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AGENDA
KERMAN CITY COUNCIL
REGULAR MEETING
Kerman City Hall
850 S. Madera Avenue
Wednesday, November 02, 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

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.

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. Kerman Inn Mural Project Update (PG)

ATTACHMENTS: [Kerman Inn Mural Options](#)

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 19, 2016](#)

B. SUBJECT: Payroll

Payroll Report: 09/25/2016-10/08/2016: \$141,540.99; Retro Pay & Other: \$79.43; Overtime: \$1,203.22; Standby: \$1,236.26; Comp Time Earned: 27.00

RECOMMENDATION: Council approve payroll as presented.

ATTACHMENTS: [Payroll/Overtime Report](#)

C. SUBJECT: Warrants

Nos. 9692-9776: \$421, 683.63

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

ATTACHMENTS: [Accounts Payable](#)

D. SUBJECT: Resolution Accepting Soroptimist Park Restroom Improvements Project, Community Development Block Grant Project No. 15371 (JJ)

RECOMMENDATION: Council by motion adopt the resolution accepting the Soroptimist Park Restroom Improvements Project, Community Development Block Grant Project No. 15371, and authorize the City Engineer to record the Notice of Completion.

ATTACHMENTS: [Staff Report - Soroptimist Restroom Acceptance](#)

E. SUBJECT: Resolution Amending Fiscal Year 2016/2017 Budget (TJ)

RECOMMENDATION: Council approve resolution for budget amendment

ATTACHMENTS: [Staff Report - Resolution for Budget Amendment](#)

- F. SUBJECT: Resolution Authorizing City Manager to Sign State and Federal Funding Program Financial Agreements for Transportation Projects (JJ)

RECOMMENDATION: Council by motion adopt the resolution authorizing the City Manager to sign State and Federal funding program financial agreements for transportation projects.

ATTACHMENTS: [Staff Report - State & Federal Funding Agreements](#)

- G. 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 by motion waive full reading and adopt 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](#)

- H. SUBJECT: Ordinance Adopting Marijuana Regulations (HCM)

RECOMMENDATION: Council by motion waive full reading and adopt ordinance relating to marijuana regulations.

ATTACHMENTS: [Staff Report - AUMA Ordinance/League Memo](#)

- I. 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 adopt ordinance repealing Chapter 9.06 of Title 9 of the Kerman Municipal Code relating to medical marijuana dispensaries.

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

3. PUBLIC HEARINGS

None

4. DEPARTMENT REPORTS

5. CITY MANAGER/STAFF COMMUNICATIONS

6. MAYOR/COUNCIL REPORTS

7. CLOSED SESSION

- A. Government Code Section 54956.9(a) Conference with Legal Counsel - Existing Litigation
- City of Kerman v. Western Insurance Company (Fresno County Superior Court Case No. 09CECG00780)

COUNCIL RECONVENE FROM CLOSED SESSION & REPORT ANY ACTION TAKEN

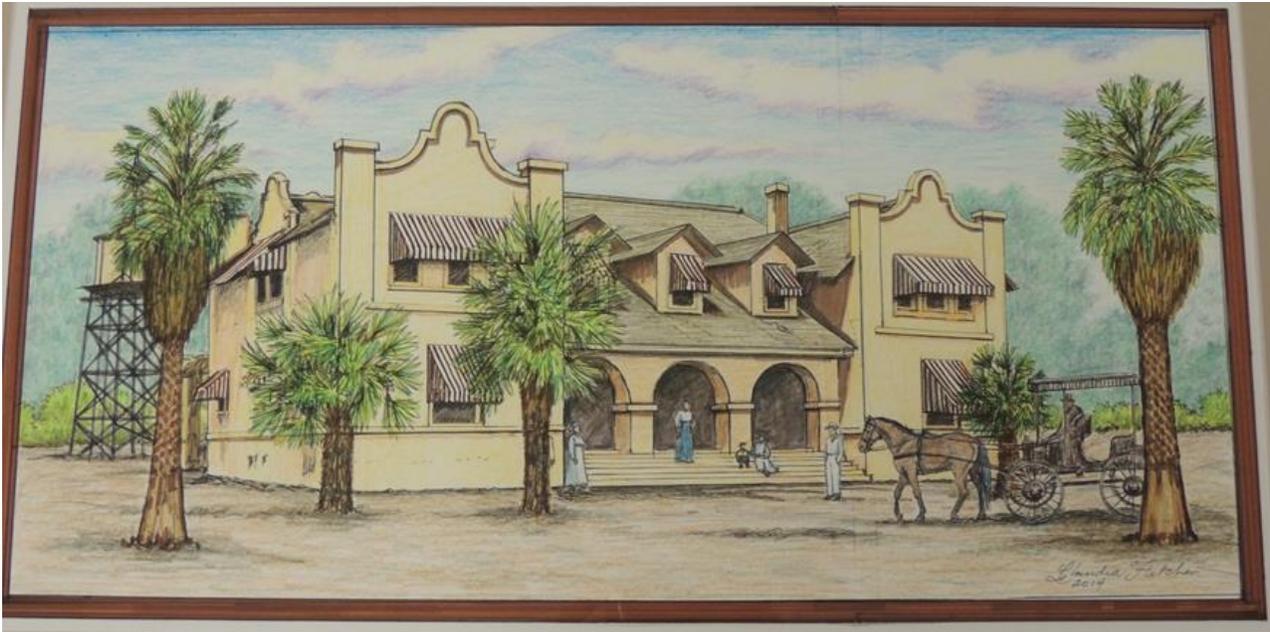
8. ADJOURNMENT

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.

Kerman Inn Mural Options

Muralist Colleen Mitchell-Veyna



Muralist Claudia Fletcher

The City of Kerman continues to work on the Kerman Inn mural project to be painted on the wall behind the Chamber of Commerce Office facing the Sebastian parking lot. The original Kerman Inn was built in 1906 at the northeast corner of Madera Avenue and C Street. The wall presents a unique opportunity to pay tribute to the Kerman Inn by placing the mural facing its original location. The mural will be approximately 17' wide and 30' in length.



MINUTES
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

<p>Present: Mayor Hill (SH), Gary Yep (GY), Rhonda Armstrong(RA), Kevin Nehring (KN), Bill Nijjer (BN) Absent: None Also Present: City Manager Kunkel, City Attorney Cantú, Community Services Director, Finance Director, Public Works Director, City Engineer, Lieutenant, Planning Technician</p>	<p>Voting: Yes, No, Absent (Abstain or Recuse if needed)</p>
<p>OPENING CEREMONIES</p> <ul style="list-style-type: none"> • Welcome – Mayor • Call to Order • Roll Call • Invocation • Pledge of Allegiance – City Clerk 	<p>6:33 p.m. All present SH Performed</p>
<p>AGENDA APPROVAL/ADDITIONS/DELETIONS</p>	<p>Approved GY/KN (5-0-0)</p>
<p>1. PRESENTATIONS/CEREMONIAL MATTERS</p> <ul style="list-style-type: none"> A. Proclamation Commemorating the 31st Anniversary of the Kerman-Kannami Friendship Across the Sea Program (PG) B. Mid Valley Quarterly Presentation (MR) 	<p>Presented Presented</p>
<p>REQUEST TO ADDRESS COUNCIL</p>	<p>None</p>
<p>2. CONSENT CALENDAR</p> <ul style="list-style-type: none"> A. <u>SUBJECT</u>: Minutes <u>RECOMMENDATION</u>: Council approve minutes as presented. B. <u>SUBJECT</u>: Payroll Payroll Report: 09-11-2016 - 09/24/2016: \$143,088.61; Overtime: \$10,670.84; Standby: \$752.22; Comp time Earned: 40.50 <u>RECOMMENDATION</u>: Council approve payroll as presented. C. <u>SUBJECT</u>: Warrants <ul style="list-style-type: none"> 1. Nos. 9540-9691 \$581,022.14 2. Excepting- Sebastian: 9661 \$3,166.76 <u>RECOMMENDATION</u>: Council approve warrants and electronic bank transfers as presented. (Pursuant to Government Code 37208) 	<p>RA recused from 2.C.2 Approved GY/BN excepting 9661 (5-0-0) Approved 2.C.2 9661 (4-0-1) RA</p>

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

RECOMMENDATION: Council accept the Monthly Investment Report as presented.

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.

Approved
RA/KN (5-0-0)

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

Approved
GY/KN (5-0-0)

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

Res 16-65

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

Approved
KN/GY (5-0-0)

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.

Res 16-66

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

Approved
KN/GY (5-0-0)

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

Res 16-67

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.

Res 16-68

- | | |
|--|--|
| <p>E. <u>SUBJECT</u>: Resolution Approving Agreement with Union Pacific Railroad for Purchase of Public Street Right-of-Way for California and May Avenue Reconstruction Project (JJ)</p> <p><u>RECOMMENDATION</u>: 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.</p> | <p>Approved
RA/KN (5-0-0)</p> <p>Res 16-69</p> |
| <p>F. <u>SUBJECT</u>: Resolution Awarding Contract for California Avenue Sidewalk Project Phase 1, Federal Project No. CML-5291(024) (JJ)</p> <p><u>RECOMMENDATION</u>: 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.</p> | <p>Approved
GY/BN (5-0-0)</p> <p>Res 16-70</p> |
| <p>G. <u>SUBJECT</u>: Budget Adjustment Request for Urban Water Management Plan Update (TJ)</p> <p><u>RECOMMENDATION</u>: Council approve budget amendment request for City Engineers estimate of \$30,000 to update the Urban Water Management Plan.</p> | <p>Approved
BN/KN (5-0-0)</p> |
| <p>H. <u>SUBJECT</u>: Resolution Rescinding Resolution Nos. 92-03 and 05-43 Relating to Water Meter Liens and Approving a Release of Water Meter Lien Fees (TJ)</p> <p><u>RECOMMENDATION</u>: Council by motion adopt resolution rescinding Resolution Nos. 92-03 and 05-43 and approve a release of water meter lien fees.</p> | <p>Approved
RA/KN (5-0-0)</p> <p>Res 16-71</p> |
| <p>I. <u>SUBJECT</u>: Ordinance Adopting Marijuana Regulations (HCM)</p> <p><u>RECOMMENDATION</u>: Council waive full reading and introduce ordinance relating to marijuana regulations.</p> | <p>Approved
GY/KN (5-0-0)</p> |
| <p>J. <u>SUBJECT</u>: Ordinance Repealing Chapter 9.06 of Title 9 of the Kerman Municipal Code Relating to Medical Marijuana Dispensaries (HCM)</p> <p><u>RECOMMENDATION</u>: 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.</p> | <p>Approved
KN/GY (5-0-0)</p> |

5. CITY MANAGER/STAFF COMMUNICATIONS

6. MAYOR/COUNCIL REPORTS

7. CLOSED SESSION

8:05 p.m.

- 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

9:15 p.m. No reportable action.

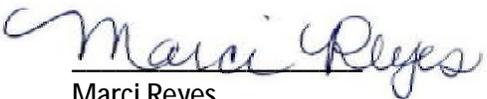
8. ADJOURNMENT

Approved
GV/BN 9:16
p.m.

MINUTES CERTIFICATION

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

Date:



Marci Reyes
City Clerk

CITY OF KERMAN PAYROLL REPORT

PAY PERIOD: September 25, 2016 - October 08, 2016

EMPLOYEE	SALARY	RETRO PAY & Other	OVERTIME		HOLIDAY at 1/2 TIME		STANDBY		GROSS SALARY	COMP TIME EARNED
			HOURS	AMOUNT	HOURS	AMOUNT	HOURS	AMOUNT		
<u>ADMINISTRATION</u>										
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	\$ 5,884.62	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 5,884.62	-
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	-
TOTAL	\$ 24,312.16	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 24,312.16	-
<u>REC/SOCIAL</u>										
Arredondo, Barbara	\$ 269.86	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 269.86	-
Arredondo, Raquel	\$ 170.50	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 170.50	-
Ayala, Mariah	\$ 67.50	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 67.50	-
Burdine-Siaven, Jeanna	\$ 1,683.23	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,683.23	-
Camacho-Vargas, Odalis	\$ 70.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 70.00	-
Gallegos, Philip	\$ 3,734.77	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 3,734.77	-
Garfias, Brayan	\$ 544.50	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 544.50	-
Gonzalez, Jose Felix	\$ 1,804.32	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,804.32	-
Hurlbert, Ronald	\$ 418.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 418.00	-
Johnson, Theresa	\$ 1,767.23	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,767.23	-
LeBlanc, Noah	\$ 310.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 310.00	-
Lujan, Vanessa	\$ 696.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 696.00	-
Negrete, Dean	\$ 682.50	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 682.50	-
Salvador, Mark	\$ 2,083.85	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,083.85	-
Sidhu, Nirmal	\$ 769.38	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 769.38	-
Silva, Jessica	\$ 466.88	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 466.88	-
Villa, Erika	\$ 380.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 380.00	-
Villalobos, Stacey	\$ 305.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 305.00	-
Villarreal, Arlene	\$ 1,410.92	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,410.92	-
TOTAL	\$ 17,634.43	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 17,634.43	-
<u>POLICE</u>										
Antuna, Eric	\$ 2,343.28	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,343.28	-
Antuna, Miguei	\$ 1,360.00	\$ -	3.00	\$ 76.50	-	\$ -	-	\$ -	\$ 1,436.50	-
Barbosa, Isaias	\$ 2,392.06	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,392.06	4.50
Barcoma, Wilbert	\$ 3,070.74	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 3,070.74	-
Belding, Jeff	\$ 2,652.54	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,652.54	6.00
Blohm, Joseph	\$ 4,686.47	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 4,686.47	-
Chapman, Tom	\$ 2,437.62	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,437.62	-
Davis, Jeff	\$ 3,070.74	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 3,070.74	-
Francone, Kevin	\$ 780.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 780.00	-
Gill, Kevin	\$ 795.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 795.00	-
Godfrey, Kyle	\$ 1,241.08	\$ -	1.25	\$ 29.09	-	\$ -	-	\$ -	\$ 1,270.16	-
Golden, John	\$ 3,712.64	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 3,712.64	-
Ledezma, Linda	\$ 1,335.97	\$ 79.43	2.50	\$ 62.62	-	\$ -	-	\$ -	\$ 1,478.02	-
Lehman, Dustin	\$ 1,968.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,968.00	-
Lopez, Matt	\$ 288.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 288.00	-
Madruza, Ron	\$ 2,437.62	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,437.62	-
Magallon, Peter	\$ 2,494.58	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,494.58	-
Medina-Labetiaux, EJ	\$ 1,968.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,968.00	-

CITY OF KERMAN PAYROLL REPORT

PAY PERIOD: September 25, 2016 - October 08, 2016

EMPLOYEE	SALARY	RETRO PAY & Other	OVERTIME		HOLIDAY at 1/2 TIME		STANDBY		GROSS SALARY	COMP TIME EARNED
			HOURS	AMOUNT	HOURS	AMOUNT	HOURS	AMOUNT		
Mendoza, Sandra	\$ 2,460.41	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,460.41	-
Nelson, Christopher J	\$ 3,145.64	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 3,145.64	4.50
Ness, Lee	\$ 2,335.11	\$ -	1.50	\$ 65.67	-	\$ -	-	\$ -	\$ 2,400.78	-
Ramirez, Donald	\$ 1,534.62	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,534.62	-
Raigoza, Ray	\$ 750.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 750.00	-
Rodrigues, Mary	\$ 1,845.69	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,845.69	-
Rodriguez, Erika	\$ 2,210.95	\$ -	-	\$ -	-	\$ -	11.50	\$ 79.46	\$ 2,290.41	7.50
Seroka, Dylan	\$ 1,874.31	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,874.31	1.50
Tiwana, Manpreet	\$ 2,283.28	\$ -	1.25	\$ 53.51	-	\$ -	-	\$ -	\$ 2,336.80	-
Valdovinos, Jose	\$ 975.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 975.00	-
Valenzuela, Arnold	\$ 96.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 96.00	-
TOTAL:	\$ 58,545.37	\$ 79.43	9.50	\$ 287.40	-	\$ -	11.50	\$ 79.46	\$ 58,991.65	24.00
PUBLIC WORKS										
Arechiga, Pastor	\$ 1,804.15	\$ -	15.50	\$ 614.54	-	\$ -	21.00	\$ 473.59	\$ 2,892.28	-
Barajas, Michael	\$ 1,936.78	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,936.78	-
Castro, Joseph	\$ 1,894.36	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,894.36	-
Chavez, Fernando M.	\$ 2,451.96	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,451.96	-
Coronado, Karl	\$ 1,131.16	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,131.16	-
Durate, Leonardo	\$ 1,040.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,040.00	-
Gastelum, Humberto	\$ 1,942.93	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,942.93	-
Gonzales, Ruben	\$ 2,031.25	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,031.25	-
Gonzalez, Michael	\$ 1,131.23	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,131.23	-
Gruce, Robert	\$ 2,502.92	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,502.92	-
Isaak, Denise	\$ 1,555.38	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,555.38	-
Lutz, Laura	\$ 525.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 525.00	-
Madruga, Lydia	\$ 1,984.57	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,984.57	-
Moore, Ken	\$ 3,853.85	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 3,853.85	-
Muna Jr, Victor	\$ 1,040.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,040.00	-
Ortiz, Carlos	\$ 1,131.23	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,131.23	-
Ramirez, Manuel	\$ 1,849.26	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,849.26	-
Sanchez, Daniel	\$ 1,615.85	\$ -	3.00	\$ 90.89	-	\$ -	1.50	\$ 30.30	\$ 1,737.03	-
Tinoco, Alfonso	\$ 1,187.54	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,187.54	-
Vallejo, Edward	\$ 2,321.48	\$ -	4.50	\$ 210.38	-	\$ -	22.50	\$ 652.92	\$ 3,184.78	-
TOTAL	\$ 34,930.91	\$ -	23.00	\$ 915.82	\$ -	\$ -	\$ 45.00	\$ 1,156.80	\$ 37,003.53	-
PLANNING										
Kufis, Chris	\$ 2,417.12	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,417.12	-
Garcia, Destiny	\$ 480.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 480.00	-
Pimentel, Olivia	\$ 2,220.99	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,220.99	3.00
Rocha, Amy	\$ 500.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 500.00	-
TOTAL	\$ 5,618.12	\$ -	-	\$ -	\$ -	\$ -	-	\$ -	\$ 5,618.12	3.00
PLANNING					COUNCIL					
Epperson, R	\$ -							Yep, G	\$ -	
Bandy, R	\$ -							Nijjer, D	\$ 125.00	
Espino, L	\$ -							Armstrong, R	\$ 125.00	
Wettlaufer, K	\$ -							Hill, S	\$ 125.00	
Jones, C	\$ -							Nehring, K	\$ 125.00	
Nunez, M	\$ -									
Total	\$ -			Total					\$ 500.00	
GRAND TOTAL:	\$141,540.99	\$79.43	32.50	\$1,203.22	-	\$0.00	56.50	\$1,236.26	\$144,059.90	27.00

CITY OF KERMAN
OVERTIME SUPPLEMENTAL PAYROLL REPORT
PAY PERIOD 09/25/16-10/08/16

POLICE DEPARTMENT

Overtime Categories - Number of Hours							
Regular Overtime	Shift Coverage	SID	Training	Avoid the 21 Grant	Special Events	Total	
8	1.5					9.5	
(see notes below for overtime description)							
DOUBLE TIME: (Sunday)						0	
PUBLIC WORKS DEPARTMENT						Sub Total	9.5

Overtime Categories - Number of Hours							
Water Service	Sewer Emergencies	Animal Control	Special Events	Other or Call Back	On Call Duties	Total	
3.5	1.5	0	0	3	6	14	
DOUBLE TIME: (Sunday)						9	
2	0	0	0	2	5	9	
COMMUNITY SERVICES DEPARTMENT						Sub Total	23.00

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)					<u>32.50</u>

POLICE DEPARTMENT:

Regular Overtime – 4.25 hrs late arrests, 2.5 Records, 1.25 late calls
Shift Coverage – 1.5 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 – hrs range training
Grant – hrs AVOID Grant
Special Events - hrs July 3rd Fireworks show

PUBLIC WORKS DEPARTMENT:

Water Service - Includes 3.5 hrs OT & 2 hrs DT for shut-off and turn-on of service, all water related emergencies
Sewer Emergencies - 1.5 hrs OT - 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 -
Other - 3 hrs OT & 2 hrs DT - Alarms x 3, spare tire on truck, check concrete
Call Back -
On-Call Duties - 6 hrs OT & 5 hrs DT for reading and recording flow meters on wells and sewer plant; feed and clean kennels, verify WWTP running effectively, etc. OT is for two weekends and/or any holidays.

COMMUNITY SERVICES DEPARTMENT

Regular Overtime – On occasion, but very rare due to the amount of part-time employees.
After Hour Event – Occurs only if a full-time employee would have to stay for clean-up or as a facility attendant.

FINANCE / PLANNING DEPARTMENTS

Regular Overtime - Only as needed.
Utility Billing - Completed on the 1st of each month.
Payroll - Completed bi-weekly.
Dog Clinic - Once a year clinic held after business hours.
Year-End Audit - Completed over a period of time at the end of each fiscal year.

Accounts Payable

Checks by Date - Detail by Check Date

User: gmendoza
 Printed: 10/25/2016 8:07 AM



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
9692	UB*00436	JOSEPH CROWN CONSTRUCTION Refund Check Refund Check	10/11/2016	15.25 0.75
Total for Check Number 9692:				16.00
9693	UB*00434	VALLEY VANGUARD PROPERTIES INC Refund Check	10/11/2016	78.61
Total for Check Number 9693:				78.61
9694	UB*00435	VALLEY VANGUARD PROPERTIES INC Refund Check Refund Check	10/11/2016	66.52 0.02
Total for Check Number 9694:				66.54
Total for 10/11/2016:				161.15
9695	10814 INV-ACC24695	ACCELA INC #774375 FIN- MONTHLY WEB PAYMENTS SEPT 2016	10/12/2016	362.00
Total for Check Number 9695:				362.00
9696	10923 0338653-IN 0338785-IN	AMBER CHEMICAL INC WTR- 460 GALLONS BULK CHLORINE 2.10 WTR- 8-15 GALLON CARBOYS-CHLORINE	10/12/2016	1,045.45 389.61
Total for Check Number 9696:				1,435.06
9697	11128 6002 6002	AMERICAN RAMP COMPANY CS- SKATEPARK EQUIPMENT CS- SKATEPARK EQUIPMENT	10/12/2016	18,723.55 2,552.89
Total for Check Number 9697:				21,276.44
9698	11157 10242016	MIGUEL ANTUNA PD- DRUG INF HS11550 CLASS 4 DAYS SUE	10/12/2016	32.00
Total for Check Number 9698:				32.00
9699	10617 397047	C A REDING CO INC BPO- LANIER/MP C3503 COPIER (BUILDING)	10/12/2016	96.24
Total for Check Number 9699:				96.24
9700	10067 09302016	CALIFORNIA BUILDING STANDARDS FIN- BLDG STANDARDS ADMN FEE 1ST Q	10/12/2016	171.90

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 9700:	171.90
9701	10078	CALIFORNIA STATE DISBURSEMENT	10/12/2016	
	10142016	HR- C WAGE ASGMT- 0195005641-01		46.15
	10142016	HR- C WAGE ASGMT- 0470282980-01		69.23
	10142016	HR- C WAGE ASGMT- 1070070330-01		152.30
			Total for Check Number 9701:	267.68
9702	10079	CAMCO	10/12/2016	
	92818	WTR 50%- COVERALLS, GLOVES		14.64
	92818	SWR 50%- COVERALLS, GLOVES		14.63
			Total for Check Number 9702:	29.27
9703	10095	CHEM QUIP INC	10/12/2016	
	5492023	WTR- 205 GAL POLYETHYLENE VERT TAN		492.53
	5493638	WTR- DIAPHRAGM PUMP FOR WELL #12		347.33
			Total for Check Number 9703:	839.86
9704	10452	CITY OF FRESNO WMD	10/12/2016	
	K091416	WTR- LAB ANALYSIS WATER		30.00
	K091416	SWR- LAB ANALYSIS WATER		76.00
			Total for Check Number 9704:	106.00
9705	10098	CLEANSTREET INC	10/12/2016	
	83768	STRT- MONTHLY SWEEP FEE SEPT 2016		6,672.90
			Total for Check Number 9705:	6,672.90
9706	10108	COOKS COMMUNICATIONS CORP	10/12/2016	
	130230	VE- REPAIR VOLUME POT		65.45
			Total for Check Number 9706:	65.45
9707	10949	CXT INC	10/12/2016	
	332086RI	CS- PRE-CAST RESTROOM FACILITY SORC		54,712.30
			Total for Check Number 9707:	54,712.30
9708	10126	DEPARTMENT OF CONSERVATION	10/12/2016	
	09302016	FIN- STRONG MOTION 1ST QTR FY 16/17		477.08
			Total for Check Number 9708:	477.08
9709	10128	DEPARTMENT OF JUSTICE	10/12/2016	
	180778	PD- CORRECTION TO JULY BILL \$32 WAS I		32.00
	192329	PD- SEPT LIVE SCAN PRINTS 8 DOJ, 3 FBI,		337.00
			Total for Check Number 9709:	369.00
9710	10136	DIVISION OF THE STATE ARCHITECT	10/12/2016	
	09302016	FIN- REMIT STATE FEE ON BUS LIC		41.70
			Total for Check Number 9710:	41.70
9711	10141	EAST BAY TIRE CO	10/12/2016	
	1286275	VE EQUIP- TORO MOWER TIRES		77.09

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 9711:	77.09
9712	10151 2269727	EWING IRRIGATION PRODUCTS LLD- SPRINKLER SUPPLIES	10/12/2016	84.71
			Total for Check Number 9712:	84.71
9713	10162 S014036 S014036	FRESNO COUNTY TREASURER PD- DISPATCHING SERVICE OCT. 2016 PD- DISPATCHING SERVICE OCT. 2016	10/12/2016	17,490.61 167.60
			Total for Check Number 9713:	17,658.21
9714	10170 RTC0002500	FRESNO POLICE DEPARTMENT PD- PERISHABLE SKILLS CLASS- OCT 11-1	10/12/2016	341.00
			Total for Check Number 9714:	341.00
9715	10947 9899-2-TVL 9899-3-TVL	GILMORE MAGNESS LEIFER ADM- PD LEGAL SERVICES ADM- PD LEGAL SERVICES	10/12/2016	4,606.40 1,053.00
			Total for Check Number 9715:	5,659.40
9716	10191 CTCS63363 CTCS63637 CVW25418-1 CVW25465-1 CVW25770	H & J CHEVROLET INC VE- ALLIGNMENT #1492 VE- REPLACED FUSE BOX #1446 VE REP- DOOR PANEL #1446 VE REP- LATCH #1446 VE- REP A/C CONTROL #1398	10/12/2016	120.00 477.78 357.80 93.06 216.38
			Total for Check Number 9716:	1,265.02
9717	10201 1V09285 1V097157 1V097198	HORIZON LLD- CREDIT PARKS- SPRINKLER SUPPLIES PARKS- SPRINKLER SUPPLIES	10/12/2016	-20.56 155.04 419.91
			Total for Check Number 9717:	554.39
9718	10989 10242016	EJ LABERTEAUX PD- DRUG INFL HS 11550 CLASS 4 DAYS SU	10/12/2016	32.00
			Total for Check Number 9718:	32.00
9719	10253 52658	MAACO COLLISION REPAIR & AUTO 1 VE- PAINT PD VEH # 1447	10/12/2016	942.52
			Total for Check Number 9719:	942.52
9720	10261 09302016	MID VALLEY DISPOSAL, INC SWA- SEPTEMBER 2016 SW CHARGES, CIT	10/12/2016	72,073.47
			Total for Check Number 9720:	72,073.47
9721	10265 09302016	MONTOY LAW CORPORATION ADM- SEPTEMBER LEGAL SERVICES	10/12/2016	3,902.50
			Total for Check Number 9721:	3,902.50
9722	10286 08302016	O'REILLY AUTOMOTIVE, INC PD REP- SUPPLIES 1 INV <\$50	10/12/2016	106.18

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	09072016	VE MAINT- SUPPLIES 2 INV <\$50		64.17
	09072016	VE MAINT- SUPPLIES 3 INV <\$50		23.69
	294645	PD REP- LNG COIL, SPARK PLUGS #1455		572.12
	294768	VE EQUIP- RUST PREVENTER FOR TORO M		53.02
	294775	VE SUPPL- SUPPLIES 1 INV <\$50		14.04
	296212	VE REP- STEP FOR #1476		207.80
	297009	VE REP- WIPE BLADES FOR #1461		53.38
	297337	VE REP- FAN ASSEMBLY #1240		60.45
	297525	VE EQUIP- BATTERY FOR LIGHT TOWER		102.93
	297727	STRTC- SUPPLIES 2 INV <\$50		38.71
	298382	PD MAINT- SUPPLIES 1 INV <\$50		19.26
	298395	PD REP- DISC PADS, ROTORS, WIPER FLUI		328.64
	298519	PD REP- RETURN DISC PADS #1470		-69.50
	298898	WTR- SUPPLIES 1 INV <\$50		5.83
	298900	VE REP- DISC PADS #1398		75.75
	298941	VE REP- A/C DOOR ACTIVATOR		144.08
	299650	VE Q 50%- SUPPLIES 1 INV <\$50		5.12
	299650	VE REP 50%- SUPPLIES 1 INV <\$50		5.12
	299831	VE REP- A/C DOOR ACTIVATOR		144.08
	299831	VE EQUIP- SUPPLIES 1 INV <\$50		35.69
			Total for Check Number 9722:	1,990.56
9723	10457	OFFICEMAX INC	10/12/2016	
	857898	WTR50%- CALCULATOR, NOTEBOOKS		14.57
	857898	SWR50%- CALCULATOR, NOTEBOOKS		14.56
			Total for Check Number 9723:	29.13
9724	10289	P.G.& E.	10/12/2016	
	2881141119-9	CS- TRANSIT BUS FUEL- SEPT 2016 PG&E /		239.01
	3920400666-0	STRT- MONTHLY SERVICE 083016-092816		4,289.36
	4055166878-9	LLD- MONTHLY SERVICE 082916- 092716		1,508.35
	4055166878-9	LLD- INSTALLMENT LOAN LED		1,207.83
	4647279811-8	PD- SEPT 2016 PG&E BILL 08/01/16 - 08/30/2		1,791.00
	4939626163-5	VE- MONTHLY SERVICE		946.06
	5467738309-0	PW- PG&E BILL 08-29-16/09-27-16		31,599.70
	5467738309-0	PW- PG&E BILL 08-29-16/09-27-16		160.08
	5467738309-0	PW- PG&E BILL 08-29-16/09-27-16		121,354.57
	5467738309-0	PW- PG&E BILL 08-29-16/09-27-16		49.49
	6825025396-7	ADM- MONTHLY UTILITY SERVICES-6825C		1,284.30
			Total for Check Number 9724:	164,429.75
9725	10599	PARADISE PRINTING	10/12/2016	
	56618	WTR- 1000 DOOR HANGERS/WATER CONS!		282.03
			Total for Check Number 9725:	282.03
9726	10305	PITNEY BOWES PURCHASE POWER	10/12/2016	
	8000-9090-0159-	VAR- POSTAGE FOR METER		80.57
	8000-9090-0159-	VAR- POSTAGE FOR METER		33.69
	8000-9090-0159-	VAR- POSTAGE FOR METER		18.14
	8000-9090-0159-	VAR- POSTAGE FOR METER		5.58
	8000-9090-0159-	VAR- POSTAGE FOR METER		199.05
	8000-9090-0159-	VAR- POSTAGE FOR METER		9.25
	8000-9090-0159-	VAR- POSTAGE FOR METER		153.18
	8000-9090-0159-	VAR- POSTAGE FOR METER		0.94
			Total for Check Number 9726:	500.40

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
9727	10316 6911	R G EQUIPMENT OF FRESNO INC VE EQUIP- STOCK PARTS FOR MOWERS	10/12/2016	196.71
Total for Check Number 9727:				196.71
9728	10596 4090000012153 4090000012153 4090000012153 4090000012153 4090000012153	RED WING SHOE STORE PW-VAR- SAFETY BOOTS PW-VAR- SAFETY BOOTS PW-VAR- SAFETY BOOTS PW-VAR- SAFETY BOOTS PW-VAR- SAFETY BOOTS	10/12/2016	50.00 20.00 20.00 10.00 93.17
Total for Check Number 9728:				193.17
9729	10319 09292016 101016 1483 1502 1560 1570	RENO'S HARDWARE STRTC- SUPPLIES 2 INV <\$50 BLDG- SUPPLIES 3 INV <\$50 PARKS- SUPPLIES 1 INV <\$50 PARKS- GFI PLUGS, SCREWDRIVER SWR- SUPPLIES- 1 INV <\$50 VE EQUIP- SUPPLIES 1 INV <\$50	10/12/2016	6.58 35.48 2.69 62.61 11.56 11.31
Total for Check Number 9729:				130.23
9730	10986 1430144 1430177	ROTARY CLUB OF KERMAN PD- SEPT. ROTARY DUES: CHIEF BLOHM PD- OCT. ROTARY DUES: CHIEF BLOHM	10/12/2016	97.00 97.00
Total for Check Number 9730:				194.00
9731	10912 10112016	DYLAN SEROKA PD- 3 DAY COMMUTER LUNCHES POST PE	10/12/2016	24.00
Total for Check Number 9731:				24.00
9732	10335 29213 29218	SILVA AUTO GROUP INC PD REP- RADIATOR RELAY-1 PD REP- RADIATOR FAN RELAY- STOCK-3	10/12/2016	171.54 514.61
Total for Check Number 9732:				686.15
9733	10337 08302016 08312016 08312016 09012016 09062016 3116 3116 3116 3116 B290995 B291137 C184848 C185305 C185421 C185432 C185521 C185564 C185599 C185958	SLUMBERGER LUMBER LLD- SUPPLIES 2 INV <\$50 BLDG- SUPPLIES 2 INV <\$50 VE EQUIP- SUPPLIES 2 INV <\$50 WTR- SUPPLIES 8 INV <\$50 SWR- SUPPLIES 2 INV <\$50 CS- BLDGS-MAINT REPAIR SUPPLIES CS- PARKS- MAINT/REPAIR SUPPLIES CS- COMM. CTR-MAINT/REPAIR SUPPLIES CS- PENDING BALANCE CREDIT PARKS- TOOLS, RUBBER BOOTS FOR CAR MEDIANS- SUPPLIES 1 INV <\$50 WTR- SUPPLIES 1 INV <\$50 STRTC- 24" BROOMS X'S 2 PARKS- SUPPLIES 1 INV <\$50 WTR- REDWOOD NAILS - WELL #12 WTR- HAMMER, FLOAT, TROWELS, EDGE WTR- 1 YD READY MIX CONCRETE - WEL STRTC- SUPPLIES 2 INV <\$50 VE EQUIP- SUPPLIES 1 INV <\$50	10/12/2016	33.41 62.74 44.83 99.88 14.57 163.04 110.48 4.31 -26.89 140.12 12.69 8.25 69.24 8.30 102.52 71.37 153.67 5.87 8.63

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 9733:	1,087.03
9734	10345 10142016	STATE OF CALIFORNIA HR- C FTB TAX WAGE GARNISH P/R DATE	10/12/2016	50.00
			Total for Check Number 9734:	50.00
9735	11129 JK-188-5761	STATE OF CALIFORNIA HR- C FTB TAX WAGE GARNISH P/R DATE	10/12/2016	24.31
			Total for Check Number 9735:	24.31
9736	10754 380199976	SUPPLYWORKS CTC- JANITORIAL SUPPLIES	10/12/2016	482.27
			Total for Check Number 9736:	482.27
9737	10644 314330317 314774894	US BANK EQUIPMENT FINANCE CS- COPIER EQUIP - SEPT CONTRACT # 500 BPO- LANIER/MP C3503 COPIER LEASE	10/12/2016	124.10 42.37
			Total for Check Number 9737:	166.47
9738	10377 07012016 07012016 07012016 07012016	US POST OFFICE VAR- ADVANCE PAYMENT/UTILITY BILLIN VAR- ADVANCE PAYMENT/UTILITY BILLIN VAR- ADVANCE PAYMENT/UTILITY BILLIN VAR- ADVANCE PAYMENT/UTILITY BILLIN	10/12/2016	2,252.51 1,357.18 781.74 108.57
			Total for Check Number 9738:	4,500.00
9739	10399 214898	VETERINARY MEDICAL CENTER AAC- 2 EUTHANASIA OF ANIMALS	10/12/2016	44.50
			Total for Check Number 9739:	44.50
9740	10717 1145	VORTAL INC ADM- MONTHLY WEB HOSTING & MTG O	10/12/2016	50.00
			Total for Check Number 9740:	50.00
			Total for 10/12/2016:	364,605.90
9741	10814 INV-ACC24695	ACCELA INC #774375 FIN- MONTHLY WEB PAYMENTS SEPT 2016	10/20/2016	61.00
			Total for Check Number 9741:	61.00
9742	10062 98300045	BSN SPORTS REC- YOUTH TENNIS EQUIP	10/20/2016	67.09
			Total for Check Number 9742:	67.09
9743	11161 10252016	CENTRAL CALIFORNIA ANIMAL DISA AAC- TUITI FOR CRIME SCENE TO CT RM'	10/20/2016	50.00
			Total for Check Number 9743:	50.00
9744	10092 255154	CENTRAL VALLEY TOXICOLOGY INC PD- BLOOD TEST 16-2683	10/20/2016	78.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	255157	PD- BLOOD TEST 16-2836		78.00
	255159A	PD- BLOOD TEST 16-2909		69.00
	255161	PD- BLOOD TEST 16-255161		116.00
	255163	PD- BLOOD TEST 16-2727		69.00
	255166	PD- BLOOD TEST 16-2771		226.00
	255167	PD- BLOOD TEST 16-2774		78.00
			Total for Check Number 9744:	714.00
9745	10102 54441	CODE PUBLISHING COMPANY CLRK- KMO ELECTRONIC UPDATE - 16-05	10/20/2016	85.80
			Total for Check Number 9745:	85.80
9746	10104 815550021014764	COMCAST TECH- TECHNOLOGY SERVICES 10-14-16-1	10/20/2016	191.08
			Total for Check Number 9746:	191.08
9747	10118 43744113	DAPPER TIRE VE REP- 4 TIRES #1404, 1 TIRE STOCK	10/20/2016	570.65
			Total for Check Number 9747:	570.65
9748	10445 547360	DELTA LIGHTING PRODUCTS INC. CTC- LIQUID ENZYME- INV# 547360 S&H	10/20/2016	562.42
			Total for Check Number 9748:	562.42
9749	10133 SL170156	DEPARTMENT OF TRANSPORTATION STRT- SIGNALS & LIGHTING JUL- SEPT 20	10/20/2016	1,593.45
			Total for Check Number 9749:	1,593.45
9750	10654 471386	DIVINE DESSERTS CC- OCTOBER COUNCIL MEETINGS	10/20/2016	30.00
			Total for Check Number 9750:	30.00
9751	11071 10212016	DJ BURNS REC- DJ FOR TEEN HOMECOMING DANCE	10/20/2016	450.00
			Total for Check Number 9751:	450.00
9752	10162 SO14081 SO14081	FRESNO COUNTY TREASURER PD- AUG PRISONER PROCESSING SERVICE PD- SEPT PRISONER PROCESSING SERVICE	10/20/2016	48.00 48.00
			Total for Check Number 9752:	96.00
9753	11158 10102016	MARTHA GALLINDO CTC- DEPOSIT REFUND- SH 10-8-16	10/20/2016	100.00
			Total for Check Number 9753:	100.00
9754	11159 10172016	CLAUDIA GUZMAN CTC- DEPOSIT REFUND- CTC- 10-15-16	10/20/2016	400.00
			Total for Check Number 9754:	400.00
9755	10205 SI00184103 SI00185616	INDEPENDENT STATIONERS CS- 2017 CALENDARS (9) COMMUNITY SE CS- COFFEE CUPS (HACIENDA ASP	10/20/2016	23.31 26.15

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	SI100185451	CS- BATTERY, CUPS, STAPES, GLUE		43.70
			Total for Check Number 9755:	93.16
9756	10932 SEPT 2016	KARL C SCHOETTLER BPO- CONTRACT PLANNING SERVICES: SI	10/20/2016	967.50
			Total for Check Number 9756:	967.50
9757	10233 10142016	KERMAN CHAMBER OF COMMERCE CC- CHAMBER DONATION - 2016 BIG FRES	10/20/2016	600.00
			Total for Check Number 9757:	600.00
9758	10239 41838 41839	KERWEST INC STRT- BIDS PROCUREMENT OF WATER ME STRT- BIDS INSTALL WATER METERS	10/20/2016	234.00 450.00
			Total for Check Number 9758:	684.00
9759	11096 2013075	LOZANO SMITH, LLP HR- EMPLOYEE EEOC- MEDIATION	10/20/2016	291.50
			Total for Check Number 9759:	291.50
9760	10678 142925 142925 142967 143019 143021 143021 143022 143388 143388 143424 143435 143472	MAC'S EQUIPMENT INC VE REP- TEMP SENSOR VE MAINT- ANTIFREEZE VE REP- WTR OUTLET, FITTING, TEMP SW VE EQUIP- AIR FILTERS FOR CASE TRACT VE EQUIP- IGNIT SWITCH FOR LIGHT TOW VE REP- FITTING FOR #1240 VE REP- RETURN VE MAINT- AIR FILTER FOR #1398 VE SUPPL- SELF ADJ WIRE SET VE REP- FS NUT, PUSH RETAINER VE EQUIP- FILTERS, HOSE, RETAINER FOR VE EQUIP- PARTS FOR MUD VAC	10/20/2016	12.25 21.98 27.71 77.71 97.49 2.35 -2.69 19.10 43.98 10.98 136.51 16.44
			Total for Check Number 9760:	463.81
9761	11160 10172016	GRISELDA MARTINEZ CTC- DEPOSIT REFUND SH 10-16-16	10/20/2016	100.00
			Total for Check Number 9761:	100.00
9762	10259 162813088101	MES VISION HR- NOV VISION PREMIUM	10/20/2016	727.70
			Total for Check Number 9762:	727.70
9763	10282 868360526001 868360526001 869676670001 869676670001	OFFICE DEPOT FIN- OFFICE SUPPLIES FIN- OFFICE SUPPLIES FIN- OFFICE SUPPLIES FIN- OFFICE SUPPLIES	10/20/2016	3.56 3.56 26.14 26.15
			Total for Check Number 9763:	59.41
9764	10457 186657 186657	OFFICEMAX INC WTR 50%- OFFICE SUPPLIES SWR 50%- OFFICE SUPPLIES	10/20/2016	5.28 5.27

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 9764:	10.55
9765	10285 8509702	ONTRAC BPO- PLAN CHECK OVERNIGHT DELIVER'	10/20/2016	95.70
			Total for Check Number 9765:	95.70
9766	10289 6206788690-3 6206788690-3 6206788690-3 6206788690-3 6206788690-3	P.G.& E. CS- MONTHLY ELECT & GAS 9-8-16 10-6-16 CS- MONTHLY ELECT & GAS 9-8-16 10-6-16	10/20/2016	1,686.00 368.13 2,532.03 584.26 100.00
			Total for Check Number 9766:	5,270.42
9767	10338 04IN013673 04IN013689 04IN013772 04IN013778 04IN013861 04IN013978 04IN013978 04IN014008 04IN014332 04IN014366 04IN014389	SMITH AUTO VE MAINT- AIR FILTER #1476 VE SUPPL- 5/32 HEX BIT FOR TOOL BOX VE EQUIP- HYDRUALIC OIL #1213 VE REP- FUSE, FAN, CONTROLLER #1240 VE REP- QUICK STRUTS #1446 PD REP- 50 %- CABLE TIES VE REP- 50 %- CABLE TIES VE REP- WATER TEMP SENSOR VE EQUIP- BATTERY FOR MOWER VE EQUIP- HOSE, KNIFE, CLAMP, FOR MU PD MAINT- AIR FILTER-2	10/20/2016	11.99 2.15 116.85 73.63 420.65 8.11 8.11 33.54 39.99 26.27 11.17
			Total for Check Number 9767:	752.46
9768	10354 2016734	T & T PAVEMENT MARKINGS STRTC- BATTERY PACK FOR STOP SIGN BI	10/20/2016	316.95
			Total for Check Number 9768:	316.95
9769	10906 0319128	TAMARACK PEST CONTROL CTC- PEST CONTROL SPRAY CTC- OCT 201	10/20/2016	100.00
			Total for Check Number 9769:	100.00
9770	11126 87733	TELSTAR INSTRUMENTS VFD INSTALL PROJECT- WELL # 12 (PO #64 WTR- VFD MODIFY PARAMETER/SET UP C	10/20/2016	6,480.00 996.00
			Total for Check Number 9770:	7,476.00
9771	10391 09012016 09012016 09012016 09012016 09022016 09062016 09072016 09192016 109662 109666 109739 109769 109779	VALLEY FARM SUPPLY STORES WTR- SUPPLIES 18 INV <\$50 WTR 50%- SUPPLIES 2 INV <\$50 SWR 50%- SUPPLIES 2 INV <\$50 VE SUPPL- SUPPLIES 2 INV <\$50 LLD- SUPPLIES 2 INV <\$50 SWR- SUPPLIES 5 INV <\$50 PARKS- SUPPLIES 9 INV <\$50 VE EQUIP- SUPPLIES 3 INV <\$50 VE EQUIP- POWER TRIM GUARD VE EQUIP- PULLEY'S, GRIP, BELT FOR EDC PARKS- EDGER BLADES-50 PARKS- GLUE, PRIMER, FITTING, PRUNER PARKS- FITTINGS, BATTERIES, GLUE	10/20/2016	177.93 6.31 6.31 10.79 50.82 108.50 118.29 23.35 83.10 224.00 154.77 54.92 79.82

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	109893	VE EQUIP-WEEDEATER PARTS		77.88
	114117	VE- GUARD, PULLY,DEFECTOR		234.55
	114128	WTR- HEX WASHER, ABR GLOVE		53.37
	114134	VE EQUIP- OIL & HYDRAULIC		62.30
	114404	VE SUPPL- ANGLE GRINDER FOR SHOP		64.92
Total for Check Number 9771:				1,591.93
9772	10399	VETERINARY MEDICAL CENTER	10/20/2016	
	214925	AAC- 1 EUTHANASIA OF ANIMALS		24.70
	214939	AAC- 1 EUTHANASIA OF ANIMALS		24.70
Total for Check Number 9772:				49.40
9773	10401	WALLYS TIRE AND WHEEL	10/20/2016	
	1-16381	VE EQUIP- TIRE FOR CASE TRACTOR		276.10
Total for Check Number 9773:				276.10
9774	10404	WELLS FARGO BANK	10/20/2016	
	1367506	FIN- ANNUAL PFA ADMIN FEE		1,500.00
Total for Check Number 9774:				1,500.00
9775	10412	XEROX CORPORATION	10/20/2016	
	086548587	ADM- COPIER LEASE FOR SEPT- 0 PRINT C		290.03
	086548588	CS- REC DEPT COPIER - SEPT FINAL INVOI		229.95
Total for Check Number 9775:				519.98
9776	10413	YAMABE & HORN ENGINEERING INC	10/20/2016	
	36162	GOLDENROD RAILROAD CROSSING		270.00
	36163	WHITESBRIDGE & VINELAND TRAFFIC SI		120.00
	36164	TRACT NO. 5478 WESTERN INS LAWSUIT		420.00
	36165	WELL NO. 18 PRODUCTION WELL		1,080.00
	36166	DOUBLE L MHP WATER SERVICE PROJECT		2,396.25
	36167	TRACT 5832/5921 FINAL MAP		78.75
	36168	MEDIAN - TRANSITION PLAN		240.00
	36169	VINELAND AVE WIDENING		360.00
	36170	UPRR PEDESTRIAN AND BICYCLE TRAIL		355.50
	36171	PROP 84. WATER METER PROJECT		10,384.35
	36172	WATER METER INSTALLATION PROJECT- 1		2,061.25
	36173	CALIFOR & MAY RECONSTRUCTION - FEE		600.00
	36174	CDBG & GF		1,866.25
	36175	CHROM 6 MCL SUPPORT		3,613.40
	36176	SPR- 14-03: KERMAN CROSSINGS PHASE II		1,040.00
	36177	CMAQ & LTF		876.93
	36178	GROUNDWATER MGMT ENGIN SUPPORT		420.00
	36179	MADERA HIGH VISIB CROSSWALKS PHAS		332.50
	36180	FY 17/18 CDBG APPLICATION		157.50
	36181	FY 16/17 GIS MAPPING		565.84
	36182	FY 16/17 GENERAL ENGINEERING - GENE		735.00
	36183	FY 16/17 GENERAL ENGINEERING - WATE		600.00
	36184	FY 16/17 GENERAL ENGINEERING- STREE		1,425.00
Total for Check Number 9776:				29,998.52
Total for 10/20/2016:				56,916.58

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Report Total (85 checks):	421,683.63



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: NOVEMBER 2, 2016

To: Mayor and City Council
From: Jerry Jones, City Engineer
Subject: Resolution Accepting Soroptimist Park Restroom Improvements Project, Community Development Block Grant Project No. 15371

RECOMMENDATION

Council by motion adopt the resolution accepting the Soroptimist Park Restroom Improvements Project, Community Development Block Grant Project No. 15371, and authorize the City Engineer to record the Notice of Completion.

EXECUTIVE SUMMARY

The Contractor, Cable Links Construction, has completed the work required for the Soroptimist Park Restroom Improvements Project, Community Development Block Grant (CDBG) Project No 15371. The Project consisted of the installation of site infrastructure for a pre-fabricated restroom building. The building was purchased by the City via a cooperative purchasing contract. The City Public Works Inspector has inspected the improvements required by the Project and all of the work specified in the contract has been completed.

OUTSTANDING ISSUES

None.

DISCUSSION

The City submitted an application for CDBG funds for the Soroptimist Park ADA Restroom Improvements Project in September 2014 for fiscal year 2015-2016 CDBG funding. A total of \$79,305 of CDBG funding has been allocated to the overall project. The overall project consists of the installation of a pre-fabricated restroom building and associated infrastructure, including sewer, water, and electrical services, at Soroptimist Park. The pre-fabricated restroom building was purchased by the City as a separate contract through a cooperative purchasing program. The site improvements for the restroom building were bid separately from the purchase of the building.

Staff performed a final inspection of the improvements with CDBG Staff on October 7, 2016. In order to fulfill the City's obligations under the CDBG Funding Agreement, the City must accept the improvements as complete. Staff will then submit the required final documentation and invoice to CDBG Staff for final project closeout. These final items must be submitted to CDBG Staff by December 30, 2016.

FISCAL IMPACT

The total cost of the Project was \$115,000, including engineering and construction management. The Project was funded with \$79,305 from CDBG, \$20,695 from the General Fund, and \$15,000 from Park Development Impact Fees.

PUBLIC HEARING

Not Required.

Attachments:

- A. Resolution

Attachment 'A'

RESOLUTION NO. 16-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN
ACCEPTING IMPROVEMENTS AND AUTHORIZING FILING OF THE NOTICE OF COMPLETION
FOR THE SOROPTIMIST PARK RESTROOM IMPROVEMENTS PROJECT,
COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT NO. 15371

WHEREAS, the City allocated Community Development Block Grant funds in the amount of \$79,305 for the installation of a pre-fabricated restroom building and associated improvements at Soroptimist Park and;

WHEREAS, Cable Links Construction has completed the work for the Soroptimist Park Restroom Improvements Project, Community Development Block Grant Project No 15371 and;

WHEREAS, the City Public Works Inspector has inspected the improvements required by the City and all improvements required by the City have been completed; and

WHEREAS, the City Engineer recommends acceptance of the Soroptimist Park Restroom Improvements Project, Community Development Block Grant Project No 15371, and requests Council to authorize the City Engineer to record the Notice of Completion for the project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KERMAN HEREBY ACCEPTS the Soroptimist Park Restroom Improvements Project, Community Development Block Grant Project No 15371 and authorizes the City Engineer to record the Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Kerman held on the 2nd day of November, 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



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: NOVEMBER 2, 2016

To: Mayor and City Council
From: Toni Jones, Finance Director
Subject: Resolution Amending Fiscal Year 2016/2017 Budget

RECOMMENDATION

Council approve resolution for budget amendment.

EXECUTIVE SUMMARY

The City Council approved an amendment to the Fiscal Year 2016/2017 budget to include \$30,000 to update its Urban Water Management Plan (UWMP) at the October 19th City Council meeting.

A resolution amending the appropriations for Fiscal Year 2016/2017 is attached for your approval.

PUBLIC HEARING

None Required

Attachments:

A. Resolution

Attachment 'A'

RESOLUTION NO. 16-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN
AMENDING THE FISCAL YEAR 2016/2017 BUDGET

WHEREAS, the City Council approved and adopted Resolution No. 16-36 for the 2016/2017 budget, which approved appropriations for the fiscal year, and

WHEREAS, the City Council may make additional appropriations during the fiscal year for unanticipated expenditures required of the City; and

WHEREAS, the City Council has determined that additional appropriations are required due to unanticipated expenditures.

NOW, THEREFORE, the City Council of the City of Kerman resolves the appropriation for fiscal year 2016/2017 is hereby amended to \$17,553,860.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Kerman, held on the 2nd day of November, 2016, and adopted 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



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: NOVEMBER 2, 2016

To: Mayor and City Council
From: Jerry Jones, City Engineer
Subject: Resolution Authorizing City Manager to Sign State and Federal Funding Program Financial Agreements for Transportation Projects

RECOMMENDATION

Council by motion adopt the resolution authorizing the City Manager to sign State and Federal funding program financial agreements for transportation projects.

EXECUTIVE SUMMARY

The City receives annual allocations of Federal funding from the Regional Surface Transportation Program (RSTP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) for transportation projects. In addition, there are several competitive State and Federal funding programs for transportation projects from which the City periodically is awarded funding. These funding programs are administered by the California Department of Transportation (Caltrans). As a requirement of these funding sources, the City must execute Master Agreements, Program Supplement Agreements, Fund Exchange Agreements, and/or Fund Transfer Agreements with Caltrans. In the past, City Staff have presented each individual agreement to Council to authorize the City Manager to sign the agreement. However, based on the number of State or Federal funded transportation projects the City undertakes and an increase in the number of agreements required by Caltrans for each project, it will be increasingly inefficient to present each agreement to Council moving forward. Based on this, Staff recommends Council authorize the City Manager to sign all funding program financial agreements for transportation projects. The financial agreements may not be modified by the City.

OUTSTANDING ISSUES

None.

FISCAL IMPACT

In order to receive State and Federal funding for transportation projects, the City must execute the required funding program financial agreements.

PUBLIC HEARING

Not required.

Attachments:

A. Resolution

Attachment 'A'

RESOLUTION NO. 16-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN, CALIFORNIA,
AUTHORIZING THE CITY MANAGER TO SIGN STATE AND FEDERAL FUNDING PROGRAM
FINANCIAL AGREEMENTS FOR TRANSPORTATION PROJECTS

WHEREAS, the City of Kerman is eligible to receive State and/or Federal funding for certain transportation projects, through the California Department of Transportation; and

WHEREAS, State and Federal Master Agreements, Program Supplement Agreements, Fund Exchange Agreements, and/or Fund Transfer Agreements need to be executed with the California Department of Transportation before such funds can be claimed; and

WHEREAS, the City of Kerman wishes to delegate authorization to execute these agreements and any amendments thereto.

NOW, THEREFORE IT IS HEREBY FOUND, DETERMINED, AND ORDERED as follows:

1. The City Manager is hereby authorized to execute all State and Federal Master Agreements, Program Supplement Agreements, Fund Exchange Agreements, and/or Fund Transfer Agreements with the California Department of Transportation for State and/or Federal funded transportation projects.
2. This authorization shall be effective immediately and remain in effect until modified by Council resolution.

The forgoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Kerman held on the 2nd day of November, 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
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: NOVEMBER 2, 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 by motion waive full reading and adopt 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

On October 19, 2016, Youth representatives from Friday Night Live and Youth Leadership Institute gave presentation in support of smoke free parks and recreation areas. In addition, 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

DISCUSSION

Currently the State of California's Health and Safety Code; Section 104495 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. 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 media outlets such as City wed site and Parks and Recreation Facebook.

PUBLIC HEARING

None

Attachments:

- A. Ordinance

Attachment 'A'

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.

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 November 2, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing ordinance is hereby approved.

Stephen B. Hill
Mayor

ATTEST:

Marci Reyes
City Clerk



City of Kerman

"Where Community Comes First"

MAYOR
Stephen B. Hill
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: NOVEMBER 2, 2016

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

RECOMMENDATION

Council by motion waive full reading and adopt ordinance relating to marijuana regulations.

EXECUTIVE SUMMARY

At the October 19, 2016 meeting, Council waived full reading and introduced an ordinance relating to marijuana regulations.

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.

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 (CO₂, 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 4th day of November 2016.

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing ordinance is hereby approved.

Stephen B. Hill
Mayor

ATTEST:

Marci Reyes
City Clerk



MEMORANDUM¹

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

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.² 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.³

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

¹ **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.

² Health & Saf. Code § 11362.2(a).

³ 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.⁴ 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.⁵ 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.⁶

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.⁷ The Act defines private residence as "a house, an apartment unit, a mobile home, or other similar dwelling unit."⁸ 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.⁹

The AUMA completely protects the ability of local governments to regulate, and to ban, personal outdoor cultivation operations.¹⁰ 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.¹¹

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.¹²

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,

⁴ Health & Saf. Code §§ 11362.3; 11362.4.

⁵ Health & Saf. Code §§ 11362.3(3), 11362.3(4).

⁶ Health & Saf. Code § 11362.45 (f)-(g).

⁷ Health & Saf. Code §§ 11362.1(a)(3), 11362.2.

⁸ Health & Saf. Code § 11362.2(5).

⁹ Health & Saf. Code § 11362.2(a)(2).

¹⁰ Health & Saf. Code § 11362.2(b)(3).

¹¹ Health & Saf. Code § 11362.2(b)(4).

¹² Bus. & Prof. Code § 26010.

storage, distribution, and sale of marijuana;¹³ (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;¹⁴ and (3) the Department of Public Health, which will issue licenses for marijuana manufacturers and testing laboratories.¹⁵ 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, 2018.¹⁶

A state marijuana license will be valid for one year.¹⁷ A separate state license is required for each commercial marijuana business location.¹⁸ 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.¹⁹

1. Local Control

All nonmedical marijuana businesses must have a state license.²⁰ A state license cannot issue to an applicant whose operations would violate the provisions of any local ordinance or regulation.²¹ 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.²² 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.”²³

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,²⁴ pursue civil penalties against violating businesses in an amount equal to three times the applicable licensing fee per violation,²⁵ or may prosecute violators criminally.²⁶ Local authorities will be responsible

¹³ Bus. & Prof. Code § 26012(a)(1).

¹⁴ Bus. & Prof. Code § 26012(a)(2).

¹⁵ Bus. & Prof. Code § 26012(3).

¹⁶ Bus. & Prof. Code §§ 26012(c), 26013 (a).

¹⁷ Bus. & Prof. Code § 26050(c).

¹⁸ Bus. & Prof. Code § 26055(c).

¹⁹ Bus. & Prof. Code § 26053.

²⁰ Bus. & Prof. Code § 26038.)

²¹ Bus. & Prof. Code § 26055(e).

²² 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].

²³ Bus. & Prof. Code § 26201.

²⁴ Bus. & Prof. Code § 2603.

²⁵ Bus. & Prof. Code § 26038(a)

²⁶ Bus. & Prof. Code § 26038(c).

for enforcing local ordinances and regulations.²⁷ 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.”²⁸

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.²⁹ Specifically, the MMRSA requires applicants to provide the relevant state licensing entity with documentation proving their compliance with local ordinances and regulations.³⁰

The AUMA does not require an applicant to provide evidence of local permission prior to being issued a state license.³¹ Instead, the AUMA prohibits state licensing entities from approving licenses for activities that would violate local ordinances.³² 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.³³

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.³⁴ 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.

²⁷ Bus. & Prof. Code § 26200 (b).

²⁸ Bus. & Prof. Code § 23202(a).

²⁹ Bus. & Prof. Code § 19320(b).

³⁰ Bus. & Prof. Code § 19322(a).

³¹ Bus. & Prof. Code § 26056.

³² Bus. & Prof. Code § 26055(e).

³³ Bus. & Prof. Code § 19320(d).

³⁴ 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.³⁵ Under the AUMA local governments can “reasonably regulate” indoor cultivation of up to six marijuana plants for personal use, but cannot ban it.³⁶

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.³⁷ Upon such determination, the AUMA purports to repeal all local bans on outdoor cultivation.³⁸

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.³⁹

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.⁴⁰
 - This tax will be in addition to existing state and local sales tax.⁴¹ 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%;

³⁵ 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.

³⁶ Bus. & Prof. Code § 11362.2(b)(1).

³⁷ Bus. & Prof. Code § 11362.2(b)(4).

³⁸ Bus. & Prof. Code § 11362.2(b)(4).

³⁹ Health & Saf. Code § 11362.5.

⁴⁰ Rev. & Tax Code § 34011(a).

- Effective January 1, 2018, the AUMA imposes a separate cultivation tax on all harvested marijuana as follows:⁴²
 - \$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.⁴³
- The AUMA exempts marijuana cultivated for personal use from taxation.⁴⁴

The AUMA does not pre-empt local taxation.⁴⁵ 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.⁴⁶ A delivery person must carry a copy of the dispensary’s state-issued license, a government ID, and a copy of the delivery request.⁴⁷ The patient or caregiver requesting the delivery must also maintain a copy of the delivery request.⁴⁸ Dispensaries and delivery people who comply with MMRSA are immune from prosecution for marijuana transportation.⁴⁹

⁴¹ Rev. & Tax Code § 34011(d).

⁴² Rev. & Tax Code § 34012.

⁴³ Rev. & Tax Code § 34011(g).

⁴⁴ Rev. & Tax Code § 34012(j).

⁴⁵ Rev. & Tax Code § 34021.

⁴⁶ Bus. & Prof. Code § 19340(a).

⁴⁷ Bus. & Prof. Code §§ 19340(b)(2), 19340(d).

⁴⁸ Bus. & Prof. Code § 19340(e).

⁴⁹ 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.⁵⁰ 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.⁵¹ 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.”⁵² 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.⁵³ 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.⁵⁴

III. Local Regulatory Options⁵⁵

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

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.

⁵⁰ Bus. & Prof. Code §26090(a).

⁵¹ Bus. & Prof. Code §26090(b).

⁵² Bus. & Prof. Code § 26090(a).

⁵³ Bus. & Prof. Code §§ 19340(a), 19316(a), 26200.

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

⁵⁵ 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.

⁵⁶ 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;⁵⁷ (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, 2018.⁵⁸ 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.⁵⁹ 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);⁶⁰ (2) the AUMA does not contain the same protective language as the

⁵⁷ Bus. & Prof. Code § 26038.

⁵⁸ Bus. & Prof. Code § 26012 (c).

⁵⁹ 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"].

⁶⁰ 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;⁶¹ 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.⁶² 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.**

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).

⁶¹ 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.”].

⁶² 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: NOVEMBER 2, 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 adopt ordinance repealing Chapter 9.06 of Title 9 of the Kerman Municipal Code Relating to Medical Marijuana Dispensaries

EXECUTIVE SUMMARY

On October 19, 2016, Council waived full reading and introduced an ordinance repealing Chapter 9.06 of Title 9 of the Kerman Municipal Code Relating to Medical Marijuana Dispensaries

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.

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