any single-family residential real property, on and after January 1, 2014, building addition, alteration or improvement will require all non-compliant plumbing fixtures to be replaced with water-conserving plumbing fixtures. On or before January 1, 2017, all non-compliant plumbing fixtures shall be replaced with water-conserving plumbing fixtures (regardless of whether property undergoes alterations or improvements).

Per Civil Code Section 1101.5, for any multifamily residential real property and any commercial real property, on and after January 1, 2014, specified building addition, alteration, or improvement will require non-compliant plumbing fixtures to be replaced with water-conserving plumbing fixtures. On or before January 1, 2019, all non-compliant plumbing fixtures shall be replaced with water-conserving plumbing fixtures (regardless of whether property undergoes alterations or improvements).

Per Civil Code 1101.8, Local ordinance or policies. A city, county, or city and county, or retail water supplier may do either of the following:

- (a) Enact local ordinances or establish policies that promote compliance with this this article.
- (b) Enact local ordinances or establish policies that will result in a greater amount of water savings than those provided for in this article.

Staff is recommending the adoption of the Policy used by Fresno County which is set forth in Attachment A and the Certificate of Compliance set forth in Attachment B of the proposed resolution.

#### FISCAL IMPACT

There is no anticipated fiscal impact, as the costs would be recovered through existing building permit fees.

#### DISCUSSION

The City, must adopt an ordinance or a policy to comply with the mandates of SB 407, California Civil Code Section 1101.1-1101.8. The attached resolution is intended to satisfy that requirement. The resolution codifies the requirements of California Civil Code Section 1101.1-1101.8, and directing the City's Building Official to develop a checklist of all requirements with which to determine whether or not a permitted repair triggers SB 407 and subject to the required installation of water conserving plumbing fixtures in a single family residence, multi-family residence or Commercial project.

#### Attachments:

- A. Resolution w/Exhibits

Attachment 'A'

RESOLUTION NO. 16-\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN ESTABLISHING A POLICY RELATING TO PLUMBING FIXTURE REPLACEMENT FOR EXISTING SINGLE-FAMILY RESIDENTIAL, MULTIFAMILY RESIDENTIAL AND COMMERCIAL BUILDINGS AS REQUIRED BY SB 407.**

WHEREAS, in 2009, the California State Legislature passed Senate Bill SB 407 ("SB 407"), which requires the replacement of plumbing fixtures that are not water conserving, effective January 1, 2014.; and

WHEREAS, similar provisions are found in both the California Civil Code Sections 1101.1 through 1101.8 and the 2013, California Green Building Standards Code (CAL Green) Section 301; and

WHEREAS, the proposed policies establish standards for plumbing fixture replacement as required by SB 407 for existing single-family residential, multifamily residential and commercial buildings; and

WHEREAS, the proposed policies are consistent with SB 407.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Kerman as follows;

1. The foregoing recitals are incorporated by resolution.
2. The Council hereby approves the Policy Regarding SB 407 Water Conserving Plumbing Requirements set forth in Attachment 'A' and incorporated by reference Water-Conserving Plumbing Fixtures Certificate of Compliance by Property Owner set forth in Attachment 'B' and incorporated by reference.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Kerman held on the 19th day of October, 2016 and passed at said meeting by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby approved.

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

ATTEST:

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

Exhibit 'A'

**CITY OF KERMAN POLICY REGARDING  
SB 407 WATER CONSERVING PLUMBING REQUIREMENTS**

**Work Not Triggering SB 407**

For existing single-family residential, multifamily residential and commercial buildings, the following list of work is considered not to trigger SB 407/Civil Code Sections 1101.1 through 1101.8:

- Changes to electrical systems, e.g. electrical service upgrades
- Changes to mechanical systems, e.g., HVAC or furnace replacement, duct replacement
- Water heater replacement, piping replacement, sewer line replacement
- Re-roof
- Siding, stucco or any exterior finish repair
- Window replacement (including sliding glass or front door)
- Chimney repair
- Dry rot repair
- Termite repair
- Foundation repair
- Seismic retrofit
- Roof-mounted solar systems
- Electric vehicle charging stations
- Building signs
- Alterations solely for the purpose of barrier removal (voluntary accessibility upgrades in the building, e.g.:
  - Swimming pools or spas (in-ground or portable)
  - Site work: Retaining walls, fences, walkways, landscaping, etc.
  - Ground-mounted solar photovoltaic systems
  - Monument signs
- Work in one building is not considered to trigger plumbing fixture upgrades in another building (e.g. work in the following structure would not trigger upgrades in the separate single-family residential building):
  - Accessory structures, sheds or patio covers
  - Detached garages
  - Second units
- Other work as determined by the Building Official

**When work Triggers SB 407**

When the work will trigger plumbing fixture upgrades, the following clarification and interpretation is made for each type of building:

Single-family residential:

- All non-compliant plumbing fixtures will be required to be upgraded with water-conserving plumbing fixtures throughout the single-family residential building [Civil Code Section 1101.4(a)]

Multifamily residential and commercial:

- For building additions, if the sum of concurrent building permits by the same permit applicant would increase the gross floor area *of the building* by more than 10%, all non-compliant plumbing fixtures will be required to be upgraded with water-conserving plumbing fixtures throughout the building. [Civil Code Section 1101.5(d)(1)(A)] This would include all common area plumbing fixtures as well as plumbing fixtures in private individual dwelling unit or tenant unit owned by the same owner.
- For building alterations or improvements, if the total construction cost in the building permit exceeds \$150,000, all non-compliant plumbing fixtures that service the specific area of the alteration or improvement will be required to be upgraded with water-conserving plumbing fixtures. [Civil Code Section 1101.5(d)(1)(B)]
  - Example: A tenant space does not contain plumbing fixtures in its space and is served by a centrally located toilet facility. When the tenant improvement construction cost exceeds \$150,000, all plumbing fixtures in the centrally located toilet facility are required to be upgraded.
  - Example: A tenant space contains plumbing fixtures itself and is also served by a toilet facility in the common area. When the tenant improvement construction cost exceeds \$150,000, only the fixtures within the tenant space would need to be upgraded.
- Any alteration to a room that contains non-compliant plumbing fixtures will require all the fixtures in that room to be upgraded to water-conserving plumbing fixtures. [Civil Code Section 1101.5(d)(1)(C)]

Interpretation for Duplex (Two-Family Dwelling) and Second Unit

Civil Code Section 1101.3 defines “single-family residential real property” as any real property that is improved with, or consisting of, a building containing not more than one unit that is intended for human habitation. It also defines “multifamily residential real property” as any real property that is improved with, or consisting of, a building containing more than one unit that is intended for human habitation.

To maintain consistency with the scope and application of the building and residential code, for purposes of applying Civil Code Sections 1101.1 through 1101.8, a real property consisting of a duplex (two-family dwelling) will be considered a single-family residential real property. Alterations to one dwelling unit will trigger plumbing fixture upgrades within that unit only and not the adjacent unit.

A real property consisting of a single-family residence with either a detached or attached second unit will also be considered a single-family residential real property. Alterations to the residence will trigger plumbing fixture upgrades within the residence only and not the second unit, and vice versa.

Clarification of “Non-Compliant Plumbing Fixture”

Please note that according to the definition of “non-compliant plumbing fixtures” in the Civil Code Section 1101.3(c), the existing plumbing fixture water usage/flow rate must exceed the amount shown to be considered non-compliant. If the existing plumbing fixture water usage/flow is equal to or lower than the amount shown, it is not required to be upgraded

Exhibit 'B'

**Water-Conserving Plumbing Fixtures  
Certificate of Compliance by Property Owner**

Owner Name \_\_\_\_\_ Permit No. \_\_\_\_\_

Address \_\_\_\_\_

**PERMIT CANNOT BE FINALED AND COMPLETED UNTIL THIS CERTIFICATE  
HAS BEEN SIGNED AND RETURNED TO THE BUILDING DIVISION**

Please refer to the attached California Civil Code Sections 1101.1 – 1101.8 which are part of this Certification form.

1. Is your real property a registered historical site?

£ Yes. Civil Code Sections 1101.1 through 1101.8 do not apply. Sign below and skip the rest of the form.

Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

£ No. Go to Question 2.

2. Does your real property have a licensed plumber certifying that, due to the age or configuration of the property or its plumbing, installation of water-conserving plumbing fixtures is not technically feasible?

£ Yes. Civil Code Sections 1101.1 through 1101.8 do not apply.

£ The licensed plumber's certification has been provided to the Building Division.  
Sign below and skip the rest of the form.

Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

£ No. Go to Question 3.

3. Is water service permanently disconnected for your building?

£ Yes. Civil Code Sections 1101.1 through 1101.8 do not apply. Sign below and skip the rest of the form.

Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

£ No. Go to Question 4.

4. Is your real property built and available for use or occupancy on or before January 1, 1994?

£ No. My real property is built and available for use or occupancy after January 1, 1994.

Civil Code Sections 1101.1 through 1101.8 do not apply. Sign below and skip the rest of the form.

Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

£ Yes. My real property is built and available for use or occupancy on or before January 1, 1994.

Civil Code Sections 1101.1 through 1101.8 apply. Refer to the attached.

£ My property is a *single-family residential* real property. See Civil Code Section 1101.4.  
On and after January 1, 2014, building alterations or improvements shall require all non-compliant plumbing fixtures to be replaced with water-conserving plumbing fixtures throughout the building.  
On or before January 1, 2017, all non-compliant plumbing fixtures shall be replaced with water-conserving plumbing fixtures (regardless of whether property undergoes alterations or improvements).

£ My property is a *multifamily residential* real property. See Civil Code Section 1101.5.  
On and after January 1, 2014, specified building alterations or improvements shall require non-compliant plumbing fixtures to be replaced with water-conserving plumbing fixtures.

On or before January 1, 2019, all non-compliant plumbing fixtures shall be replaced with water-conserving plumbing fixtures throughout the building (regardless of whether property undergoes alterations or improvements).

£ My property is a *commercial* real property. See Civil Code Section 1101.5.

On and after January 1, 2014, specified building alterations or improvements shall require non-compliant plumbing fixtures to be replaced with water-conserving plumbing fixtures.

On or before January 1, 2019, all non-compliant plumbing fixtures shall be replaced with water-conserving plumbing fixtures throughout the building (regardless of whether property undergoes alterations or improvements).

I/We, the owner(s) of this property, certify under penalty of perjury that non-compliant plumbing fixtures have been replaced with water-conserving plumbing fixtures in accordance with Civil Code Sections 1101.1 through 1101.8, the current California Plumbing Code and California Green Building Standards Code, and manufacturer’s installation requirements, and that the water-conserving plumbing fixtures comply with the requirements as indicated in the table below.

Owner’s Signature \_\_\_\_\_ Date \_\_\_\_\_

Upon completing and signing this Certificate, please return it to the Building Division in order to final your permit.

Fixture Type	Non-Compliant Plumbing Fixture <sup>1</sup>	Water-Conserving Plumbing Fixture (Fixture Complying with Current Code Applicable to New Construction)		
	Water Usage/Flow Rate	Maximum Water Usage/Flow Rate		
		2013 CPC Ch. 4 2013 CALGreen Div. 4.3	2013 CPC Ch. 4 2013 CALGreen Div. 4.3	2013 CPC Ch. 4 2013 CALGreen Div. 5.3
		Single-Family Residential	Multifamily Residential	Commercial
Water Closets (Toilets)	Exceed 1.6 gallons/flush	Single flush toilets: 1.28 gallons/flush Dual flush toilets: 1.28 gallons/flush effective flush volume (the composite, average flush volume of two reduced flushes and one full flush)		
Urinals	Exceed 1.0 gallon/flush	0.5 gallons/flush		
Showerheads	Exceed 2.5 gallons per minute	2.0 gallons per minute @ 80 psi. Also certified to the performance criteria of U.S. EPA Water Sense Specification for Showerheads (A hand-held shower is considered a showerhead.) For multiple showerheads serving one shower, the combined flow rate of all showerheads and/or other shower outlets controlled by a single valve shall not exceed 2.0 gallons per minute @ 80 psi, or the shower shall be designed to allow only one shower outlet to be in operation at a time.		
Faucets – Lavatory Faucets	Exceed 2.2 gallons per minute	Maximum 1.5 gallons per minute @ 60 psi; minimum 0.8 gallons per minute @ 20 psi	Within units: Maximum 1.5 gallons per minute @ 60 psi; minimum 0.8 gallons per minute @ 20 psi  In common and public use areas: 0.5 gallons per minute @ 60 psi	.5 gallons per minute @ 60 psi
Faucets – Kitchen Faucets	Exceed 2.2 gallons per minute	.8 gallons per minute @ 60 psi May temporarily increase up to 2.2 gallons per minute @ 60 psi, and must default to maximum 1.8 gallons per minute @ 60 psi Where faucets meeting the above are unavailable, aerators or other means may be used to achieve reduction.	.8 gallons per minute @ 60 psi May temporarily increase up to 2.2 gallons per minute @ 60 psi, and must default to maximum 1.8 gallons per minute @ 60 psi Where faucets meeting the above are unavailable, aerators or other means may be used to achieve reduction.	.8 gallons per minute @ 60 psi



# City of Kerman

*"Where Community Comes First"*

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

DEPARTMENT: PLANNING AND DEVELOPMENT  
STAFF REPORT  
CITY COUNCIL MEETING  
COUNCIL MEETING DATE: OCTOBER 19, 2016

To: Mayor and City Council  
From: Jerry Jones, City Engineer  
Subject: Resolution Authorizing Submittal of Drinking Water State Revolving Fund Application for Planning Funding for Hexavalent Chromium Mitigation Project

## RECOMMENDATION

Council by motion adopt:

1. Resolution authorizing the submittal of a Drinking Water State Revolving Fund application and designating the City Manager as the authorized representative to represent the City for the Hexavalent Chromium Mitigation Project; and
2. Resolution authorizing the City Manager to sign financing agreement, amendments, and certifications for funding under the Drinking Water State Revolving Fund (DWSRF); to approve claims for reimbursement; to execute budget and expenditure summary; to sign the final release form; and pledging and dedicating net water revenues from to payment of DWSRF financing.

## EXECUTIVE SUMMARY

On July 29, 2015, the City was issued Compliance Order No. 03-23-15R-010 (Order) by the State Water Resources Control Board (SWRCB) for violation of the maximum contaminant level (MCL) for hexavalent chromium in the City's drinking water. The violation was not a result of an increase in the concentration of hexavalent chromium in the drinking water, but rather a decrease of the State MCL from 50 to 10 micrograms per liter. Average concentrations at the City's six wells range from 12 to 27 micrograms per liter. As a provision of the Order, the City was required to prepare and submit a Corrective Action Plan (CAP) to the SWRCB for review and approval. The City's CAP was approved by the SWRCB on December 3, 2015. The CAP requires the City to undertake substantial planning activities to determine the most appropriate alternative to address the MCL violation. These planning activities are estimated to cost \$2.725M. In order to minimize the financial burden on the City, the City Engineer has prepared a Drinking Water State Revolving Fund (DWSRF) planning funding application for submittal to the SWRCB. The application is also the first required action of the City's CAP. In order to complete and submit the application, Council must adopt the attached resolutions.

## OUTSTANDING ISSUES

None.

**DISCUSSION**

On July 1, 2014, the State of California reduced the maximum contaminant level (MCL) for hexavalent chromium in drinking water from 50 micrograms per liter to 10 micrograms per liter. For reference, the Federal MCL is 100 micrograms per liter. As a result, the City tested the water pumped from each well to determine if the City conformed with the new MCL for hexavalent chromium. The results of the tests revealed that all six City wells produced water with a hexavalent concentration above the MCL. Further tests have continued to show concentrations of hexavalent chromium above the MCL. The average concentration observed in City wells is between 12 and 27 micrograms per liter. The hexavalent chromium present in the City's groundwater is believed to be naturally occurring from the erosion of rock formations over thousands of years.

Due to the exceedance of the MCL, the City was issued Compliance Order No. 03-23-15R-010 (Order) on July 29, 2015 by the State Water Resources Control Board (SWRCB). The Order requires the City to perform the following actions:

1. Collect quarterly samples from each well for testing for hexavalent chromium and report the results to the SWRCB.
2. Provide quarterly public notices of the City's failure to meet the hexavalent chromium MCL and submit proof of public notification to the SWRCB.
3. Prepare and submit a Corrective Action Plan (CAP) to the SWRCB for review and approval.
4. Submit quarterly reports to SWRCB showing progress of CAP.

In compliance with the Order, the City performs quarterly testing for hexavalent chromium and provides quarterly public notices to residents. In addition, City Staff prepared and submitted a CAP to the SWRCB on October 26, 2015. At the request of the SWRCB the CAP was revised in November 2015 and the CAP was approved by the SWRCB on December 3, 2015. The Corrective Action Plans outlines the steps required to achieve compliance with the MCL for hexavalent chromium. The actions outlined in the CAP are estimated to take 10 years to complete, with a current completion date of November 2025. The following table is an outline of the City's current CAP.

ITEM NO.	DESCRIPTION	TIMEFRAME
1.	DWSRF Planning/Design Funding Application	3 Months*
2.	Deep Test Well	12 Months
3.	Feasibility Study	6 Months
4.	Pilot Testing of Treatment Alternatives	12-15 Months
5.	Design Engineering	15-18 Months
6.	Land Acquisition	12 Months
7.	Environmental Review	8-12 Months
8.	Permitting	6 Months
9.	Funding Development	18-24 Months
10.	Construction	24-48 Months
11.	Approval by DDW	3 Months

\*Continued discussions with SWRCB have extended the timeframe

City Staff have been in discussion with the SWRCB and the level of planning necessary to address the MCL violation is going to be substantial and in-turn carry substantial costs. Planning activities are expected to consist of, but not be limited to, a detailed hydrogeological investigation of the area, possibly including test wells, surface water treatment evaluation, wellhead treatment alternative evaluation, pilot studies, rate studies, environmental review, and design of the selected alternative. The City's best option to fund planning activities is to pursue outside funding.

As the first step in the CAP, the City must submit a Drinking Water State Revolving Fund (DWSRF) application for planning funding. The City Engineer has enlisted the services of Provost and Pritchard Engineering to prepare the funding application and perform preliminary planning activities, as they are very experienced in addressing these types of violations. A DWSRF planning funding application has been prepared and is ready to be submitted to the SWRCB for review.

#### FISCAL IMPACT

The preliminary cost estimate for planning activities is \$2.725M, which the City has requested in the funding application. If the City is unable to secure outside funding, it will likely be necessary to fund the planning activities via enterprise funds.

#### PUBLIC HEARING

Not Required.

#### Attachments:

- A. Resolution
- B. Resolution

Attachment 'A'

RESOLUTION NO. 16-\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN  
AUTHORIZING THE SUBMITTAL OF A DRINKING WATER STATE REVOLVING FUND APPLICATION  
AND DESIGNATING THE CITY MANAGER AS THE AUTHORIZED REPRESENTATIVE  
FOR THE HEXAVALENT CHROMIUM MITIGATION PROJECT

WHEREAS, on July 29, 2015, the State Water Resources Control Board issued Compliance Order No. 03-23-15R-010 to the City of Kerman for violation of the maximum contaminant level for hexavalent chromium; and

WHEREAS, as a requirement of the Compliance Order, the City was required to prepare and submit a Corrective Action Plan to the State Water Resources Control Board for review and approval; and

WHEREAS, the City prepared and submitted a Corrective Action Plan to the State Water Resources Control Board on October 26, 2015; and

WHEREAS, the State Water Resources Control Board approved the Corrective Action Plan on December 3, 2015; and

WHEREAS, as a required action of the Corrective Action Plan, the City must submit a Drinking Water State Revolving Fund planning funding application to the State Water Resources Control Board in an effort to minimize the financial impact of planning activities on the City; and

WHEREAS, the City has prepared a Drinking Water State Revolving Fund planning funding application for submittal.

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

1. The City Manager (the "Authorized Representative") or designee is hereby authorized and directed to sign and file, for and on behalf of the City, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning and/or design of the Hexavalent Chromium Mitigation Project (the "Project").
2. The City Manager, or his/her designee, is designated to provide the assurances, certifications, and commitments required for the financial assistance application, including executing a financial assistance agreement from the State Water Resources Control Board and any amendments or changes thereto.
3. The City Manager, or his/her designee, is designated to represent the City in carrying out the City's responsibilities under the financing agreement, including certifying disbursement requests on behalf of the City and compliance with applicable state and federal laws.

The forgoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Kerman held on the 19<sup>th</sup> day of October, 2016, 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

Attachment 'B'

RESOLUTION NO. 16-\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN  
AUTHORIZING CITY MANAGER TO SIGN FINANCING AGREEMENT, AMENDMENTS, AND  
CERTIFICATIONS FOR FUNDING UNDER THE DRINKING WATER STATE REVOLVING FUND (DWSRF);  
TO APPROVE CLAIMS FOR REIMBURSEMENT; TO EXECUTE BUDGET AND EXPENDITURE SUMMARY;  
TO SIGN THE FINAL RELEASE FORM; AND PLEDGING AND DEDICATING NET WATER REVENUES  
FROM TO PAYMENT OF DWSRF FINANCING.

WHEREAS, the City of Kerman seeks financing from the State Water Resources Control Board for a project commonly known as the Hexavalent Chromium Mitigation Project ("Project"); and

WHEREAS, on July 29, 2015, the State Water Resources Control Board issued Compliance Order No. 03-23-15R-010 to the City of Kerman for violation of the maximum contaminant level for hexavalent chromium; and

WHEREAS, as a requirement of the Compliance Order, the City was required to prepare and submit a Corrective Action Plan to the State Water Resources Control Board for review and approval; and

WHEREAS, the City prepared and submitted a Corrective Action Plan to the State Water Resources Control Board on October 26, 2015; and

WHEREAS, the State Water Resources Control Board approved the Corrective Action Plan on December 3, 2015; and

WHEREAS, as a required action of the Corrective Action Plan, the City must submit a Drinking Water State Revolving Fund planning funding application to the State Water Resources Control Board in an effort to minimize the financial impact of planning activities on the City; and

WHEREAS, the City has prepared a Drinking Water State Revolving Fund planning funding application for submittal.

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

1. The City Manager is hereby authorized and directed to sign and file, for and on behalf of the City of Kerman a financial assistance application for a financing agreement from the State Water Resources Control Board for the Project; and
2. The City Manager or designee is hereby authorized to sign the DWSRF program financing agreement for the Project and any amendments thereto, and provide the assurances, certifications and commitments required therefore; and
3. The City Manager or designee is hereby authorized to represent the in carrying out the responsibilities under the financing agreement, including approving and submitting disbursement requests (including Claims for Reimbursement) or other required documentation, compliance with applicable state and federal laws, and making any other necessary certifications; and

4. The City of Kerman does hereby dedicate and pledge its net water revenues and its water enterprise fund to payment of the DWSRF financing for the Project. The City of Kerman commits to collecting such revenues and maintaining such fund(s) throughout the term of such financing and until the City of Kerman has satisfied its repayment obligation thereunder unless modification or change is approved in writing by the State Water Resources Control Board. So long as the financing agreement(s) are outstanding, the City of Kerman pledge hereunder shall constitute a lien in favor of the State Water Resources Control Board on the foregoing fund(s) and revenue(s) without any further action necessary. So long as the financing agreement(s) are outstanding, the City of Kerman commits to maintaining the fund(s) and revenue(s) at levels sufficient to meet its obligations under the financing agreement(s). If for any reason, the said source of revenues proves insufficient to satisfy the debt service of the DWSRF obligation, sufficient funds shall be raised through increased water rates, user charges, or assessments or any other legal means available to meet the DWSRF obligation and to operate and maintain the project; and
5. The authority granted hereunder shall be deemed retroactive. All acts authorized hereunder and performed prior to the date of this Resolution are hereby ratified and affirmed. The State Water Resources Control Board is authorized to rely upon this Resolution until written notice to the contrary, executed by each of the undersigned, is received by the State Water Resources Control Board. The State Water Resources Control Board shall be entitled to act in reliance upon the matters contained herein, notwithstanding anything to the contrary contained in the formation documents of the City of Kerman or in any other document.

The forgoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Kerman held on the 19<sup>th</sup> day of October, 2016, 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



# City of Kerman

*"Where Community Comes First"*

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

DEPARTMENT: PLANNING AND DEVELOPMENT  
STAFF REPORT  
CITY COUNCIL MEETING  
COUNCIL MEETING DATE: OCTOBER 19, 2016

To: Mayor and City Council  
From: Jerry Jones, City Engineer  
Subject: Resolution Approving Agreement with Union Pacific Railroad for Purchase of Public Street Right-of-Way for California and May Avenue Reconstruction Project

## RECOMMENDATION

Council by motion adopt resolution approving agreement with Union Pacific Railroad for purchase of public street right-of-way for the California and May Avenue reconstruction project and authorize the City Manager to sign the agreement.

## EXECUTIVE SUMMARY

The City has been allocated Federal Regional Surface Transportation Program funding in the amount of \$621,300 for the reconstruction of California Avenue, between Vineland and Goldenrod, and May Avenue, between Vineland and California. The property on which the roadway lies is owned by the Union Pacific Railroad (UPRR) and has never been dedicated as public street right-of-way. In order to move forward with the project, the City must acquire the public street right-of-way necessary to accommodate the roadway. Per Council's direction, Staff has been in negotiation with UPRR regarding the sale price of the right-of-way. UPRR has agreed to sell the right-of-way to the City for \$162,529.60. The sale price consists of \$39,553.60 (50% of the appraised value) for the existing paved roadway area and \$122,976.00 (full appraised value) for the additional right-of-way required to bring the roadway up to current design standards. In order to move forward with the acquisition, the City must sign the agreement.

## OUTSTANDING ISSUES

None.

## DISCUSSION

The City has been allocated Federal Regional Surface Transportation Program funding in the amount of \$621,300 for the reconstruction of California Avenue, between Vineland and Goldenrod, and May Avenue, between Vineland and California. The project will replace the pavement section, widen the travel lanes and add paved shoulders, and address drainage issues. As a requirement of all Federal-Aid transportation projects, the City must certify that the City controls all required right-of-way to complete the subject project. The City does not control the required public street right-of-way for California Avenue from the railroad crossing to Goldenrod Avenue, as well as a small portion of May Avenue south of the UPRR. Typically, in this situation, it would be determined that a prescriptive right-of-way exists for the maintained width of the roadway and the City would acquire the right-of-way for the existing roadway area for a nominal value, typically \$500. However, the property on which the roadway lies is owned by UPRR and upon discussion with UPRR, they rejected the concept of prescriptive right-of-way.

UPRR has performed an appraisal of the property and determined the value of the existing roadway area to be approximately \$79,200. Staff does not feel that the City should have to pay for this area based on the fact that the roadway has been in public use for decades and has no other use, as well as the fact that it is common practice in California to acquire prescriptive right-of-way for a nominal value. Along with the existing roadway area, the City will be acquiring additional right-of-way width to accommodate the widening of the roadway. The value of this additional area is approximately \$123,000. Staff does not have any objection to the valuation of this additional area. Therefore, the total compensation that UPRR originally requesting is approximately \$202,200. Per Council's direction, Staff have been involved in further negotiation of the sale price of the existing roadway area with UPRR. The following table shows the valuation, initial offer, and counter offers that have been made for the two areas.

Description of Area	Estimated Square Footage	UPRR Appraised Value	City's Valuation (Initial Offer)	UPRR Counter Offer No. 1	City Counter Offer No. 1	UPRR Counter Offer No. 2
Existing Maintained Roadway Area	49,500	\$79,200	\$500 (Nominal Value)	\$59,330 (75% of Value)	\$19,776 (25% of Value)	\$39,553.60 (50% of Value)
Additional Right-of-Way Area for Widening	76,900	\$123,000	\$123,000	\$122,976	\$122,976	\$122,976
<b>Total Right-of Way Area</b>	<b>126,400</b>	<b>\$202,200</b>	<b>\$123,500</b>	<b>\$182,306</b>	<b>\$142,752</b>	<b>\$162,529.60</b>

Through negotiation with UPRR, Staff have been able to get the sale price for the existing roadway area reduced to 50% of the appraised value. UPRR has informed Staff that they are not interested in negotiating the sale price for the existing roadway area any further. In order to move forward with the project, Staff recommends that the City accept the currently offered sale price of \$162,529.60, as shown in the table above. The final sale price may vary slightly once the area to be acquired has been surveyed.

**FISCAL IMPACT**

The current estimated project cost is \$915,000. The City's Budget includes funding in the amount \$621,300 from Federal RSTP funds and \$293,700 from Local Transportation Funds. The project cost includes \$110,000 for right-of-way acquisition, including engineering and fees. The additional right-of-way cost of approximately \$62,000 will have to be added to the budget from Local Transportation Funds. The additional funds can be added to the project during the development of the FY 2017/2018 Budget.

**PUBLIC HEARING**

Not Required.

Attachments:

- A. Resolution

Attachment 'A'

RESOLUTION NO. 16-\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN  
APPROVING THE AGREEMENT WITH UNION PACIFIC RAILROAD FOR THE  
PURCHASE OF PUBLIC STREET RIGHT-OF-WAY FOR THE CALIFORNIA AND  
MAY AVENUE RECONSTRUCTION PROJECT

WHEREAS, the California and May Avenue Reconstruction Project; Federal Project No. STPL-5291(020) will reconstruct California Avenue from Vineland Avenue to Goldenrod Avenue and May Avenue from Vineland Avenue to California Avenue; and

WHEREAS; the City has allocated Federal Regional Surface Transportation funds to the project; and

WHEREAS, the City does not possess the required public street right-of-way necessary to complete the project; and

WHEREAS, the Project requires the acquisition of public street right-of-way from Assessor's Parcel Number 023-071-20U, owned by Union Pacific Railroad; and

WHEREAS; Union Pacific Railroad performs their own appraisals for the purpose of the sale of property; and

WHEREAS, Union Pacific Railroad performed an appraisal of the property, dated August 17, 2015, which established a value of \$1.60 per square foot for the subject property; and

WHEREAS; Union Pacific Railroad is willing to accept 50 percent of the appraised value for the square footage of the existing paved roadway area and 100 percent of the appraised value for the additional square footage required to widen the roadway; and

WHEREAS; the total compensation which Union Pacific Railroad is agreeable to is \$162,529.60; and

WHEREAS; the City Engineer recommends the approval of the agreement with Union Pacific Railroad for the purchase of public street right-of-way for the amount of \$162,529.60.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KERMAN HEREBY resolves as follows:

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

Section 2. The agreement for the purchase of public street right-of-way with Union Pacific Railroad, for the amount of \$162,529.60, is hereby approved and the City Manager is authorized to sign the agreement, included as Exhibit 'A'.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Kerman held on the 19<sup>th</sup> day of October, 2016, and passed at said meeting by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby approved.

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

ATTEST:

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

Exhibit 'A'



September 27, 2016  
Folder: 02909-51

**VIA UPS Overnight**  
**RETURN RECEIPT REQUESTED**

JOHN KUNKEL  
CITY OF KERMAN  
850 S. MADERA AVENUE  
KERMAN, CA 9363

Dear Mr. Kunkel:

This letter ("Agreement") confirms our understandings covering the possible sale by Union Pacific Railroad Company ("Seller") to CITY OF KERMAN ("Buyer") of Seller's interest in certain real property in Kerman, California.

The undersigned will recommend to Seller's Management a sale of the Property on the following terms and conditions:

**Article 1. Description of Property:**

- A. The Property is approximately 126,302 square feet as shown on the print attached hereto as Exhibit A and made a part hereof. The legal description of the Property will be determined by Seller. Survey will be at the sole cost and expense of Buyer. Survey will depict all facilities affecting the property.
- B. Before finalizing any survey, Buyer shall submit the draft survey to Seller for review and approval. Computer files of the survey and legal descriptions shall be sent via e-mail to DBPARKER@UP.COM, with a subject line referencing the UPRR Folder Number 02909-51 assigned to this document. Buyer shall deliver a certified copy of the completed survey to Seller within (30) days after Buyer's execution of this Agreement ("Survey Period"). Delay in obtaining or furnishing the survey to Seller shall in no event give Buyer the right to extend the Closing Date (as defined in the "Closing - Default" Article).

**Article 2. Sale Price:**

- A. The sale price ("Sale Price") for the Property shall be One Hundred Sixty Two Thousand Five Hundred Twenty Nine and 00/100 Dollars (\$162,529.00).

- B. The Sale Price is computed as follows:

49,442 square feet (existing roadway area) x \$1.60 per square foot x .50 = \$39,553.60

76,860 square feet (additional area) x \$1.60 per square foot = \$122,976.00

$39,553.60 + 122,976.00 = \$162,529.60$

- C. The Sale Price will be adjusted on the basis set forth in Article 2-B if the area of the Property, as determined by Seller's Senior Manager Engineering Services or his authorized representative, or as determined by the survey, differs from the area set forth in Article 1-A.

**Article 3. Feasibility Review/Right of Entry:**

- A. For (30) days from the date of execution of this Agreement by Buyer ("Feasibility Review Period"), Buyer and its agents and contractors may enter upon the Property to perform environmental audits, soil tests, engineering and feasibility studies of the Property. If the results of such audits, tests or studies, or Buyer's review of title or any other matters relating to the Property are unsatisfactory, Buyer may terminate this Agreement by giving Seller written notice before the end of the Feasibility Review Period. If no such written notice of termination is given before the end of the Feasibility Review Period, the Property will be deemed suitable for Buyer's purposes. In the event of such termination by Buyer, then Buyer shall surrender to Seller copies of all audits, soils, engineering and any other reports prepared for Buyer pertaining to the Property and such reports will become the sole property of Seller without cost or expense of Seller and this Agreement will terminate without any further force and effect, and without further obligation of either party to the other.

- B. Buyer's right to enter upon the Property pursuant to Article 3 A is subject to the following:

1. Buyer will indemnify, defend and save harmless Seller and/or Seller's affiliates (Seller's affiliates means any corporation which directly or indirectly controls or is controlled by or is under common control with Seller), their officers, agents and employees, against and from any and all liability, loss, costs and expense of whatsoever nature growing out of personal injury to or death of persons whomsoever, or loss or destruction of or damage to property whatsoever, where such personal injury, death, loss, destruction or damage arises in connection with the entry upon the Property by Buyer, its agents or contractors prior to Closing.

2. Buyer and Buyer's agents and contractors (collectively "Contractors") will maintain in confidence all information, reports, and evaluations generated in connection with any environmental assessments and will not make disclosure without the prior written consent of Seller. If Buyer discovers hazardous or toxic substances or materials, Buyer will immediately notify Seller.

3. Buyer will promptly deliver to Seller the results and copies of any and all reports, evaluations, tests and studies generated in connection with any environmental assessments. Prior to the issuance of any final environmental report, Seller will have the opportunity to make comments, pose questions and offer recommendations to the Contractor preparing the report.

4. Buyer agrees to indemnify, defend and hold harmless Seller against and from any and all liens, claims, demands, costs and expenses of whatsoever nature in any way connected with or growing out of any work done, labor performed or materials furnished at the Property on behalf of Buyer prior to Closing.

5. If the sale of the Property does not close, Buyer will, as soon as possible and at Buyer's sole expense, restore the Property to the same condition it was in immediately prior to the time Buyer entered the Property, failing in which, Seller may perform the work of restoration and Buyer will reimburse Seller within thirty (30) days after rendition of bill by Seller.

C. Absence of markers is not a warranty by Seller of no subsurface installations. Fiber optic systems, pipelines, and other structures may be buried on the Property. Before any digging/drilling/excavation, the following procedures will be followed by Buyer and Buyer's Contractors:

1. Protection of any fiber optic cable systems is of extreme importance since any break could disrupt service to users resulting in business interruption and loss of revenue and profits. Buyer will telephone 1-800-336-9193 (a 24-hour, 7-day number for emergency calls) during normal business hours (7 A.M. to 9 P.M., CT, Monday-Friday, except holidays) to determine if any fiber optic cable is buried on the Property. If it is determined that fiber optic cable is buried on the Property, Buyer shall promptly inform Seller, at the address at the bottom of the first page of this Agreement, of the results of its investigation.

2. Before drilling or excavating with mechanized equipment, Buyer will explore with hand tools to a depth of at least eight (8) feet below the surface or will use suitable detection equipment.

D. Notwithstanding any provisions in this Agreement to the contrary, if this Agreement is terminated for any reason whatsoever, Buyer will remain obligated to comply with the provisions of Article 3-A and 3-B and Seller will retain all of its remedies for Buyer's default under Article 3-A and 3-B.

**Article 4. As Is Sale - Release - Indemnity:**

A. Prior to the Closing Date, Buyer will have the opportunity to make such inspections of the Property and matters related thereto as Buyer desires, including, without limitation, governmental laws and regulations to which the Property is subject, the title to the Property, and the suitability or fitness of the Property for Buyer's proposed use. Buyer acknowledges and agrees that the Property is to be sold and accepted by Buyer in an "AS IS" condition, with all faults, and Buyer acknowledges that the Property may have been used for railroad and/or industrial purposes, among other uses. Buyer agrees that any information Buyer may receive from Seller or its agents concerning the Property (including, but not limited to, any lease or other document, engineering study or environmental assessment) is furnished on the condition that Buyer will make an independent verification of the accuracy of the information. Seller does not make any representations or warranties of any kind whatsoever, either express or implied, with respect to the Property; in particular, without limitation, Seller makes no representations or warranties with respect to the use, condition, title, occupation or management of the

Property, or compliance with applicable statutes, laws, codes, ordinances, regulations, requirements (collectively "Condition of the Property"). Buyer acknowledges that it is entering into this Agreement on the basis of Buyer's own independent investigation of the physical and environmental conditions of the Property. Buyer assumes the risk that adverse physical and environmental conditions may not have been revealed by its investigation.

- B. FROM AND AFTER CLOSING, BUYER WILL RELEASE SELLER, AND, TO THE MAXIMUM EXTENT PERMITTED BY LAW, INDEMNIFY, DEFEND AND SAVE HARMLESS SELLER, ITS AFFILIATES, THEIR EMPLOYEES, AGENTS, OFFICERS, SUCCESSORS AND ASSIGNS, FROM AND AGAINST ANY AND ALL SUITS, ACTIONS, CAUSES OF ACTION, LEGAL OR ADMINISTRATIVE PROCEEDINGS, CLAIMS, DEMANDS, FINES, PUNITIVE DAMAGES, LOSSES, COSTS, LIABILITIES AND EXPENSES, INCLUDING ATTORNEYS' FEES, IN ANY WAY ARISING OUT OF OR CONNECTED WITH THE KNOWN OR UNKNOWN CONDITION OF THE PROPERTY (INCLUDING, WITHOUT LIMITATION, ANY CONTAMINATION IN, ON, UNDER OR ADJACENT TO THE PROPERTY BY ANY HAZARDOUS OR TOXIC SUBSTANCE OR MATERIAL), OR ANY FEDERAL, STATE OR LOCAL LAW, ORDINANCE, RULE OR REGULATION APPLICABLE THERETO, INCLUDING, WITHOUT LIMITATION, THE TOXIC SUBSTANCES CONTROL ACT, THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT, AND THE RESOURCE CONSERVATION AND RECOVERY ACT. THE FOREGOING WILL APPLY REGARDLESS OF ANY NEGLIGENCE OR STRICT LIABILITY OF SELLER, ITS AFFILIATES, OR THEIR EMPLOYEES, AGENTS OR OFFICERS. WITH RESPECT TO THE FOREGOING, BUYER EXPRESSLY WAIVES THE BENEFITS AND PROTECTIONS OF SECTION 1542 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA, WHICH READS AS FOLLOWS:

1542. Certain Claims Not Affected by General Release. A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.

BUYER HEREBY EVIDENCES ITS SPECIFIC AGREEMENT TO THE TERMS OF THIS RELEASE AND INDEMNITY BY PLACING ITS SIGNATURE OR INITIALS IN THE PLACE PROVIDED HEREINAFTER.

\_\_\_\_\_  
Buyer's Initials

Article 5. Escrow, Title Insurance and Abstract of Title:

- A. Seller will not furnish title insurance or an abstract of title to the Property. Buyer may, at its sole option and expense, obtain a preliminary title report ("PTR") in order to review the status of title to the Property during the Feasibility Review Period. If Buyer obtains a PTR, a copy will be delivered to Seller. Seller has no obligation to cure any title defects or to assist Buyer in obtaining title insurance.

- B. If Buyer desires title insurance, Buyer shall pay the cost of any title insurance and any endorsements or changes to the title policy desired by Buyer. If an escrow is used, Buyer shall pay any and all fees relating to the escrow, including, but not limited to, any City and/or County Transfer Taxes and recording fees.

**Article 6. Form of Deed; Reservations:**

- A. At Closing, Seller will transfer Seller's interest in the Property to Buyer by Quitclaim Deed, subject to all outstanding rights, whether or not of record.
- B. Seller will reserve from the transfer:

- (.) all minerals and mineral rights without right of surface entry.

- C. Restriction On Use.

The Property is quitclaimed by seller subject to the following covenant, condition and restriction which buyer by the acceptance of this Deed covenant for himself, his heirs and assigns, faithfully to keep, observe and perform:

Restriction on Use. The Property must not be used for (i) residential, (ii) lodgings or accommodations (including, without limitation, hotels, motels, boarding houses, dormitories, hospitals, nursing homes, or retirement centers), or (iii) educational or child-care facilities (including, without limitation, schools, kindergartens or day-care centers).

The foregoing covenant, condition and restriction shall run with the Property, and a breach of the foregoing covenant, condition and restriction, or the continuance thereof, may, at the option of seller, its successors or assigns, be enjoined, abated or remedied by appropriate proceedings.

**Article 7. Existing Agreements:**

- A. If any lease or "Use Rights" (license or other rights to use the Property) affects only the Property (whether identified by Seller before or after execution of this Agreement), Seller's rights and obligations under any such identified lease or Use Right will be assigned to and assumed by Buyer at or after Closing.
- B. Buyer acknowledges that the Property may be subject to unidentified Use Rights. It is the responsibility of Buyer to determine if any of these unidentified Use Rights exist.

**Article 8. Closing - Default:**

- A. Closing will occur on or before December 30, 2016 ("Closing Date"). The Closing will be deemed to occur upon payment of the Sale Price by a cashier's or certified check, and delivery of the deed. All Closing costs, including transfer taxes and excise taxes, will be paid by Buyer.

- B. If Closing fails to occur due to default by Seller, Buyer may terminate this Agreement as Buyer's sole remedy against Seller. In the event of such termination, neither Seller nor Buyer will have any further liability hereunder.
- C. If Closing fails to occur due to default by Buyer, Seller may terminate this Agreement and neither Seller nor Buyer shall have any further obligations or liability hereunder except for any of Buyer's surviving obligations pursuant to Article 3 (B) hereof. In no event shall Seller have any obligation whatsoever to extend the Closing Date for any reason if Buyer fails to perform.

**Article 9. Promotions:**

Local property taxes, if any, and other assessments due and payable in the year of Closing, as well as rental under any leases or Use Rights that are being assigned, will be prorated as of the date of Closing. Buyer will assume any installments of assessments not yet due and payable.

**Article 10. Negotiations – Brokers and Finders:**

Negotiations relative to this transaction have been carried on by both parties without the intervention of any person which will give rise to any valid claim against either of the parties hereto, for brokerage commission or other like payment. Each party hereto shall indemnify and hold harmless the other party against and from any and all claims for brokerage commission or other like payments arising out of the transaction contemplated by this Agreement and occasioned by the indemnifying party.

**Article 11. Subdivision/Platting Compliance:**

- A. This Agreement is expressly conditioned upon compliance with the California Subdivision Map Act ("Compliance"). If the Property is not already in Compliance, Buyer shall undertake and use commercially reasonable efforts to comply with local or state subdivision or platting laws or regulations prior to Closing. All necessary applications, maps and other requirements to comply with this requirement will be completed by Buyer at Buyer's sole cost and expense. If Buyer fails to effect Compliance prior to the Closing Date, then this Agreement shall terminate and neither party shall have any further obligation to the other. Seller is not obligated to extend the Closing Date due to Buyer's failure to effect Compliance prior to the Closing Date.
- B. In connection with Buyer pursuing Compliance, Seller shall cooperate by reviewing and executing necessary documents, provided, however, that Seller shall not be required to incur any cost or expense in connection therewith and that any action Buyer desires Seller to take shall be acceptable to Seller as to substance and legal form. If any proposed subdivision plat or parcel map contains conditions affecting Seller, the Property prior to Closing, or other real property owned by Seller which are unacceptable to Seller, then Seller, in its sole and absolute discretion, may terminate this Agreement. If this Agreement is terminated pursuant to this Section B., any deposit paid by Buyer will be returned to Buyer, and neither party shall have any further obligations (except for surviving obligations).

**Article 12. Mortgage Release:**

If the Property is subject to a blanket mortgage granted by Seller or a corporate predecessor of Seller, Seller will obtain a release within approximately six (6) months after Closing.

**Article 13. Seller's Management Approval:**

BUYER ACKNOWLEDGES THAT NEITHER THIS AGREEMENT NOR THE NEGOTIATIONS LEADING TO THIS AGREEMENT CREATE ANY OBLIGATION ON THE PART OF SELLER TO SELL THE PROPERTY TO BUYER UNLESS THIS AGREEMENT IS APPROVED IN ACCORDANCE WITH SELLER'S MANAGEMENT POLICY STATEMENT. IF SUCH APPROVAL IS NOT GIVEN AND COMMUNICATED TO BUYER BY THE CLOSING DATE, THIS AGREEMENT WILL TERMINATE AND NEITHER PARTY WILL HAVE ANY FURTHER OBLIGATION.

**Article 14. Condemnation:**

If, prior to Closing, a governmental agency commences or imminently threatens in writing to commence any eminent domain proceedings to take any material portion of the Property, Buyer and Seller shall each have the unilateral right, exercisable by giving notice of such decision to the other party within thirty (30) days after receiving written notice of such actual or threatened condemnation proceedings, to terminate this Agreement. In the event of such termination, this Agreement will be without any further force and effect and without further obligation of either party to the other. If neither party elects to terminate pursuant to this Article - Condemnation, the Sale Price will be determined as though such condemnation had not occurred, and the net proceeds of condemnation awards paid or payable to Seller by reason of such condemnation of the Property shall be paid or assigned to Buyer at Closing.

If you agree with the foregoing terms and conditions with respect to the possible purchase of the Property, please indicate your acceptance of these terms and conditions by signing in the acceptance space provided below and returning one copy to Daniel B. Parker at the address listed on the bottom of the first page of this letter, in order that it is received by Seller no later than October 30, 2016. Please also indicate below how you wish to take title. If you should have any questions, please call Daniel B. Parker at (402) 544-8624.

Sincerely,

  
\_\_\_\_\_  
Director - Real Estate

ACCEPTED AND AGREED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

CITY OF KERMAN

By: \_\_\_\_\_  
Its: \_\_\_\_\_

Title to the Property will be taken as follows:

\_\_\_\_\_

If Corporation, State of incorporation:

\_\_\_\_\_

If Husband and Wife, indicate how title will be taken:

\_\_\_\_\_ Joint Tenants with rights of survivorship

\_\_\_\_\_ Tenants in Common

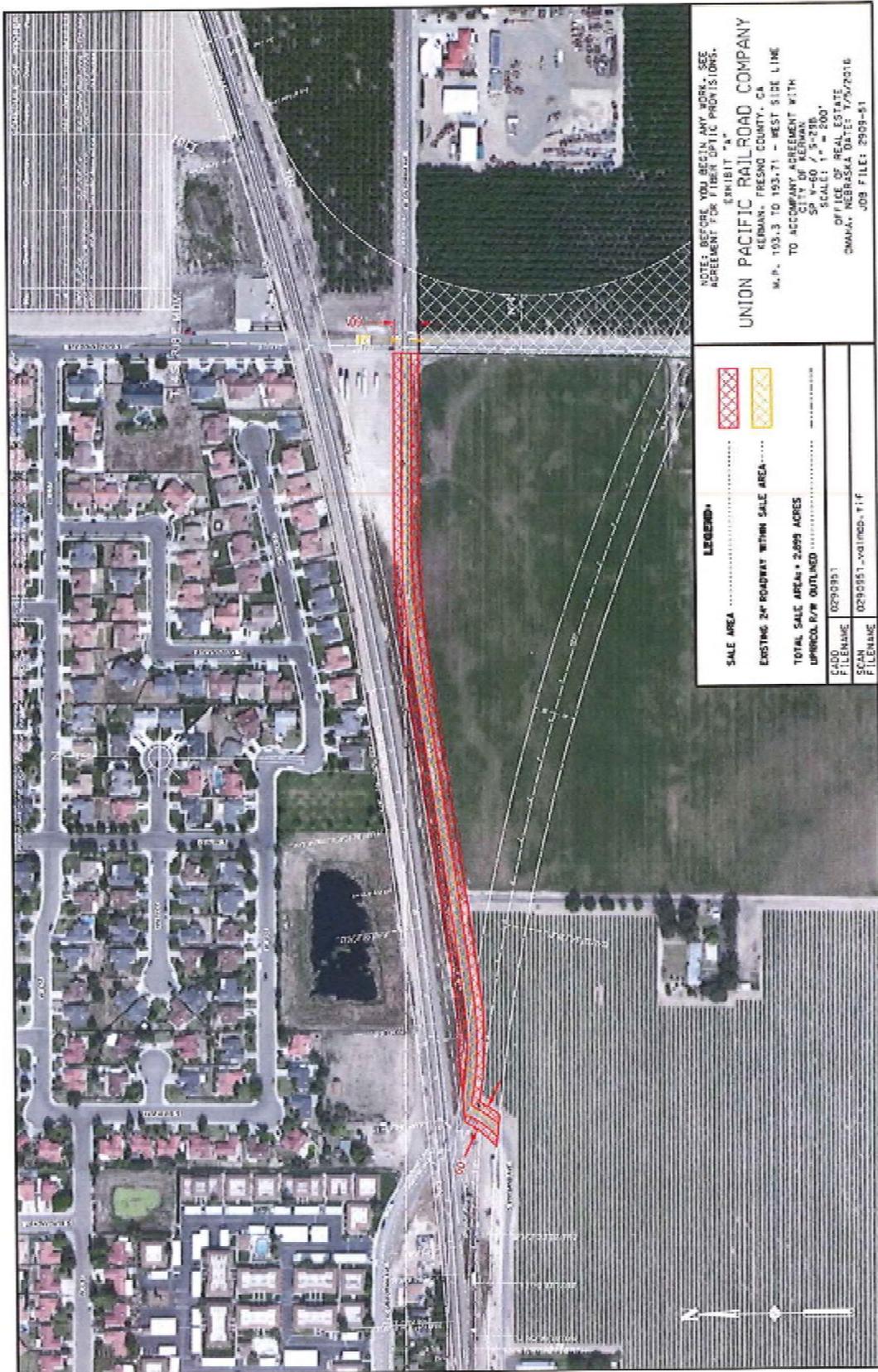
\_\_\_\_\_ Community Property

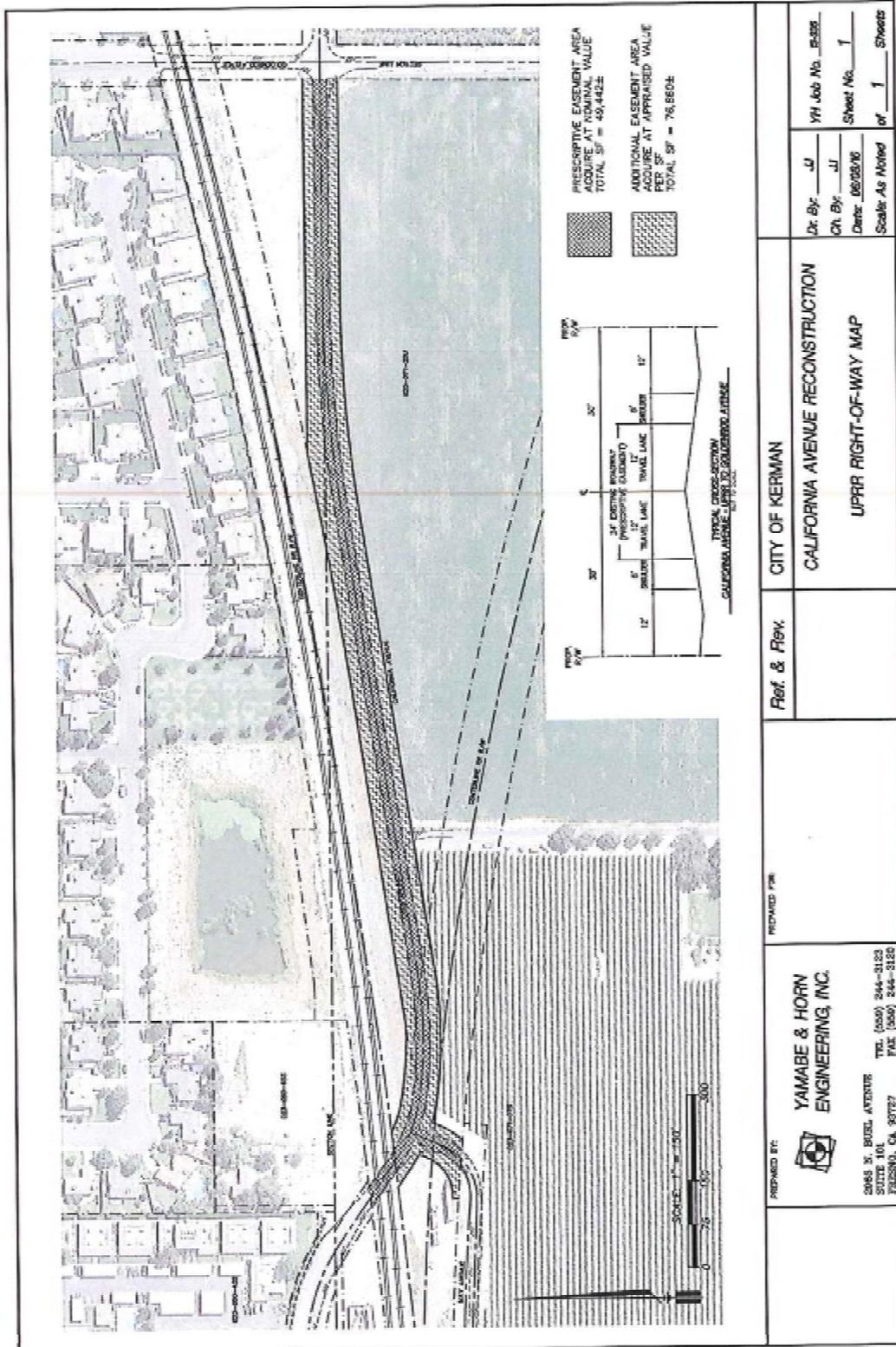
Mailing Address: \_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_







# City of Kerman

*"Where Community Comes First"*

MAYOR  
Stephen B. Hill

MAYOR PRO-TEM  
Gary Yep

COUNCIL MEMBER  
Rhonda Armstrong

COUNCIL MEMBER  
Kevin Nehring

COUNCIL MEMBER  
Bill Nijjer

DEPARTMENT: PLANNING AND DEVELOPMENT  
STAFF REPORT  
CITY COUNCIL MEETING  
COUNCIL MEETING DATE: OCTOBER 19, 2016

To: Mayor and City Council  
 From: Jerry Jones, City Engineer  
 Subject: Resolution Awarding Contract for California Avenue Sidewalk Project Phase 1, Federal Project No. CML-5291(024)

## RECOMMENDATION

Council by motion adopt resolution awarding contract for California Avenue Sidewalk Project, Phase 1, Federal Project No. CML-5291(024), to Serna Construction, Inc. in the amount of \$119,775.00 and authorize the City Manager to sign the contract.

## EXECUTIVE SUMMARY

Phase 1 of the California Avenue Sidewalk Project, Federal Project No. CML-5291(024) will consist of the construction of a 10 foot wide sidewalk along the south side of California Avenue from Del Norte Avenue to First Street. The City has received \$172,600 in Federal Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds for the project. Bids were received from four contractors on Wednesday, September 28, 2016. The lowest responsive and responsible bidder was Serna Construction, Inc. in the amount of \$119,775.

## OUTSTANDING ISSUES

None.

## DISCUSSION

The City receives a bi-annual allocation of CMAQ Lifeline funds to be used for projects that improve air quality. The City has applied its FY 14/15-15/16 allocation to the construction of a 10 foot wide sidewalk along the south side of California Avenue from Del Norte Avenue to First Street. The sidewalk will be a joint-use pedestrian and bicyclist route. The project is a portion of the California Avenue Pedestrian Route Master Plan. Bids were received from four contractors on Wednesday, September 28, 2016, and the results are as follows:

Contractor	Total Bid
Serna Construction, Inc.	\$119,775.00
Dawson-Mauldin Construction, Inc.	\$144,045.81
Todd Companies	\$145,598.19
Smith Construction Co.	\$217,480.30
Engineers Estimate	\$131,400.00

Staff have reviewed the bid submitted by Serna Construction, along with information regarding their previous work experience. Based on review, Staff have determined Serna Construction to be a responsible contractor.

#### **FISCAL IMPACT**

The total estimated project cost is \$220,000, including engineering, right-of-way acquisition, and construction management. The City has allocated CMAQ funds in the amount of \$172,600 and \$84,500 from Local Transportation Funds for a total funding amount of \$257,100 for the project.

#### **PUBLIC HEARING**

Not Required.

Attachments:

- A. Resolution
- B. Vicinity Map

Attachment 'A'

RESOLUTION NO. 16-\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN AWARDING CONTRACT TO SERNA CONSTRUCTION, INC. FOR THE CALIFORNIA AVENUE SIDEWALK PROJECT PHASE 1, FEDERAL PROJECT NO. CML-5291(024)

WHEREAS, the Invitation to Bid for the California Avenue Sidewalk Project, Phase 1, Federal Project No. CML-5291(024), was published in the Kerman News on September 7, 2016; and

WHEREAS, the project will consist of the construction of a 10 foot wide sidewalk on the south side of California Avenue from Del Norte Avenue to First Street in the City of Kerman; and

WHEREAS, the following bids for the project were publicly opened and read aloud at the Kerman City Hall on September 28, 2016 at 2:00 p.m.:

Contractor	Total Bid
Serna Construction, Inc.	\$119,775.00
Dawson-Mauldin Construction, Inc.	\$144,045.81
Todd Companies	\$145,598.19
Smith Construction Co.	\$217,480.30

WHEREAS, the City Engineer's Estimate was \$131,400.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KERMAN RESOLVES:

1. Upon the recommendation of the City Engineer that the California Avenue Sidewalk Project, Phase 1, Federal Project No. CML-5291(024), be awarded to: Serna Construction, Inc., 5019 E. Nevada Avenue, Fresno, CA 93727 in the amount of One Hundred Nineteen Thousand Seven Hundred Seventy-Five Dollars and Zero Cents (\$119,775.00); and
2. The City Manager is authorized to sign the City's standard form of contract for construction projects, as contained in the bid package on behalf of the City of Kerman.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Kerman held on the 19<sup>th</sup> day of October, 2016, and passed at said meeting by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

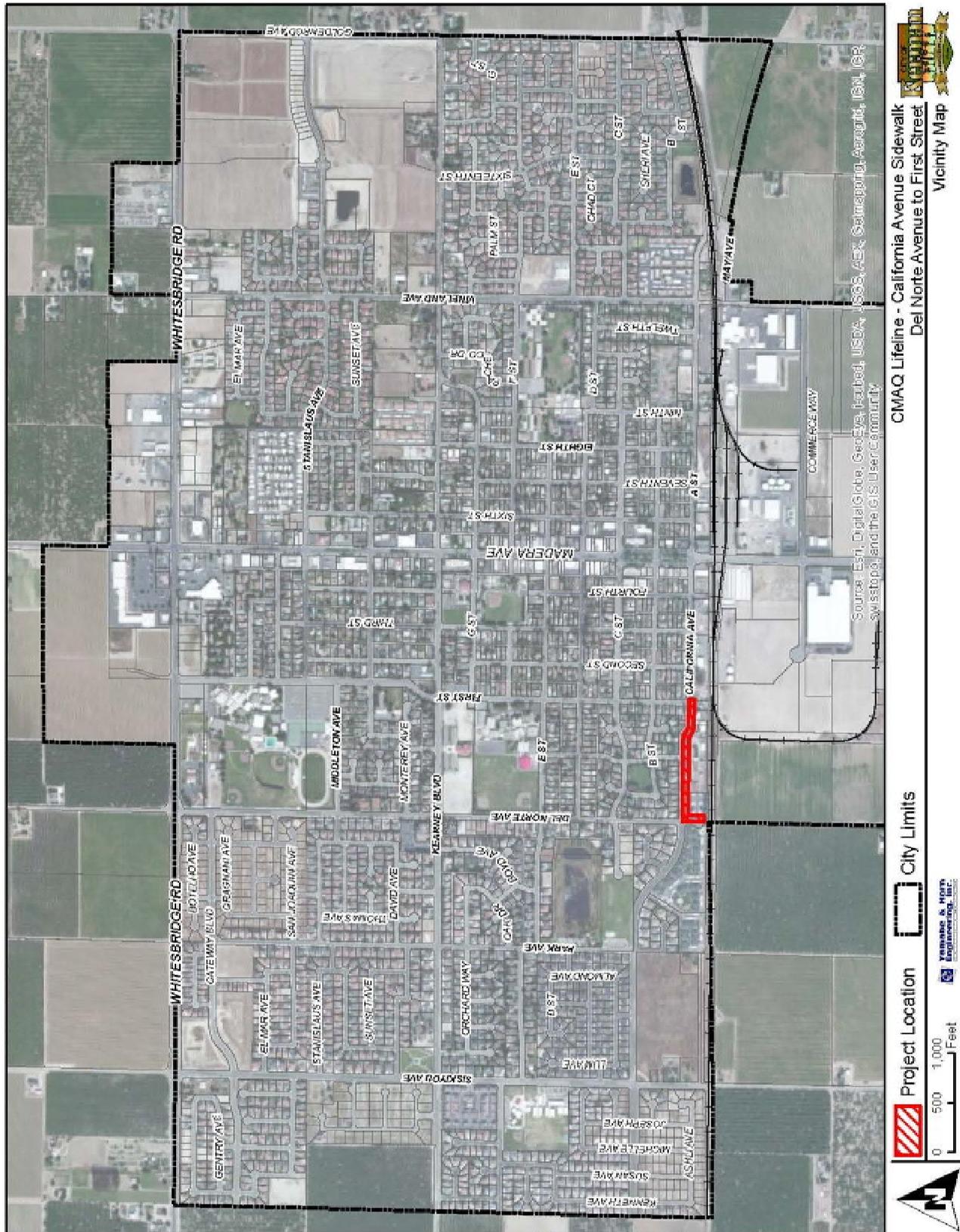
The foregoing resolution is hereby approved.

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

ATTEST:

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

Attachment 'B'





# City of Kerman

*"Where Community Comes First"*

MAYOR  
Stephen B. Hill

MAYOR PRO-TEM  
Gary Yep

COUNCIL MEMBER  
Rhonda Armstrong

COUNCIL MEMBER  
Kevin Nehring

COUNCIL MEMBER  
Bill Nijjer

DEPARTMENT: FINANCE  
STAFF REPORT  
CITY COUNCIL MEETING  
COUNCIL MEETING DATE: OCTOBER 19, 2016

To: Mayor and City Council  
From: Toni Jones, Finance Director  
Subject: Budget Amendment Request for Urban Water Management Plan Update

## RECOMMENDATION

Council approve budget amendment request for City Engineer's estimate of \$30,000 to update the Urban Water Management Plan.

## EXECUTIVE SUMMARY

The City is required to update its Urban Water Management Plan (UWMP) every five (5) years. The last plan was completed in 2010 therefore the UWMP was due July 1, 2016. The UWMP is required to receive funding from sources such as the State Revolving Fund and the City will be pursuing funding for Hexavalent Chromium planning.

Urban Water Management Plans (UWMPs) are prepared by California's urban water suppliers to support their long-term resource planning, and ensure adequate water supplies are available to meet existing and future water demands. Every urban water supplier that either provides over 3,000 acre-feet of water annually, or serves more than 3,000 urban connections is required to assess the reliability of its water sources over a 20-year planning horizon, and report its progress on 20% reduction in per-capita urban water consumption by the year 2020, as required in the Water Conservation Bill of 2009 SBX7-7. The plans must be prepared every 5 years and submitted to the Department of Water Resources (DWR). DWR staff then reviews the submitted plans to make sure they have completed the requirements identified in the Water Code, Sections §10608- 10656, then submits a report to the Legislature summarizing the status of the plans.

Budgeting for this plan was not included in the annual budget but because the plan is now due and the City will be exploring funding for Hexavalent Chromium planning the City Engineer is requesting the budget amendment.

## FISCAL IMPACT

The budget for fiscal year 2016/2017 was projecting a deficit in the water fund therefore this expense, if approved by Council, will be paid out of water reserves. If approved by Council a resolution amending the 2016/17 budget appropriations will be presented on the consent calendar at the November 2<sup>nd</sup> meeting.

## PUBLIC HEARING

None Required



# City of Kerman

*"Where Community Comes First"*

MAYOR  
Stephen B. Hill

MAYOR PRO-TEM  
Gary Yep

COUNCIL MEMBER  
Rhonda Armstrong

COUNCIL MEMBER  
Kevin Nehring

COUNCIL MEMBER  
Bill Nijjer

DEPARTMENT: FINANCE

STAFF REPORT

CITY COUNCIL MEETING

COUNCIL MEETING DATE: OCTOBER 19, 2016

**To:** Mayor and City Council  
**From:** Toni Jones, Finance Director  
**Subject:** Resolution Rescinding Resolution Nos. 92-03 and 05-43 and Approving Release of Water Meter Liens and Approving a Release of Water Meter Lien Fees

## RECOMMENDATION

Council by motion adopt resolution rescinding Resolution Nos. 92-03 and 05-43 and approving release of water meter lien fees.

## EXECUTIVE SUMMARY

The City adopted Resolution No. 92-03 to create a public record on property within the City limits affected by Ordinance 91-20, section 13.04.130 which in part required the installation of water meters at the time of transfer, conveyance or sale. The Resolution authorized the Fresno County Recorder to record a lien on properties not metered within the boundaries of the City of Kerman.

Resolution No. 05-43 effective August 1, 2005 increased the fee for a water meter from \$375 to \$650 per property.

The City of Kerman received a grant through Prop 84 to install water meters on approximately 665 un-metered properties. The City determined it would be in the best interest of the City to meter the remaining approximately 1,300 properties so all water connections would be metered.

Because the City is receiving grant funding for the meters the City cannot continue to have a lien on the properties nor collect the \$650 fee at the time of sale or transfer of property.

The attached resolution will be recorded by the Fresno County Recorder's Office, rescind the fees and release the water meter liens on all properties within the boundaries of the City of Kerman.

## FISCAL IMPACT

None

## PUBLIC HEARING

None Required

## Attachments:

- A. Resolution Nos. 92-03 and 05-43
- B. Resolution w/Exhibits

Attachment 'A'

Return to:  
City of Kerman  
City Clerk  
850 South Madera Avenue  
Kerman, CA 93630

92021728

RESOLUTION NO. 92-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN  
PROVIDING FOR THE RECORDATION OF A MAP AND LEGAL DESCRIPTION  
OF THE AREAS SUBJECT TO KERMAN MUNICIPAL ORDINANCE CODE  
SECTION 13.04.130, REQUIRING THE INSTALLATION OF WATER METERS

WHEREAS, The City Council of the City of Kerman has enacted Ordinance 91-20  
on the seventh day of January, 1992; and

WHEREAS, Ordinance 91-20 amended Section 13.04.130 of the Kerman  
Municipal Ordinance Code to require the installation of water meters for the following water  
service connections:

1. all new connections;
2. any property at time of transfer, conveyance, or sale;
3. when required by a conditional use permit at the discretion of the Planning Commission;
4. any user who is found to be habitually wasting water;  
(Ord. 91-20, 1991)

WHEREAS, it is the desire of the City Council of the City of Kerman to create a  
public record such that parties acquiring or having an interest in property within the areas  
affected by said ordinance be aware of the requirements of Section 13.04.130 of the Kerman  
Municipal Ordinance Code; and

WHEREAS, the affected areas are those areas within the boundaries of the City of  
Kerman as described in the attached Exhibit A and accompanying map.

NOW, THEREFORE, BE IT RESOLVED THAT the above recitals are true and  
correct, and this Council so finds and determines ; and

BE IT FURTHER RESOLVED THAT the County Recorder of the County of Fresno is  
hereby authorized to cause a certified copy of this resolution to be placed on record in the  
Official Records of the County of Fresno.

The foregoing resolution was adopted at a regular meeting of the City Council of the City  
of Kerman, held on the 18th day of February, 1992 by the following vote roll call vote:

RECORDED IN OFFICIAL RECORDS OF FRESNO COUNTY, CALIFORNIA	
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WILLIAM C. GREENWOOD County Recorder	FEE <input checked="" type="checkbox"/>

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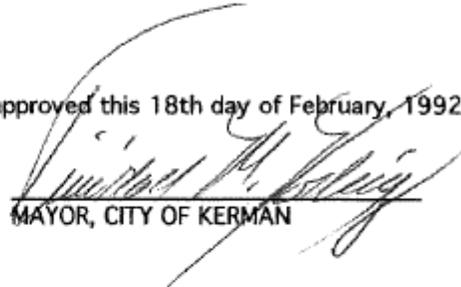
AYES: Durham, Barber, Rodriguez, Knowles, Garcia

NOES: None

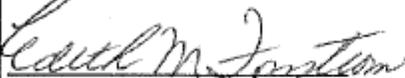
ABSTAIN: None

ABSENT: None

The foregoing resolution is hereby approved this 18th day of February, 1992.

  
MAYOR, CITY OF KERMAN

ATTEST:

  
CITY CLERK, CITY OF KERMAN

I, Edith M. Forsstrom, City Clerk of the City of Kerman, hereby certify that the foregoing is a true and correct copy of Resolution No. 92-03 of the City Council of the City of Kerman, the original of which is on file in the office of the City Clerk of the City of Kerman.

In witness whereof, I have hereunto set my hand and the official seal of said District this 18th day of February, 1992.

  
Edith M. Forsstrom  
City Clerk

07/21/2005, 20050163763

AGENDA ITEM NO. V C 1

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RESOLUTION NO. 05-43

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN  
ESTABLISHING WATER METER CHARGES FOR RESIDENTIAL  
AND COMMERCIAL PROPERTY TRANSFERS

WHEREAS, Ordinance No. 91-20 and Kerman Municipal Code Section 13.04.130 requires the installation of water meters on any property at the time of transfer, conveyance of sale; and

WHEREAS, Ordinance No. 91-20 has been recorded and is effective as to all properties within the City of Kerman; and

WHEREAS, for the transfer of ownership for residential meters the fee was \$375; and

WHEREAS, for the transfer of ownership on commercial meters the fee was as set by the Director of Public Works & Development Services in accordance with any special installation requirements; and

WHEREAS, Assembly Bill 2572 as implemented in the City of Kerman will require all water connections in California to be on water meters and charged by measured units on or before January 1, 2010; and

WHEREAS, in accordance with the new requirements staff reports have been given to the City Council advising of the pending requirements and proposed fees necessary to satisfy these requirements; and

WHEREAS, notice of public hearing on this pending change has been published in The Kerman News on May 11 and June 1, 2005; and

WHEREAS, the proposed changes in water meter transfer of ownership effective August 1, 2005 are as follows:

Rate for Residential Change of Ownership \$650	Rate for Commercial Change of Ownership To handled through escrow as a condition (rate determined by Director Public Works & Development Services) with \$300 as payment for automated meter reading technology
--	--

WHEREAS, the requirements of this resolution shall be applicable to all lands within the boundaries of the City of Kerman which as of the date of this resolution include those lands described in the attached legal description.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KERMAN HEREBY RESOLVES

- 1) The Change of Ownership Rate for Residential Property shall be \$650 per meter;
- 2) The Change of Ownership Rate of Commercial Property shall be a condition of escrow with the rate determined on a per unit basis with at least \$300 of such rate to be used for automated meter reading technology;
- 3) Rates are to be effective August 1, 2005;
- 4) This resolution is applicable to all lands within the City and the resolution shall be recorded with the legal description as Exhibit "A".

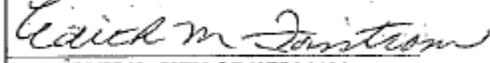
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The foregoing Resolution was introduced at a regular meeting held on the 15th day of June, 2005, and passed at said meeting by the following vote:

AYES:	Cromartie, Rodriguez, Moore, Sidhu, Stockwell
NOES:	None
ABSENT:	None
ABSTAIN:	None

The foregoing Resolution is hereby approved.

  
MAYOR, CITY OF Kerman

ATTEST:  
  
CITY CLERK, CITY OF Kerman

Attachment 'B'

RESOLUTION NO. 16- \_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN RESCINDING  
RESOLUTION NOS. 92-03 AND 05-43 RELATING TO WATER METER LIENS AND APPROVING  
A RELEASE OF WATER METER LIEN FEES**

WHEREAS, on February 19, 1992, the City of Kerman adopted Resolution No. 92-03 a "Resolution of the City of Kerman providing for the Recordation of a Map and Legal Description of the Areas Subject to Kerman Municipal Ordinance Code Section 13.04.130 Requiring the Installation of Water Meters."

WHEREAS, on June 15, 2005, the City of Kerman adopted Resolution No. 05-43 a "Resolution of the City Council of the City of Kerman Establishing Water Meter Charges for Residential and Commercial Property Transfers.

WHEREAS, Resolution No. 92-03 and Resolution No. 05-43 were duly recorded in the Fresno County Recorder's Office.

WHEREAS, the purpose of the referenced resolutions was to create a lien relating to water meters on real properties in the City of Kerman.

WHEREAS, the City has secured state grant funding to be able to install water meters in the City and the lien process is no longer necessary.

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

- SECTION 1. The foregoing recitals are incorporated by reference.
- SECTION 2. City of Kerman Resolution Nos. 92-03 and 05-43 are hereby rescinded.
- SECTION 3. The City Manager and Finance Director are authorized to file the Release of Water Meter Lien Fees document attached as Exhibit 'A' in the Fresno Recorder's Office.
  - T. 14S, R.17E., M.D.B.&M.
  - T. 14S, R.18E., M.D.8.&M.
- SECTION 4. The City Manager, City Clerk, and Finance Director are authorized to make corrections required by the Fresno Recorder's Office and to file any other documents which may be required for ensuring that the Release of Lien is affected.
- SECTION 5. This resolution shall be effective upon adoption.

The foregoing resolution was approved by the City Council of the City of Kerman at a regular meeting held on the 19th day of October, 2016, and passed at said meeting by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

The foregoing is hereby approved.

\_\_\_\_\_  
Stephen Hill  
Mayor

ATTEST:

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

Exhibit 'A'

**FREE RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:**

City of Kerman  
850 S. Madera Avenue  
Kerman, CA 93630  
Attn: Marci Reyes, City Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

**RELEASE OF WATER METER LIEN FEES**

Pursuant to Resolution 16-\_\_, adopted by the City Council of the City of Kerman on October 19, 2016, the following two resolutions were rescinded: (1) Resolution No. 92-03 a "Resolution of the City of Kerman providing for the Recordation of a Map and Legal Description of the Areas Subject to Kerman Municipal Ordinance Code Section 13.04.130 Requiring the Installation of Water Meters" and (2) Resolution No. 05-43 a "Resolution of the City Council of the City of Kerman Establishing Water Meter Charges for Residential and Commercial Property Transfers" hereafter called "Rescinded Resolutions." The Rescinded Resolutions had created Water Meter Liens for properties within the boundaries of the City of Kerman as set forth therein and were recorded in Fresno County Recorder's Office as Instrument No. 92021728 and Instrument No. 07/21/2005, 20050163763.

Resolution 16-\_\_ also authorized the recording of this Release of Liens. This Release of Liens hereby forever REMISES and RELEASES property owners and their successors and assigns from any obligation arising from, under or pursuant to the Rescinded Resolutions and hereby forever Remises and Releases the liens created by Instrument No. 92021728 and Instrument No. 07/21/2005, 20050163763 any and all interest in that certain real property, in the City of Kerman, County of Fresno, State of California, described in Exhibit A and accompanying map attached hereto.

The City wishes to record this Release of Liens to give notice of the release of the Liens on the properties.

**[SIGNATURES ON FOLLOWING PAGE]**

IN WITNESS WHEREOF, the City of Kerman has caused this instrument to be executed on its behalf by its respective officers thereunto duly authorized, this \_\_\_ day of October, 2016.

Date: October \_\_, 2016

**CITY OF KERMAN**

By: \_\_\_\_\_  
John Kunkel, City Manager

**ATTEST:**

By: \_\_\_\_\_  
Marci Reyes, City Clerk

Dated: October \_\_, 2016

Exhibit A (con't)

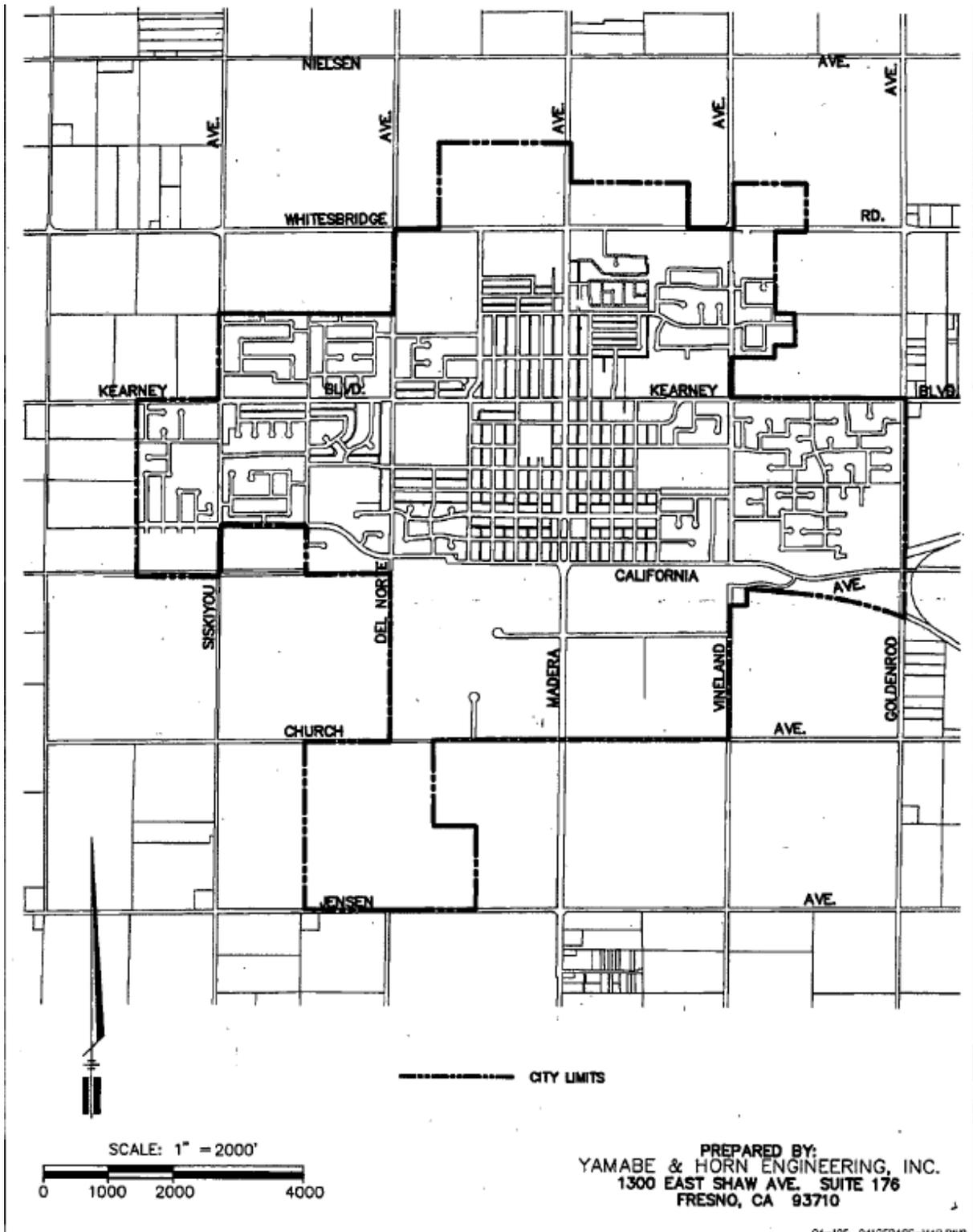
**BOUNDARY  
CITY LIMITS OF KERMAN, CA  
JULY 18, 2005**

Beginning at the center of Section 18, Township 14 South, Range 18 East, M.D.B.&M.; thence North  $0^{\circ}39'07''$  East along the center line of said Section 18 to an angle point in the boundary of that property annexed by Resolution No. 84-31 of the Kerman City Council; thence along the boundary of the property annexed by said Resolution No. 84-31 the following courses and distances: South  $87^{\circ}46'53''$  East, a distance of 218.60 feet; thence North  $0^{\circ}39'07''$  East, parallel with the West line of the Northeast 1/4 of said Section 18, a distance of 264.00 feet to a point on the Southerly right-of-way line of May Avenue; thence Southeasterly along a curve concave to the South, said line also being the Southerly right-of-way of May Avenue and being 40.00 feet South and parallel to the Southern Pacific Railroad Company right-of-way line, a distance of 600.00; thence North  $29^{\circ}54'07''$  East, a distance of 408.00 feet to a point 30.00 feet North of the Southeast corner of the West 1/2 of the East 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 7; thence South  $89^{\circ}54'07''$  West, along a line 30.00 feet North of and parallel to the South line of the Southeast 1/4 of said Section 7, a distance of 399.44 feet; thence North  $0^{\circ}17'44''$  East, along the East line of the West 1/2 of the Southwest 1/4 of the Southeast 1/4 of said section 7, a distance of 1,294.24 feet to the Northeast corner of the West 1/2 of the Southwest 1/4 of the Southeast 1/4 of said Section 7; thence South  $89^{\circ}57'10''$  West, along the North line of the Southwest 1/4 of the Southeast 1/4 of said Section 7, a distance of 664.27 feet to the Northwest corner of the Southwest 1/4 of the Southeast 1/4 of said Section 7; thence leaving the boundary of said annexed property and continuing North  $0^{\circ}16'36''$  East, along the North and South centerline of said Section 7 to the Southeast corner of that property annexed by Resolution No. 83-50 of the Kerman City Council; thence along the boundary of the property annexed by said Resolution No. 83-50 the following courses and distances: North  $0^{\circ}16'36''$  East, along the North and South centerline of said Section 7 to the center quarter corner of said Section 7; thence South  $89^{\circ}59'00''$  West, along the East and West centerline of said Section 7, a distance of 679.20 feet to an angle point in the boundary of that property annexed to the City of Kerman by Ordinance No. 127 of the City of Kerman; thence South  $89^{\circ}54'00''$  West, along the boundary of the property annexed by said Ordinance No. 127, a distance of 650.22 feet, more or less, to a point lying 1329.42 feet East of the quarter corner on the West line of said Section 7; thence leaving the boundary of last said annexed property and continuing South  $89^{\circ}54'00''$  West, along the East and West centerline of said Section 7, a distance of 88.14 feet to a point 1241.28 feet East of the West quarter corner of said Section 7; thence North  $0^{\circ}09'30''$  East along the East line of the West 1/2 of the Northwest 1/4 of said Section 7 to the Southwest corner of that property annexed to the City of Kerman by Resolution No. 89-27 of the Kerman City Council; thence along the boundary of the property annexed by said Resolution No. 89-27, the following courses and distances: North  $89^{\circ}53'52''$  East, along the South line of the North half of the North half of the Southeast quarter of the Northwest quarter of said Section 7, a distance of 1329.20 feet to the Southeast corner of the North half of the North half last said quarter; thence North  $0^{\circ}11'00''$  East, along the East line of the Northwest quarter of said Section 7, a distance of 595.36 feet; thence South  $89^{\circ}55'15''$  West, along a line parallel with and 67.00 feet Southerly of the North line of the South half of the South half of the Northeast quarter of the Northwest quarter of said Section 7, a distance of 650.15 feet; thence North  $0^{\circ}11'00''$  East, a distance of 63.35 feet to a point on the North line of the South 10 acres of the Northeast quarter of the Northwest quarter of said Section 7; thence South  $89^{\circ}54'34''$  West, along the North line of last said 10 acres, a distance of 679.33 feet to the Northwest corner of said 10 acres; thence leaving the boundary of last said annexed property and continuing North  $0^{\circ}09'30''$  East, along the East line of the West 1/2 of the Northwest 1/4 of said Section 7 to the Southwest corner of that property annexed to the City of Kerman by Resolution No. 74-21 of the Kerman City Council; thence North  $89^{\circ}58'$  East, along the South line of the property annexed by said Resolution No. 74-21, a distance of 195.00 feet to the Southwest corner of that property annexed to the City of Kerman by Resolution No. 81-58 of the Kerman City Council; thence along the boundary of the property annexed by said Resolution No. 81-58, the following courses and distances: North  $89^{\circ}58'00''$  East, a distance of 195.00 feet; thence North  $0^{\circ}13'00''$  East, a distance of 497.10 feet to a point on the South boundary of the property annexed to the City of Kerman by Resolution No. 78-41 of the Kerman City Council, said boundary being also

the South line of the Southwest quarter of Section 6, Township 14 South, Range 18 East, M. D. B. & M.; thence along the boundary of the property annexed by said Resolution No. 78-41, the following courses and distances: North  $89^{\circ}58'00''$  East, along the South line of said Southwest quarter, a distance of 264.39 feet to a point of intersection with the Southerly extension of the East line of the West half of Lot 48 of Fresno Irrigated Farms Company Tract according to the map thereof recorded in Book 5, at Page 20 of Record of Surveys, Fresno County Records; thence Northerly, along said extension and along the East line of the West half of Lot 48 and Lot 47, a distance of 685.00 feet, more or less, to the Northeast corner of the West half of said Lot 47; thence Westerly, along the North line of said Lot 47, a distance of 654.97 feet, more or less, to the Northwest corner of said Lot 47, said corner being also the Northeast corner of the South  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 6; thence leaving the boundary of last said annexed property and continuing Westerly along the North line of said South  $\frac{1}{2}$ , to a point on the West line of said Section 6, said point being an angle point in the boundary of that property annexed to the City of Kerman by Resolution No. 80-61 of the Kerman City Council; thence along the boundary of the property annexed by said Resolution No. 80-61, the following courses and distances: North  $0^{\circ}33'00''$  East, along the West line of said Section 6, a distance of 663.50 feet to a point of intersection with the Easterly extension of the North line of Lot C of Fresno Irrigated Farms Company Tract according to the map thereof recorded in Book 8 of Record of Surveys at Page 1, in the office of the Fresno County Recorder, said Lot C being a portion of Section 1, Township 14 South, Range 17 East, M. D. B. & M.; thence South  $89^{\circ}11'57''$  West, along the North line of said Lot C and along the North line of the East  $\frac{1}{2}$  of Lot 8 of said Fresno Irrigated Farms Company Tract to the Northwest corner of the East  $\frac{1}{2}$  of said Lot 8; thence South  $0^{\circ}37'08''$  West, along the West line of the East  $\frac{1}{2}$  of Lots 8, 7, 6, & 5 and the Southerly prolongation of the West line of the East  $\frac{1}{2}$  of Lot 5, a distance of 1325.96 feet to a point of intersection with the South line of said Section 1; thence South  $89^{\circ}14'00''$  West, along the South line of said Section 1, a distance of 673.51 feet to the Southwest corner of the Southeast  $\frac{1}{4}$  of said Section 1; thence South  $0^{\circ}38'00''$  West, along the West line of the Northeast  $\frac{1}{4}$  of Section 12, Township 14 South, Range 17 East, M. D. B. & M., a distance of 330.00 feet to the Northwest corner of that property annexed to the City of Kerman by Resolution of the Fresno County Board of Supervisors and filed with the Secretary of State on May 31, 1966; thence continuing South  $0^{\circ}38'00''$  West, along the boundary of the property annexed by resolution of the Fresno County Board of Supervisors and along the North and South centerline of said Section 12, to a point of intersection with the Westerly prolongation of the South line of Lot 17 of said Fresno Irrigated Farms Company Tract, said point being the Northwest corner of the property annexed to the City of Kerman by Resolution No. 636 of the Kerman City Council; thence continuing South  $0^{\circ}38'00''$  West, along the boundary of the property annexed by said Resolution No. 636 and along the North and South centerline of said Section 12, a distance of 20.00 feet to the Northwest corner of the property annexed to the City of Kerman by Resolution No. 74-63 of the Kerman City Council; thence continuing South  $0^{\circ}38'00''$  West, along the boundary of the property annexed by said Resolution No. 74-63 and along the North and South centerline of said Section 12, a distance of 306.35 feet to an angle point in the property annexed to the City of Kerman by Resolution No. 80-57 of the Kerman City Council; thence continuing South  $0^{\circ}38'00''$  West along the boundary of the property annexed by said Resolution No. 80-57 and along the North and South centerline of said Section 12 to the Northeast corner of the property annexed to the City of Kerman by Resolution No. 82-57 of the Kerman City Council, said corner lying 375.00 feet North of the Center quarter corner of said Section 12; thence along the boundary of the property annexed by said Resolution No. 82-57, the following courses and distances: South  $89^{\circ}18'00''$  West along a line parallel with the South line of the Northwest quarter of said Section 12, a distance of 365.00 feet; thence South  $0^{\circ}39'40''$  West, along a line parallel with the East line of the Northwest quarter of said Section 12, a distance of 375.00 feet to a point on the South line of the Northwest quarter of said Section 12, said line being also the North boundary of the property annexed to the City of Kerman by Resolution No. 636 of the Kerman City Council; thence South  $89^{\circ}18'00''$  West, along the South line of said quarter and along the boundary of the property annexed by said Resolution No. 636, a distance of 25.00 feet to the Northeast corner of property annexed to the City of Kerman by Ordinance No. 77-105 of the Kerman City Council; thence continuing South  $89^{\circ}18'00''$  West, along the North boundary of the property annexed by said Ordinance No. 77-105, a distance of 924.07 feet, more or less, to a point of intersection with the Northerly extension of the West line of Lot 30 of the aforesaid Fresno Irrigated Farms Company Tract, said point being also the Northeast corner of the property annexed to the City of Kerman by Resolution No. 86-16 of the Kerman City Council; thence along the boundary of the property annexed by said Resolution No. 86-

16, the following courses and distances: South 89°18'00" West, a distance of 1334.11 feet, to the Northwest corner of the Southwest quarter of said Section 12; thence South 0°45'09" West, along the West line of said Southwest quarter, a distance of 874.46 feet; thence North 89°19'28" East, along a line parallel with and 120.00 feet North of the South line of Lot 43 of said Fresno Irrigated Farms Company Tract, a distance of 393.01 feet; thence South 0°45'09" West, along a line parallel with and 393.01 feet East of the West line of said Southwest quarter, a distance of 120.00 feet to a point on the South line of said Lot 43; thence North 89°19'28" East, along the South line of said Lot 43, a distance of 941.89 feet to the Southeast corner of said Lot 43, said point being also the Northwest corner of Lot 33 of said Fresno Irrigated Farms Company Tract and the Northwest corner of the property annexed to the City of Kerman by Resolution No. 75-61 of the Kerman City Council; thence along the boundary of the property annexed by said Resolution No. 75-61, the following courses and distances: South 0°41'00" West, along the West line of said Lot 33 and Lot 34 of said Fresno Irrigated Farms Company Tract, a distance of 650.02 feet, more or less, to the Southwest corner of said Lot 34; thence North 89°20'00" East, along the common line between said Lot 34 and Lot 35, a distance of 774.34 feet, more or less, to the Northwest corner of the property annexed to the City of Kerman by Resolution No. 636 of the Kerman City Council; thence along the boundary of the property annexed by said Resolution No. 636, the following courses and distances: South 0°38'00" West, parallel with the East line of the Southwest quarter of said Section 12, a distance of 166.00 feet, thence North 89°20'00" East, parallel with the North line of said Lot 35 and its Easterly prolongation, a distance of 551.00 feet to a point on the East line of said Southwest quarter; thence leaving the boundary of said annexed property and continuing South 0°38'00" West, along the East line of said Southwest quarter to the Southeast corner of said Southwest quarter; thence South 0°33'01" West, along the North and South center line of Section 13 to the center quarter corner thereof, said point being also the Northwest corner of the property annexed to the City of Kerman by Resolution No. 902 of the City of Kerman; thence along the boundary of the property annexed by said Resolution No. 902, the following courses and distances: South 0°33'01" West, along the West line of the Southeast quarter of said Section 13, a distance of 2442.63 feet; thence North 89°26'09" East, along a line parallel with and 208.71 feet North of the South line of the Southeast quarter of said Section 13, a distance of 417.42 feet; thence South 0°33'01" West, parallel with the West line of said Southeast quarter, a distance of 208.71 feet to a point on the South line of said Southeast quarter; thence North 89°26'09" East, along the South line of said Southeast quarter, a distance of 247.895 feet to a point of intersection with the East line of the West ½ of the West ½ of said Southeast quarter; thence North 0°33'00" East, along said East line, a distance of 2038.78 feet; thence North 24°25'15" East, a distance of 655.00 feet; thence North 0°38'30" West, a distance of 20.00 feet to a point on the North line of said Southeast quarter; thence leaving the boundary of said annexed property and continuing Easterly, along the East and West centerline of said Section 13 to the West quarter corner of Section 18, Township 14 South, Range 18 East, M.D.B&M.; thence continuing Easterly along the East and West centerline of said Section 18 to the Center quarter corner of said Section 18, said point being the Point of Beginning of this description.

Exhibit 'A' (con't)



T. 14S, R.17E., M.D.B.&M.  
T. 14S, R.18E., M.D.8.&M.



# City of Kerman

*"Where Community Comes First"*

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

DEPARTMENT: CITY ATTORNEY  
STAFF REPORT  
CITY COUNCIL MEETING  
COUNCIL MEETING DATE: OCTOBER 19, 2016

To: Mayor and City Council  
From: Hilda Cantú Montoy, City Attorney  
Subject: Ordinance Adopting Marijuana Regulations

## RECOMMENDATION

Council waive full reading and introduce ordinance relating to marijuana regulations.

## EXECUTIVE SUMMARY

On February 17, 2016, the City adopted an ordinance to ban marijuana dispensaries, cultivation, and delivery services as authorized by the Medical Marijuana Regulation and Safety Act of 2015 (MMRSA). On June 28, 2016 the Secretary of State certified Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA) for the November 8 ballot.

AUMA would immediately legalize possession, transport, purchase, use and transfer of recreational marijuana for individuals 21 years of age or older. Under AUMA, adults would be able to possess up to 28.5 grams (1 ounce) of marijuana, up to 8 grams of marijuana in the form of concentrated cannabis, which may be present in marijuana products such as edibles, and up to six living marijuana plants, and marijuana produced by those plants. AUMA would also legalize the cultivation of marijuana, marijuana delivery services, and recreational marijuana retail sales. Some of AUMA's provisions will take effect on November 9, 2016, if it passes. While MMRSA allows cities to ban all indoor cultivation, AUMA would require that cities allow limited private residential indoor cultivation and storage. This ordinance enacts regulations to the extent authorized by AUMA.

## OUTSTANDING ISSUES

If AUMA does not pass, the City does not need to take any action and by its language, this ordinance would not go into effect. The City's current Zoning Ordinance banning all cultivation and dispensaries shall continue in force. If AUMA passes, this ordinance becomes effective. The City will need to amend the current Zoning Ordinance regarding personal cultivation in residential zones.

## DISCUSSION

The Adult Use of Marijuana Act officially qualified for the ballot on June 28, 2016, and is on the November ballot. In summary, AUMA

1. Legalizes the smoking, ingestion, possession, transportation and purchase of up to 1 ounce of marijuana by persons 21 years and older for recreational purposes.

2. Legalizes cultivation of up to six plants.
3. Prohibits smoking of marijuana in public places that ban cigarette smoking.
4. Allows for local control in all areas with the exception of personal cultivation up to six plants.
5. Cities cannot ban personal indoor cultivation, they may “reasonably regulate.”

The proposed ordinance provides as follows:

- a. Prohibited Activities: commercial cultivation, processing, delivery, dispensaries, sale, and operations.
- b. Personal Cultivation:
  - (1) Shall be subject to the limits set forth in state law (6 plants per residence).
  - (2) Within a private residence
  - (3) Within an attached garage
  - (4) Within an accessory building, if property is detached single family residential.
  - (5) Area: shall not exceed thirty-two (32) square feet; shall not exceed ten (10) feet in height; shall be a single designated area; limit applies regardless of the number of individuals residing in the residence.
  - (6) Personal Cultivation Building Code Requirements:
    - Any alterations to a residence shall be subject to applicable building and fire codes, including lot coverage, set back, height requirements, and parking requirements.
    - Lighting shall not exceed a total of 1200 watts.
    - From public right of way, there shall be no exterior evidence of marijuana cultivation.
    - The cultivation site shall include a ventilation system.
    - Cultivation that occurs in a garage or accessory building:
      - (i) Shall be secure, locked, and fully enclosed, with a ceiling roof or top, and entirely opaque.
      - (ii) Shall be alarmed through an alarm or private security company.
      - (iii) Shall be constructed with firewall assembly of green board, meeting the minimum building requirements.
- c. Consumption of Marijuana.
  - (1) Clarifies that smoking and ingesting of marijuana products may occur only to the extent authorized by State law.
  - (2) Provides that possession, smoking, and consumption of marijuana shall be prohibited in any building owned, leased, or occupied by the City.
  - (3)

The attached League of California Cities Memorandum dated September 26, 2016, provides a greater detail on AUMA.

## FISCAL IMPACT

## PUBLIC HEARING

This is not a formal public hearing. However, members of the public shall have an opportunity to provide input.

### Attachments:

- A. Ordinance
- B. League of California Cities Memorandum

Attachment 'A'

ORDINANCE NO. 16-\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN ADDING  
CHAPTER 8.28 TO TITLE 8 OF THE KERMAN MUNICIPAL CODE RELATING TO  
MARIJUANA REGULATIONS

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

SECTION 1. Chapter 8.28 is added to Title 8 of the Kerman Municipal Code to read as follows:

*MARIJUANA REGULATIONS*

8.28.010	FINDINGS
8.28.020	PURPOSE AND INTENT
8.28.030	DEFINITIONS
8.28.040	COMMERCIAL MARIJUANA ACTIVITY IS PROHIBITED
8.28.050	REGULATIONS APPLICABLE TO THE CULTIVATION OF MARIJUANA
8.28.060	REGULATIONS APPLICABLE TO THE PERSONAL USE AND/OR CONSUMPTION OF MARIJUANA
8.28.070	VIOLATION AND PENALTY
8.28.080	PUBLIC NUISANCE
8.28.090	JUDICIAL REVIEW
8.28.100	SEVERABILITY

8.28.010 Findings.

A. In 1996, with the adoption of Proposition 215, the California voters approved the Compassionate Use Act (Health and Safety Code § 11362.5) to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician, without fear of criminal prosecution under limited, specified circumstances.

B. In 2004, the State Legislature enacted SB 420 to clarify the scope of the Compassionate Use Act and provide additional statutory guidance regarding medical marijuana use. These statutes are codified at Health and Safety Code § 11362.7 et seq. and allow cities and counties to adopt supplemental rules and regulations.

C. On October 9, 2015, almost 20 years after passage of the Compassionate Use Act, the Governor signed the Medical Marijuana Regulation and Safety Act ("Act"), comprised of California legislative bills AB 243, AB 266, and SB 643. The Act creates a comprehensive state licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis, all subject to local control. One of the purposes of the Act is to ensure uniformity among jurisdictions that wished to allow commercial marijuana operations.

D. Pending before the votes on November 8, 2016, is the Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”). The purpose of AUMA is to establish a comprehensive system to legalize, control and regulate the cultivation, processing, manufacture, distribution, testing, and sale of nonmedical marijuana, including marijuana products. Adults, age 21 and older, will be allowed to possess marijuana and grow certain amounts at home for personal use.

E. On February 17, 2016, the City adopted Title 17, Chapter 17.96, of the Kerman Municipal Code Prohibiting Marijuana Cultivation and Dispensaries. That Marijuana Ordinance places a complete ban on marijuana cultivation, processing, deliveries, and dispensaries in the City based upon various health, safety and welfare and land use findings relating to marijuana cultivation, dispensing, and consumption, which findings are incorporated herein by reference.

F. The City of Kerman has identified a number of health, safety, and welfare concerns associated with marijuana activities. These concerns are set forth in the original reports accompanying the current Marijuana Ordinance and are incorporated herein by reference. These concerns continue and have been exemplified throughout Fresno County and the State as evidenced by numerous area agency police reports and news articles and stories. Some of the continued documented problems include offensive odors, trespassing, theft, violent encounters, fire hazards and problems associated with mold, fungus, and pests.

G. Under MMRSA, and AUMA if it passes, the City retains its police powers and land use authority to regulate or ban marijuana activities, including commercial marijuana operations, cultivation, distribution and consumption for the health, safety, and welfare of the citizens of Kerman.

#### 8.28.020 Purpose and Intent.

It is the purpose and intent of this Chapter to promote the health, safety, morals, and general welfare of the residents and businesses within the City by regulating the cultivation, processing, extraction, manufacturing, testing, distribution, transportation, sale, and consumption of marijuana, whether for medical purposes as currently allowed under State law, or for recreational use should recreational use become lawful under State law.

#### 8.28.030 Definitions.

For purposes of this Chapter, the following definitions shall apply:

1. “Cannabis” shall have the same meaning as “marijuana” as defined in this section.
2. “City” shall mean the City of Kerman.
3. “Collective or cooperative cultivation” means the association within California of qualified patients, persons with valid identification cards, and designated primary care givers to cultivate marijuana for medical purposes as may be allowed under the Compassionate Use Act, the Medical Marijuana Program Act, or the California Medical Marijuana Regulation and Safety Act adopted on October 9, 2015 with legislative bills AB 243, AB 266, and SB 643 (“MMRSA”).
4. “Commercial marijuana activity” includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery, or sale of marijuana and marijuana products.

5. "Consumption of marijuana" shall mean smoking or ingesting marijuana or marijuana products.
6. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, trimming, or processing of marijuana.
7. "Delivery" shall be as defined in the MMRSA, California Business and Professions Code section 19300.5(m), as that section may be amended from time to time, and includes the commercial transfer of medical marijuana and medical marijuana products from a dispensary as well as the use of any technology platform that enables qualified patients and caregivers to arrange for or facilitate the transfer.
8. "Distribution" means the procurement, sale, and transport of marijuana and marijuana products between entities for commercial use purposes.
9. "Licensee" means the holder of any state issued license related to marijuana activities, including but not limited to licenses issued under Division 10 of the Business & Professions Code, Sections 26000, *et seq.*
10. "Limited home cultivation" means cultivation of up to six living marijuana plants, and possession of the marijuana produced by those plants, within the private residence of the person cultivating them or within an accessory structure to the person's private residence on the same grounds.
11. "Marijuana" shall have the meaning set forth in the MMRSA section 11018, which provides that "Marijuana" means all parts of the plant *Cannabis sativa L.*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination."
12. "Marijuana dispensary" or "dispensary" means any facility or location, whether fixed or mobile, and any building or structure, where cannabis is made available to, distributed by, or distributed to more than two persons.
13. "Marijuana products" means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.
14. "Medical marijuana or medical marijuana use" means the use of cannabis for the purposes set forth in the Compassionate Use Act and the Medical Marijuana Regulation and Safety Act, California Health and Safety Code sections 11362.5 and 11362.7, *et seq.*
15. "Private residence" means a house, an apartment unit, a mobile home, or other similar dwelling that is a "residential dwelling unit," as defined by the California Building Code (24 Cal. Code Regs. §202), that is fully enclosed and secured with a lock, and that is the primary residence of the person in possession.

16. "Recreational marijuana or recreational marijuana use" means all uses of marijuana not included within the definition of medical marijuana use.
17. "Sale" includes any transaction whereby, for any consideration, title to marijuana is transferred from one person to another, and includes the delivery of marijuana or marijuana products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of marijuana or marijuana products by a licensee to the licensee from whom such marijuana or marijuana product was purchased.
18. Any term defined in this section also means the very term as defined by the California Business & Professions Code or the California Health & Safety Code, unless otherwise specified.

#### 8.28.040 Commercial Marijuana Activity is Prohibited.

Commercial marijuana cultivation, processing, delivery, dispensaries, sale and operations shall be prohibited activities in the City, except where the City is preempted by federal or state law from enacting a prohibition on any such activity.

#### 8.28.050 Regulations Applicable to the Cultivation of Marijuana.

A. General. To the extent that the City is required to allow the cultivation of marijuana, whether for medical or recreational use, under State law, the rules set forth herein shall apply. Nothing in this section shall be interpreted to permit commercial marijuana operations or marijuana dispensaries otherwise prohibited by this Chapter or by the City Code in Title 17, Chapter 17.96. Only "limited home cultivation" as defined in this Chapter shall be permissible in the City of Kerman. Collective, cooperative, or other cultivation of marijuana shall be prohibited in the City of Kerman.

B. Personal use cultivation. The cultivation of marijuana shall be subject to the limits set forth in any applicable State law. An individual who has a right to cultivate marijuana for personal use shall be allowed to cultivate up to six living marijuana plants within his/her private residence, in an attached garage, or in an accessory building if the property is detached single family residential. No outdoor cultivation is allowed within the City. Marijuana cultivation for personal use shall be subject to the following requirements:

1. Area. The marijuana cultivation area shall not exceed thirty two (32) square feet measured by the canopy and not exceed ten feet (10') in height per residence. This limit applies regardless of the number of individuals residing in the residence. The cultivation area shall be a single designated area.
2. Lighting. Marijuana cultivation lighting shall not exceed a total of 1200 watts.
3. Building Code Requirements. Any alterations or additions to the residence, including garages and accessory buildings, shall be subject to applicable building and fire codes, including plumbing and electrical, and all applicable zoning codes, including lot coverage, set back, height requirements, and parking requirements.
4. Gas products. The use of gas products (CO<sub>2</sub>, butane, etc.) for marijuana cultivation or processing is prohibited.
5. Evidence of cultivation. From a public right of way, there shall be no exterior evidence of marijuana cultivation occurring on the site.

6. Residence. The qualified individual shall reside in the residence where the marijuana cultivation occurs.
7. Cultivation elsewhere in City. The qualified individual shall not participate in marijuana cultivation in any other location within the City of Kerman.
8. Incidental use. The residence shall maintain kitchen, bathrooms, and primary bedrooms for their intended use and not be used primarily for marijuana cultivation.
9. Ventilation. The marijuana cultivation area shall include a ventilation and filtration system designed to ensure that odors from the cultivation are not detectable beyond the residence, or property line for detached single family residential, and designed to prevent mold and moisture and otherwise protect the health and safety of persons residing in the residence and cultivating the marijuana. This shall include at a minimum, a system meeting the requirements of the current, adopted edition of the California Building Code § 1203.4 Natural Ventilation or § 402.3 Mechanical Ventilation (or its equivalent(s)).
10. Storage of chemicals. Any chemicals used for marijuana cultivation shall be stored outside of the habitable areas of the residence and outside of public view from neighboring properties and public rights of way.
11. Nuisance. The marijuana cultivation area shall: not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts; and not be hazardous due to the use or storage of materials, processes, products or wastes, or from other actions related to the cultivation.
12. Property owner authorization. For rental property, the lessee shall obtain written authorization from the property owner or property management company to cultivate marijuana.
13. Notification. The owner and any lessee of the residence upon which cultivation will occur shall inform the Police Department of the intent to cultivate marijuana and pick up a handout setting forth the owner and lessee responsibilities under this section. This notification shall be provided prior to the commencement of the cultivation. The Police Department may direct the owner and lessee to the Building Department and Planning Department for more information about building code and permit requirements that may be applicable if alterations or additions to the residence are contemplated. The Police Department and Building Department shall keep patient information confidential to the extent required by law.
14. Additional requirements for garages and accessory buildings. The following additional requirements shall apply for personal use cultivation that occurs in a garage or accessory building: the garage or accessory building shall be secure, locked, and fully enclosed, with a ceiling, roof or top, and entirely opaque. The garage or building shall include a burglar alarm monitored by an alarm company or private security company. The garage or building, including all walls, doors, and the roof, shall be constructed with a firewall assembly of green board meeting the minimum building code requirements for residential structures and include material strong enough to prevent entry except through an open door.

#### 8.28.060 Regulations Applicable to the Personal Use and/or Consumption of Marijuana.

- A. State Prohibitions. The State prohibitions in Health and Safety Code Section 11362.3 regarding smoking, ingesting, and possessing are incorporated by reference.

B. City Facilities. Possession, Smoking, and Consumption of marijuana whether for medical marijuana use or recreational use shall be prohibited in any building owned, leased, or occupied by the City.

**8.28.070 Violation and Penalty.**

Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor and subject to a maximum penalty of six (6) months imprisonment in the County Jail or a fine of one thousand dollars (\$1,000), as well as the administrative penalties may be set forth in this Code. Violators shall be subject to any other enforcement remedies available to the city under any applicable state or federal statute or pursuant to any other lawful power the city may possess.

**8.28.080 Public Nuisance.**

Any violation of this Chapter is hereby declared to be a public nuisance. The City may avail itself to all legal and equitable remedies to abate such public nuisance.

**8.28.090 Judicial Review.**

Judicial review of a decision made under this Chapter may be had by filing a petition for a writ of mandate with the superior court in accordance with the provisions of the California Code of Civil Procedure Section 1094.5. Any such petition shall be filed within ninety (90) days after the day the decision becomes final as provided in California Code of Civil Procedure Section 1994.6, which shall be applicable for such actions.

**8.28.100 Severability.**

If any provision of this ordinance is declared unlawful by a court of competent jurisdiction, the Council intends that the remaining provisions of this ordinance remain in effect.

**SECTION 2. 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.

**SECTION 3. PUBLICATION**

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

**SECTION 4. EFFECTIVE DATE**

This ordinance shall take effect and be in full force and effect from and after thirty (30) days after its final passage and adoption provided that AUMA is approved by the voters of the State of California during the general election on November 8, 2016.

\*\*\*\*\*

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Kerman held on the October 19, 2016, and passed and adopted at a regular meeting of the City Council held on the 4<sup>th</sup> day of November 2016.

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing ordinance is hereby approved.

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

ATTEST:

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



MEMORANDUM<sup>1</sup>

To: League of California Cities' City Managers Department  
League of California Cities' City Attorneys Department  
From: League Staff  
Date: September 26, 2016  
Re: The Control, Regulate and Tax Adult Use of Marijuana Act

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On November 8, 2016, the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA" or "Act") will come before California voters as Proposition 64. If passed, the AUMA will legalize the nonmedical use of marijuana by persons 21 years of age and over, and the personal cultivation of up to six marijuana plants. In addition, the AUMA will create a state regulatory and licensing system governing the commercial cultivation, testing, and distribution of nonmedical marijuana, and the manufacturing of nonmedical marijuana products. The regulatory system governing these commercial marijuana activities largely mirrors the Medical Marijuana Regulation and Safety Act ("MMRSA"), but there are key differences. This memorandum will provide an overview of the AUMA, highlight the ways in which the AUMA differs from the MMRSA, and identify the issues that cities will need to take action on if the AUMA passes.

**I. Overview of the AUMA**

**A. Personal Nonmedical Marijuana Use**

The AUMA makes it legal for persons 21 years of age or older to: (1) smoke or ingest marijuana or marijuana products; (2) possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older, without any compensation, 28.5 grams of marijuana, or 8 grams of concentrated marijuana, including as contained in marijuana products; and (3) possess, plant, cultivate, harvest, dry or process up to six living marijuana plants for personal use.<sup>2</sup> The AUMA requires that marijuana in excess of 28.5 grams that is produced by plants kept pursuant to the personal cultivation provision of the Act be kept in a locked space on the grounds of a private residence that is not visible from a public place.<sup>3</sup>

Although persons 21 years of age or older may use and possess nonmedical marijuana under the Act, their ability to engage in these activities is not unfettered. The AUMA prohibits the smoking

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<sup>1</sup> **DISCLAIMER:** These materials are not offered as or intended to be legal advice. Readers should seek the advice of an attorney when confronted with legal issues. Attorneys should perform an independent evaluation of the issues raised in these materials.

<sup>2</sup> Health & Saf. Code § 11362.2(a).

<sup>3</sup> Health & Saf. Code § 11362.2(a)(2).

of marijuana: (1) in any public place, except where a local jurisdiction has authorized use on the premises of a retailer or microbusiness in accordance with Business and Professions Code section 26200; (2) where smoking tobacco is prohibited; (3) within 1,000 feet of a school, day care center, or youth center while children are present; and (3) while driving, or riding in the passenger seat of, any vehicle used for transportation.<sup>4</sup> Moreover, individuals cannot possess marijuana on school grounds, in day care centers, or in youth centers while children are present, or possess an open container of marijuana or marijuana products while driving, operating, or riding in any vehicle used for transportation.<sup>5</sup> The AUMA further provides that cities may prohibit possession and smoking in buildings owned, leased, or occupied by the city, and that employers, including cities, may maintain a drug and alcohol free workplace by prohibiting the use, consumption, possession, transfer, transportation, sale, display or growth of marijuana in the workplace.<sup>6</sup>

### **1. Personal Cultivation**

The AUMA provides that local governments can reasonably regulate, but cannot ban, personal indoor cultivation of up to six living marijuana plants within the person’s private residence.<sup>7</sup> The Act defines private residence as “a house, an apartment unit, a mobile home, or other similar dwelling unit.”<sup>8</sup> This includes cultivation in a greenhouse on the same property as the residence that is not physically part of the home, as long as it is fully enclosed, secure, and not visible from a public space.<sup>9</sup>

The AUMA completely protects the ability of local governments to regulate, and to ban, personal outdoor cultivation operations.<sup>10</sup> However, it purports to repeal any ordinance that bans outdoor cultivation upon the California Attorney General’s determination that nonmedical use of marijuana is lawful under federal law.<sup>11</sup>

### **B. Commercial Nonmedical Marijuana Activity**

Under the AUMA, California will have a comprehensive state regulatory system for nonmedical marijuana that governs the industry from “seed to sale.” The Bureau of Marijuana Control, currently the Bureau of Medical Cannabis Regulation, which is within the Department of Consumer Affairs, will have primary responsibility for administering and enforcing the AUMA.<sup>12</sup>

The AUMA divides state licensing and enforcement responsibilities among three agencies: (1) the Department of Consumer Affairs, which will issue licenses for marijuana the transportation,

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<sup>4</sup> Health & Saf. Code §§ 11362.3; 11362.4.

<sup>5</sup> Health & Saf. Code §§ 11362.3(3), 11362.3(4).

<sup>6</sup> Health & Saf. Code § 11362.45 (f)-(g).

<sup>7</sup> Health & Saf. Code §§ 11362.1(a)(3), 11362.2.

<sup>8</sup> Health & Saf. Code § 11362.2(5).

<sup>9</sup> Health & Saf. Code § 11362.2(a)(2).

<sup>10</sup> Health & Saf. Code § 11362.2(b)(3).

<sup>11</sup> Health & Saf. Code § 11362.2(b)(4).

<sup>12</sup> Bus. & Prof. Code § 26010.

storage, distribution, and sale of marijuana;<sup>13</sup> (2) the Department of Food and Agriculture will issue marijuana cultivation licenses, which will administer the provisions of the AUMA related to the cultivation of marijuana;<sup>14</sup> and (3) the Department of Public Health, which will issue licenses for marijuana manufacturers and testing laboratories.<sup>15</sup> Each of these state licensing authorities is responsible for creating regulations governing their respective areas of responsibility, and must begin issuing licenses by January 1, 2018.<sup>16</sup>

A state marijuana license will be valid for one year.<sup>17</sup> A separate state license is required for each commercial marijuana business location.<sup>18</sup> With the exception of testing facilities, any person or entity licensed under the AUMA may apply for and be issued more than one type of state license.<sup>19</sup>

### **1. Local Control**

All nonmedical marijuana businesses must have a state license.<sup>20</sup> A state license cannot issue to an applicant whose operations would violate the provisions of any local ordinance or regulation.<sup>21</sup> However a state applicant need not provide documentation that the applicant has a local license or permit.

The AUMA does not limit the authority of a local jurisdiction to adopt and enforce local ordinances regulating or completely prohibiting state-licensed marijuana businesses.<sup>22</sup> Local jurisdictions may establish “standards, requirements, and regulations regarding health and safety, environmental protection, testing, security, food safety, and worker protections that exceed state standards.”<sup>23</sup>

### **2. Local Enforcement**

Like the MMRSA, the AUMA establishes a dual enforcement scheme for commercial marijuana activities that violate either state or local laws. The state licensing authorities will enforce state statutes and regulations. State authorities can suspend or revoke state licenses,<sup>24</sup> pursue civil penalties against violating businesses in an amount equal to three times the applicable licensing fee per violation,<sup>25</sup> or may prosecute violators criminally.<sup>26</sup> Local authorities will be responsible

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<sup>13</sup> Bus. & Prof. Code § 26012(a)(1).

<sup>14</sup> Bus. & Prof. Code § 26012(a)(2).

<sup>15</sup> Bus. & Prof. Code § 26012(3).

<sup>16</sup> Bus. & Prof. Code §§ 26012(c), 26013 (a).

<sup>17</sup> Bus. & Prof. Code § 26050(c).

<sup>18</sup> Bus. & Prof. Code § 26055(c).

<sup>19</sup> Bus. & Prof. Code § 26053.

<sup>20</sup> Bus. & Prof. Code § 26038.)

<sup>21</sup> Bus. & Prof. Code § 26055(e).

<sup>22</sup> Bus. & Prof. Code § 26200(a). But see, Bus. & Prof. Code §§ 19340(f), 26080(b), 26090(c) [prohibiting cities from preventing the use of public roads to lawfully transport or deliver nonmedical marijuana].

<sup>23</sup> Bus. & Prof. Code § 26201.

<sup>24</sup> Bus. & Prof. Code § 2603.

<sup>25</sup> Bus. & Prof. Code § 26038(a)

<sup>26</sup> Bus. & Prof. Code § 26038(c).

for enforcing local ordinances and regulations.<sup>27</sup> For state-licensed facilities operating within a city, a city may have authority to enforce state law and regulations “if delegated the power to do so by the [B]ureau [of Marijuana Control] or a licensing authority.”<sup>28</sup>

## **II. Key Differences Between the AUMA and MMRSA**

### **A. Licensing**

The MMRSA established dual licensing of medical marijuana businesses, requiring both local approval and a state license in order for a business to operate legally.<sup>29</sup> Specifically, the MMRSA requires applicants to provide the relevant state licensing entity with documentation proving their compliance with local ordinances and regulations.<sup>30</sup>

The AUMA does not require an applicant to provide evidence of local permission prior to being issued a state license.<sup>31</sup> Instead, the AUMA prohibits state licensing entities from approving licenses for activities that would violate local ordinances.<sup>32</sup> Thus, state licensing officials bear the onus of evaluating local regulatory compliance.

Under this system, the AUMA allows a nonmedical marijuana business licensed by the state to operate within city limits unless the city’s municipal code prohibits the use. Cities that wish to regulate or prohibit nonmedical marijuana businesses will need to do so before the State begins issuing licenses, either by enacting a nonmedical marijuana ordinance/regulation or by amending an existing medical marijuana ordinance/regulation to include nonmedical marijuana within its scope.

### **B. License Revocation**

Under the MMRSA, revocation of a local license or permit unilaterally terminates the ability of the medical marijuana business to operate in the jurisdiction issuing the permit, until such time as the local permitting entity reinstates it.<sup>33</sup>

Under the AUMA, if a local jurisdiction revokes a local license, permit, or authorization for a licensee to engage in commercial marijuana activity within the local jurisdiction, the Bureau of Marijuana Control must initiate proceedings to determine whether the state license issued should be suspended or revoked within ten days of being notified by the local jurisdiction of the local revocation.<sup>34</sup> Note, however, that, even if the state license is not suspended or revoked immediately, the business cannot operate within the local jurisdiction once local revocation occurs.

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<sup>27</sup> Bus. & Prof. Code § 26200 (b).

<sup>28</sup> Bus. & Prof. Code § 23202(a).

<sup>29</sup> Bus. & Prof. Code § 19320(b).

<sup>30</sup> Bus. & Prof. Code § 19322(a).

<sup>31</sup> Bus. & Prof. Code § 26056.

<sup>32</sup> Bus. & Prof. Code § 26055(e).

<sup>33</sup> Bus. & Prof. Code § 19320(d).

<sup>34</sup> Bus. & Prof. Code § 26200(c).

### **C. Personal, Indoor Cultivation**

Under the MMRSA, local governments possess the power to regulate and completely ban personal, indoor cultivation.<sup>35</sup> Under the AUMA local governments can “reasonably regulate” indoor cultivation of up to six marijuana plants for personal use, but cannot ban it.<sup>36</sup>

### **D. Personal Outdoor Cultivation**

Under the MMRSA local governments can prohibit all outdoor cultivation. Under the AUMA local governments can prohibit all outdoor cultivation, until such time as the Attorney General determines that the use of nonmedical marijuana is lawful in the State of California under federal law.<sup>37</sup> Upon such determination, the AUMA purports to repeal all local bans on outdoor cultivation.<sup>38</sup>

### **E. Amendment**

Any portion of the MMRSA can be amended at any time, if there is sufficient political support within the Legislature for making substantive changes to the regulatory structure. Under some circumstances, an amendment to the MMRSA by the Legislature might arguably violate The Compassionate Use Act of 1996 (adopted by the voters as Proposition 215), which decriminalized the personal use of medical marijuana.<sup>39</sup>

Under the AUMA, the Legislature may amend Sections 5 (relating to the use of medical marijuana for medical purposes) and 6 (relating to state licensing) and the provisions relating to penalties by majority vote. The Legislature may amend any other provision of the Act by a 2/3 vote. Any amendment must further the purposes and intent of the AUMA. The purpose and intent of the Act include allowing local governments to ban nonmedical marijuana businesses.

### **F. Taxation**

The AUMA imposes new state taxes on medical and nonmedical marijuana in the following manner:

- Effective January 1, 2018, the AUMA imposes an excise tax at the rate of 15% of gross retail sales receipts.<sup>40</sup>
  - This tax will be in addition to existing state and local sales tax.<sup>41</sup> Given that state and local sales taxes can range from 7-10%, the combined excise tax + sales tax at the retail level could approach 25%;

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<sup>35</sup> Health & Saf. Code § 11362.777(g); *Maral v. City of Live Oak* (2013) 221 Cal.App.4th 975, 984; *Kirby v. County of Fresno* (2015) 242 Cal.App.4th 940, 969-970.

<sup>36</sup> Bus. & Prof. Code § 11362.2(b)(1).

<sup>37</sup> Bus. & Prof. Code § 11362.2(b)(4).

<sup>38</sup> Bus. & Prof. Code § 11362.2(b)(4).

<sup>39</sup> Health & Saf. Code § 11362.5.

<sup>40</sup> Rev. & Tax Code § 34011(a).

- Effective January 1, 2018, the AUMA imposes a separate cultivation tax on all harvested marijuana as follows:<sup>42</sup>
  - \$9.25 per dry-weight ounce on all marijuana flowers;
  - \$2.75 per dry-weight ounce on all marijuana leaves;
- The AUMA prohibits imposition of state and local sales taxes on medical marijuana.<sup>43</sup>
- The AUMA exempts marijuana cultivated for personal use from taxation.<sup>44</sup>

The AUMA does not pre-empt local taxation.<sup>45</sup> However, the AUMA’s estimated cumulative tax rate of nearly 35% on the purchase of nonmedical marijuana has potentially troubling implications for local governments. A high state tax rate by itself may depress sales and stimulate the black market. Any local taxation of marijuana should be governed by an awareness that a high retail sales tax rate, imposed on an industry that, until recently, has not been regulated at all, might stimulate black market activity and compromise the anticipated yield of revenue. In order to avoid such a result, cities might consider imposing an excise tax on discrete commercial nonmedical marijuana activities rather than on retail sales. New taxes on marijuana require compliance with Proposition 218.

### **1. Allocation of State Tax Revenues**

After repaying certain state agencies for marijuana regulatory costs not covered by license fees, and making certain grants to universities for research and development and the Governor’s Office of Business and Economic Development, the AUMA distributes the remaining tax revenue as follows:

- 60% for youth programs, substance abuse education, prevention and treatment;
- 20% for environmental cleanup and remediation; and
- 20% for state and local programs that reduce DUI and grant programs designed to reduce negative health impacts resulting from marijuana legalization

### **G. Deliveries**

Under the MMRSA, medical marijuana deliveries can only be made from a state-licensed dispensary in a city, county, or city and county that does not explicitly prohibit it by local ordinance.<sup>46</sup> A delivery person must carry a copy of the dispensary’s state-issued license, a government ID, and a copy of the delivery request.<sup>47</sup> The patient or caregiver requesting the delivery must also maintain a copy of the delivery request.<sup>48</sup> Dispensaries and delivery people who comply with MMRSA are immune from prosecution for marijuana transportation.<sup>49</sup>

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<sup>41</sup> Rev. & Tax Code § 34011(d).

<sup>42</sup> Rev. & Tax Code § 34012.

<sup>43</sup> Rev. & Tax Code § 34011(g).

<sup>44</sup> Rev. & Tax Code § 34012(j).

<sup>45</sup> Rev. & Tax Code § 34021.

<sup>46</sup> Bus. & Prof. Code § 19340(a).

<sup>47</sup> Bus. & Prof. Code §§ 19340(b)(2), 19340(d).

<sup>48</sup> Bus. & Prof. Code § 19340(e).

<sup>49</sup> Bus. & Prof. Code § 19317(f).

Under the AUMA, deliveries can be made by a state-licensed retailer, microbusiness, or nonprofit unless they are prohibited by local ordinance.<sup>50</sup> Although the AUMA does require a customer requesting delivery to maintain a copy of the delivery request, there is no express requirement that delivery people carry or maintain any records.<sup>51</sup> Moreover, unlike the MMRSA, the AUMA does not require that deliveries come *from* a dispensary. Instead, it states that “Deliveries, as defined in this division, may only be made *by* a licensed retailer or microbusiness, or a licensed nonprofit under Section 26070.5.”<sup>52</sup> Thus, there is at least some question regarding whether deliveries may be made from non-retail locations by retail employees.

Under both the MMRSA and the AUMA, local jurisdictions can ban or regulate deliveries within their borders.<sup>53</sup> However, local jurisdictions cannot prevent a delivery service from using public roads to simply pass through its jurisdiction from a licensed dispensary to a delivery location outside of its boundaries.<sup>54</sup>

### **III. Local Regulatory Options**<sup>55</sup>

The AUMA preserves the authority of a city to adopt business regulations and land use regulations for nonmedical marijuana activities.<sup>56</sup>

#### **A. Personal Marijuana Cultivation**

Under the AUMA local governments can regulate or ban all personal, outdoor cultivation, until such time as the Attorney General determines that the use of nonmedical marijuana is lawful in the State of California under federal law. In addition, local governments can “reasonably regulate,” **but cannot ban**, personal, indoor cultivation. Nothing in the AUMA requires a city to enact an ordinance or regulation by a certain date. However, assuming that the AUMA passes, if a city does not have a ban or regulatory scheme governing personal, outdoor cultivation or a regulatory scheme governing personal, indoor cultivation in place before November 9, 2016, a person may legally engage in personal cultivation of up to six marijuana plants at his or her private residence.

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<sup>50</sup> Bus. & Prof. Code §26090(a).

<sup>51</sup> Bus. & Prof. Code §26090(b).

<sup>52</sup> Bus. & Prof. Code § 26090(a).

<sup>53</sup> Bus. & Prof. Code §§ 19340(a), 19316(a), 26200.

<sup>54</sup> Bus. & Prof. Code §§ 19340(f), 26080(b), 26090(c).

<sup>55</sup> For a thorough discussion of the various marijuana regulatory options that a city may consider, see McEwen, *Medical Marijuana-Revisited After New State Laws* (Spring 2016) <<http://www.cacities.org/Resources-Documents/Member-Engagement/Professional-Departments/City-Attorneys/Library/2016/Spring-2016/5-2016-Spring-Medical-Marijuana-%E2%80%93Revisited-After>>. In addition, sample ordinances may be found on the League’s website, at: <http://www.cacities.org/Policy-Advocacy/Hot-Issues/Medical-Marijuana>. **But note:** the regulatory schemes discussed in the McEwen paper and posted on the League’s website pertain to medical marijuana businesses under the MMRSA and may need to be modified to comply with the requirements of the AUMA.

<sup>56</sup> Health & Saf. Code § 11362.2; Bus. & Prof. Code §§ 26201, 26200(a).

## B. Nonmedical Marijuana Businesses

The AUMA recognizes a range of businesses, including dispensaries, cultivators, manufacturers, distributors, transporters, and testing laboratories. Cities may expressly ban, adopt business regulations, or adopt land use regulations pertaining to any or all of these businesses.

Again, the AUMA does not require a city to enact a regulatory scheme or ban by a certain date. However, assuming that the AUMA passes in November, if a city wishes to regulate or ban marijuana businesses before marijuana businesses may legally operate within the city, the regulations or ban will need to take effect before the state begins issuing nonmedical marijuana business licenses. The League anticipates that cities have until January 1, 2018 to enact bans or regulations relating to nonmedical marijuana businesses, because: (1) nonmedical marijuana businesses cannot operate in any city without a state license;<sup>57</sup> (2) the state licensing agencies in charge of implementing the AUMA have stated that they anticipate that they will not begin issuing licenses under the MMRSA until January 2018, and it is unlikely that said agencies will be able to begin issuing licenses under the AUMA before they begin issuing licenses under the MMRSA; and (3) the AUMA does not require state agencies to issue licenses until January 1, 2018.<sup>58</sup> It is not the League's position that state licensing agencies cannot issue licenses before January 1, 2018, just that it is unlikely that they will do so.

## C. Caution Against Use of Permissive Zoning

Under a permissive zoning code, any use not enumerated in the code is presumptively prohibited, unless an authorized city official finds that the proposed use is substantially the same in character and intensity as those land uses listed in the code.<sup>59</sup> Although the MMRSA upheld a city's authority to rely on permissive zoning to prohibit medical marijuana land uses, it is unlikely that cities will succeed in arguing that nonmedical marijuana land uses are prohibited by permissive zoning under the AUMA. This is so because: (1) the statutory language in the AUMA regarding local control seems to anticipate that a city will adopt an ordinance explicitly prohibiting and/or regulating nonmedical marijuana businesses (rather than relying on the silence of its Code to argue for a prohibited use);<sup>60</sup> (2) the AUMA does not contain the same protective language as the

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<sup>57</sup> Bus. & Prof. Code § 26038.

<sup>58</sup> Bus. & Prof. Code § 26012 (c).

<sup>59</sup> See *City of Corona v. Naulls* (2008) 166 Cal.App.4th 418, 433-436. See also *County of Los Angeles v. Hill* (2011) 192 Cal.App.4th 861, 871 [holding that "medical marijuana dispensaries and pharmacies are not 'similarly situated' for public health and safety purposes"]; *City of Monterey v. Carrnshimba* (2013) 215 Cal.App.4th 1068, 1091 [holding that a medical marijuana dispensary was not substantially similar to the listed commercial use classifications for personal services, retail sales, pharmacies and medical supplies]; *County of Tulare v. Nunes* (2013) 215 Cal.App.4th 1188, 1205 [holding that a medical marijuana collective did not qualify as an "agricultural" land use because "marijuana is a controlled substance and is not treated as a mere crop or horticultural product under the law"].

<sup>60</sup> Bus. & Prof. Code § 26200 ["Nothing in this division shall be interpreted to supersede or limit the authority of a local jurisdiction to *adopt* and *enforce* local ordinances to regulate businesses licensed under this division, including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related

MMRSA with respect to permissive zoning;<sup>61</sup> and (3) the AUMA explicitly designates nonmedical marijuana as an agricultural product—thus if a city’s permissive zoning code authorizes agricultural uses, the city may be precluded from arguing that marijuana is prohibited.<sup>62</sup> Therefore, cities that wish to ban all or some nonmedical marijuana activities should adopt express prohibitions, even if they operate under a permissive zoning code.

#### **IV. What actions need to be taken?**

At this time city officials should: (1) review the city’s municipal code; (2) consider whether they wish to regulate the personal cultivation of nonmedical marijuana indoors; (3) consider whether they wish to regulate or ban the personal cultivation of nonmedical marijuana outdoors; (4) consider whether they wish to enact business regulations of nonmedical marijuana businesses; (5) consider whether they wish to enact land use regulations of nonmedical marijuana businesses; (6) consider whether they wish to enact local taxes on marijuana; and (7) comply with Proposition 218 if they decide to enact local taxes on marijuana.

Cities should prioritize considering or enacting ordinances regulating personal nonmedical marijuana cultivation, because it will be legal under state law on November 9, 2016 if the AUMA passes, whereas nonmedical marijuana businesses will not be able to operate lawfully until the state licensing system becomes operational (likely in late 2017). **Although cultivation for personal use will be legal as of November 9, 2016 if the AUMA is approved by voters, local governments will not lose any regulatory authority if they do not have an ordinance in place addressing personal cultivation before the election. Locals will retain the ability to regulate personal cultivation and to enact related ordinances at any time after the election. The only change the AUMA will make in this area is to prohibit local bans of indoor cultivation for personal use. No ordinance enacted prior to the election can prevent this change in the law.**

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to reducing exposure to second hand smoke, or to completely prohibit the establishment or operation of one or more types of businesses licensed under this division within the local jurisdiction.”] (emphasis added).

<sup>61</sup> Compare Health & Saf. Code § 11362.777(b)(3) [a “person or entity shall not submit an application for a state license . . . if the proposed cultivation of marijuana will violate the provisions of any local ordinance or regulation, or if medical marijuana is prohibited by the city, county, or city and county in which the cultivation is proposed to occur, either expressly or otherwise under principles of permissive zoning”] with Bus. & Prof Code § 26205(e) [“Licensing authorities shall not approve an application for a state license under this division if approval of the state license will violate the provisions of any local ordinance or regulation adopted in accordance with Section 26200.”].

<sup>62</sup> Bus. & Prof. Code § 26067(a).



# City of Kerman

*"Where Community Comes First"*

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

DEPARTMENT: CITY ATTORNEY  
STAFF REPORT  
CITY COUNCIL MEETING  
COUNCIL MEETING DATE: OCTOBER 19, 2016

To: Mayor and City Council  
From: Hilda Cantū Montoy, City Attorney  
Subject: Ordinance Repealing Chapter 9.06 of Title 9 of the Kerman Municipal Code Relating to Medical Marijuana Dispensaries

## RECOMMENDATION

Council by motion waive full reading and introduce ordinance repealing Chapter 9.06 of Title 9 of the Kerman Municipal Code Relating to Medical Marijuana Dispensaries

## EXECUTIVE SUMMARY

On February 17, 2016, the City Council adopted Ordinance No. 16-02 prohibiting Medical Cultivation and Dispensaries in the City of Kerman. By implication that ordinance repealed Chapter 9.06 of Title 9 relating to Medical Marijuana Dispensaries. Adoption of the proposed ordinance expressly repeals Chapter 9.06 of Title 9.

## OUTSTANDING ISSUES

If the Adult Use of Marijuana Act is adopted by the voters, personal cultivation of up to six marijuana plants will be permitted. An ordinance addressing AUMA is on the agenda for consideration by separate action.

## PUBLIC HEARING

This is not a formal public hearing. However, members of the public shall have an opportunity to provide input.

Attachments:

A. Ordinance

ORDINANCE NO. 16-\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN  
REPEALING CHAPTER 9.06 OF TITLE 9 OF THE KERMAN MUNICIPAL CODE RELATING TO MEDICAL  
MARIJUANA DISPENSARIES

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

SECTION 1. Chapter 9.06 of Title 9 of the Kerman Municipal Code is hereby repealed.

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. 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 (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 October 19, 2016, and was passed and adopted at a regular meeting of the City Council held on \_\_\_\_\_, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing ordinance is hereby approved.

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

ATTEST:

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