



CITY of CLOVIS

AGENDA • CITY COUNCIL MEETING

Council Chamber, 1033 Fifth Street, Clovis, CA 93612 (559) 324-2060
www.cityofclovis.com

May 3, 2021

6:00 PM

Council Chamber

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

SPECIAL NOTICE REGARDING PUBLIC PARTICIPATION DUE TO COVID-19

Given the current Shelter-in-Place Order covering the State of California and the Social Distance Guidelines issued by Federal, State, and Local Authorities, the City is implementing the following changes to participate in Council meetings until notified otherwise. The Council chambers will be open to the public but we will be implementing social distancing policies and will limit the number of people who may be in the Council chambers. Face masks are required to attend. We are encouraging residents to participate virtually following the directions below. If you are sick, please do not attend the meeting. Any member of the City Council may participate from a remote location by teleconference.

- The meeting will be webcast and accessed at: <https://cityofclovis.com/government/city-council/city-council-agendas/>

Written Comments

- Members of the public are encouraged to submit written comments at: <https://cityofclovis.com/government/city-council/city-council-agendas/> at least two (2) hours before the meeting (4:00 p.m.). You will be prompted to provide:

- Council Meeting Date
- Item Number
- Name
- Email
- Comment



- Please submit a separate form for each item you are commenting on.
- A copy of your written comment will be provided to the City Council noting the item number. If you wish to make a verbal comment, please see instructions below.
- Please be aware that any written comments received that do not specify a particular agenda item will be marked for the general public comment portion of the agenda.

- If a written comment is received after 4:00 p.m. on the day of the meeting, efforts will be made to provide the comment to the City Council during the meeting. However, staff cannot guarantee that written comments received after 4:00 p.m. will be provided to City Council during the meeting. All written comments received prior to the end of the meeting will be made part of the record of proceedings.

Verbal Comments

- If you wish to speak to the Council on an item by telephone, you should contact the City Clerk at (559) 324-2060 no later than 4:00 p.m. the day of the meeting.
- You will be asked to provide your name, phone number, and your email. You will be emailed instructions to log into Webex to participate in the meeting. Staff recommends participants log into the Webex at 5:30 p.m. the day of the meeting to perform an audio check.
- All callers will be placed on mute, and at the appropriate time for your comment your microphone will be unmuted.
- You will be able to speak to the Council for up to three (3) minutes.

Webex Participation

- Reasonable efforts will be made to allow written and verbal comment from a participant communicating with the host of the virtual meeting. To do so, a participant will need to chat with the host and request to make a written or verbal comment. The host will make reasonable efforts to make written and verbal comments available to the City Council. Due to the new untested format of these meetings, the City cannot guarantee that these written and verbal comments initiated via chat will occur. Participants desiring to make a verbal comment via chat will need to ensure that they accessed the meeting with audio transmission capabilities.

CALL TO ORDER

FLAG SALUTE - Councilmember Mouanoutoua

ROLL CALL

PRESENTATIONS/PROCLAMATIONS

1. Presentation of Proclamation declaring May 10-16, 2021 as National Salvation Army Week.

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

ORDINANCES AND RESOLUTIONS - With respect to the approval of resolutions and ordinances, the reading of the title shall be deemed a motion to waive a reading of the complete resolution

or ordinance and unless there is a request by a Councilmember that the resolution or ordinance be read in full, further reading of the resolution or ordinance shall be deemed waived by unanimous consent of the Council.

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

2. Administration - Approval - Minutes from the April 19, 2021 Council Meeting.
3. Public Utilities - Approval – Waive formal bidding requirements and authorize awarding a contract to Calgon Carbon Corporation to remove and replace Granular Activated Carbon (GAC) at Well 12.
4. Public Utilities – Approval – Preliminary Engineer's Report; and Approval – Res. 21-____, a Resolution Declaring the City's Intention to Levy and Collect the Annual Assessments for Landscape Maintenance District No. 1.

ADMINISTRATIVE ITEMS- Administrative Items are matters on the regular City Council Agenda other than Public Hearings.

5. Consider Adoption - **Ord. 21-02**, R2020-005, A request to rezone ±23 acres, located at the northeast corner of Nees and Minnewawa Avenues, from the R-A (Single-Family Residential Very Low Density) Zone District to the Clovis R-1-7500 (Single-Family Residential Low Density) Zone District. (Vote: 4-0-0-1 with Councilmember Whalen abstaining).

Staff: Ricky Caperton, Senior Planner

Recommendation: Adopt

6. Consider Approval - Res. 21-____, A Resolution Declaring the intention to levy and collect assessments for Fiscal Year 2021-22, Authorizing the City of Clovis Engineering Department to conduct a property owner Proposition 218 proceeding, Approving the Fiscal Year 2021-22 Preliminary Engineer's Report, and setting a Public Hearing for June 21, 2021 or at such time thereafter for Benefit Assessment District No. 95-1 (Blackhorse Estates).

Staff: Sean Smith, Supervising Civil Engineer

Recommendation: Approve

7. Consider Introduction - Ord. 21-____, A request to Amend Articles 1, 10, and 11 of Chapter 2.2 of Title 2 of the Clovis Municipal Code pertaining to the Appointment of City Clerk and City Treasurer

Staff: John Holt, Assistant City Manager / City Clerk

Recommendation: Approve

8. Receive and File – Annual Update on California Open Governance Laws – Brown Act, Public Records Act, Ethics.

Staff: Scott G. Cross, City Attorney
Recommendation: Receive and File

COUNCIL ITEMS

9. Consider Approval – Change of Council Meeting Schedule.

Staff: Luke Serpa, City Manager
Recommendation: Approve

10. Consider Approval – Authorizing a Letter of Opposition to SB 210 (Wiener) Regarding Automated License Plate Recognition Systems and Use of Data.

Staff: Luke Serpa, City Manager
Recommendation: Approve

11. Consider Approval – Authorizing a Letter of Opposition to AB 339 (Lee) regarding Local Government Public Meeting Requirements.

Staff: Luke Serpa, City Manager
Recommendation: Approve

WORKSHOP - For the Clovis City Council to conduct a workshop to discuss the impact on ongoing City operations during the COVID-19 State of Emergency as declared by the Federal Government, State of California, County of Fresno, and City of Clovis; and to explore actions the City may take in response to the crisis.

12. Consider Approval – Res. 21-___, A Request to Repeal Emergency Orders 2020-05, 2020-07, 2020-09, 2020-11, and 2020-12.

Staff: Luke Serpa, City Manager
Recommendation: Approve

CITY MANAGER COMMENTS

COUNCIL COMMENTS

ADJOURNMENT

MEETINGS AND KEY ISSUES

Regular City Council Meetings are held at 6:00 P.M. in the Council Chamber. The following are future meeting dates:

May 10, 2021 (Mon.) (To Be Cancelled)
May 17, 2021 (Mon.)
June 7, 2021 (Mon.)
June 14, 2021 (Mon.)
June 21, 2021 (Mon.)

CITY *of* CLOVIS
PROCLAMATION

Declaring May 10-16, 2021 as National Salvation Army Week

WHEREAS, The Salvation Army has been providing hope to men, women, children and senior citizens across America since 1879; and

WHEREAS, The Salvation Army serves to meet human needs by utilizing its foundation and mission of Soup, Soap, and Salvation, without discrimination in over 5,000 communities nationwide; and

WHEREAS, The Salvation Army is celebrating the 67th annual National Salvation Army Week, which was first declared by President Dwight D. Eisenhower in 1954 as a time to honor the organization's work; and

WHEREAS, The Salvation Army is a non-profit agency that encourages volunteerism and donations to charity; and

WHEREAS, The Salvation Army serves more than 32 million Americans in need each year, with 83 cents of every dollar raised going directly to support services, and 100 percent of funds raised for emergency disasters going directly to the disaster; and

WHEREAS, The Salvation Army has been a service agency in the City of Clovis for over 28 years providing help to our community by providing meals, food pantry, shelter, clothing, financial, emergency services, and other necessary assistance with over 28,000 annual individual interactions with citizens; and

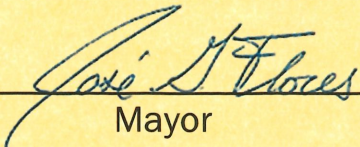
WHEREAS, The Salvation Army is continually expanding programs to the community including the Pathway of Hope program to end the cycle of poverty; and

WHEREAS, The Clovis City Council encourages Americans and community members to express their appreciation for the Salvation Army's good works and to follow their example of serving a cause greater than themselves this week.

NOW, THEREFORE BE IT RESOLVED, that the Clovis City Council does hereby declare May 10-16, 2021 as

National Salvation Army Week

IN WITNESS THEREFORE, I hereunto set my hand and cause the official seal of the City of Clovis to be affixed the 3rd day of May, 2021.



 Mayor

CLOVIS CITY COUNCIL MEETING

April 19, 2021

6:00 P.M.

Council Chamber

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

Roll Call: Present: Councilmembers Ashbeck, Bessinger, Mouanoutoua, Whalen
Mayor Flores
Absent: None

PRESENTATION

ITEM 1 – 6:03 - PRESENTATION OF PLAQUE TO OUTGOING PERSONNEL COMMISSIONER JERRY SCHUBER.

Council presented outgoing Personnel Commissioner Jerry Schuber a plaque for his thirteen years of service on the commission.

ITEM 2 – 6:12 - PRESENTATION OF PROCLAMATION DECLARING APRIL 18-24, 2021 AS INFERTILITY AWARENESS WEEK.

Council read a proclamation declaring April 18 – 24, 2021 as infertility awareness week.

CONSENT CALENDAR

Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, that the items on the Consent Calendar, except items 4, 5 and 10, be approved. Motion carried by unanimous vote.

- 3. Administration - Approved - Minutes from the April 5, 2021 Council Meeting.
- 6. General Services – Approved – Claim Rejection of the General Liability Claim for Jasbir Singh.
- 7. General Services – Approved – **Res. 21-34A**, Authorizing the Execution of the Certificates of Assurances for the Low Carbon Transit Operations Program (LCTOP), and Submittal of One (1) Project for Fiscal Year 2020-2021.
- 8. Planning and Development Services – Approved – Award Professional Design Services for CIP 21-02, Loma Vista Village Green, and Authorize the City Manager to execute the contract on behalf of the City.
- 9. Planning and Development Services – Approved – Final Acceptance for CIP 18-11, Fowler Avenue Reconstruction from Barstow to Shaw.

CONSENT CALENDAR ITEM 4 – 6:19 - GENERAL SERVICES - APPROVED – RES. 21-49, APPROVING A SIDE LETTER AGREEMENT WITH CLOVIS POLICE OFFICERS ASSOCIATION TO INCLUDE RECRUITMENT BONUS PAY FOR LATERAL AND RECRUIT POLICE OFFICERS; AND APPROVED – RES. 21-50, APPROVING A SIDE LETTER AGREEMENT WITH CLOVIS POLICE OFFICERS ASSOCIATION PROVIDING COURT STANDBY PAY FOR OFFICERS WORKING SWING SHIFT; AND AUTHORIZING CITY MANAGER TO EXECUTE AGREEMENTS, AND CONSENT

CALENDAR **ITEM 5** - GENERAL SERVICES - APPROVED – **RES. 21-51**, APPROVING A SIDE LETTER AGREEMENT WITH CLOVIS PUBLIC SAFETY EMPLOYEES ASSOCIATION TO INCLUDE RECRUITMENT BONUS PAY FOR LATERAL PUBLIC SAFETY DISPATCHERS; AND AUTHORIZING CITY MANAGER TO EXECUTE AGREEMENT.

Police Chief Curt Fleming addressed questions from Council regarding details of Consent Calendar items 4 and 5. Motion by Councilmember Whalen, seconded by Councilmember Ashbeck, for the Council to approve Consent Calendar items 4 and 5. Motion carried by unanimous vote.

CONSENT CALENDAR **ITEM 10** - 6:43 - PUBLIC UTILITIES – RECEIVED AND FILED – PUBLIC UTILITIES REPORT FOR OCTOBER – DECEMBER 2020.

Public Utilities Director Scott Redelfs addressed questions from Council regarding details of Consent Calendar item 10. It was the consensus of Council to receive and file the report.

PUBLIC HEARINGS

ITEM 11A – 6:49 - APPROVED - **RES. 21-52**, A RESOLUTION ANNEXING TERRITORY (ANNEXATION #68) (T6304-SOUTHEAST CORNER OF BARSTOW AND AGUA DULCE) TO THE CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES) AND CALLING A SPECIAL LANDOWNER ELECTION TO ANNEX TERRITORY (ANNEXATION #68) TO CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES); AND ITEM 11B - APPROVED - **RES. 21-53**, A RESOLUTION OF THE CITY OF CLOVIS DECLARING THE RESULTS OF A SPECIAL LANDOWNER ELECTION AND DIRECTING RECORDING OF THE NOTICE OF SPECIAL TAX LIEN FOR CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES).

Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, for the Council to approve **Resolution 21-52**, a resolution annexing territory (Annexation #68) (T6304-Southeast Corner of Barstow and Agua Dulce) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services) and calling a special landowner election to annex territory (Annexation #68) to City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services). Motion carried by unanimous vote.

Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, for the Council to approve **Resolution 21-53**, a resolution of the City of Clovis declaring the results of a special landowner election and directing recording of the Notice of Special Tax Lien for City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services). City Clerk John Holt indicated that he was in receipt of one ballot representing 46 votes all in favor indicating unanimous passage. Motion carried by unanimous vote.

ITEM 12A – 6:54 - APPROVED - **RES. 21-54**, APPROVING AN ENVIRONMENTAL FINDING OF A MITIGATED NEGATIVE DECLARATION FOR REZONE R2020-005; AND ITEM 12B - APPROVED INTRODUCTION - **ORD. 21-02**, R2020-005, A REQUEST TO REZONE ±23 ACRES FROM THE R-A (SINGLE-FAMILY RESIDENTIAL VERY LOW DENSITY) ZONE

DISTRICT TO THE CLOVIS R-1-7500 (SINGLE-FAMILY RESIDENTIAL LOW DENSITY) ZONE DISTRICT.

Councilmember Whalen indicated that he would recuse himself from consideration on the item and left the dais at 6:54.

Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, for the Council to approve **Resolution 21-54**, approving an environmental finding of a Mitigated Negative Declaration for Rezone R2020-005. Motion carried 4-0-0-1 with Councilmember Whalen abstaining.

Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, for the Council to approve the introduction - **Ordinance 21-02**, R2020-005, rezoning ±23 acres from the R-A (Single-Family Residential Very Low Density) Zone District to the Clovis R-1-7500 (Single-Family Residential Low Density) Zone District. Motion carried 4-0-0-1 with Councilmember Whalen abstaining.

Councilmember Whalen returned to the dais at 7:13 p.m.

WORKSHOP

ITEM 13 – 7:13 - APPROVED – **RES. 21-55**, CONFIRMING EMERGENCY ORDER 2021-02, RELATING TO EMPLOYEE LEAVE/PAY DURING EMERGENCY.

Motion by Councilmember Bessinger, seconded by Councilmember Mouanoutoua, for the Council to confirm Emergency Order 2021-02, relating to Employee Leave/Pay during Emergency. Motion carried by unanimous vote.

CITY MANAGER COMMENTS – 7:16

COUNCIL COMMENTS – 7:26

CLOSED SESSION – 7:36

- 14. Government Code Section 54956.8
CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 1011 Fifth Street (APN 492-040-13T)
Agency Negotiators: Luke Serpa, Scott Cross, Andrew Haussler
Negotiating Parties: State of California
Under Negotiation: Price & Terms

Mayor Flores adjourned the meeting of the Council to May 3, 2021

Meeting adjourned: 7:51 p.m.

Mayor

City Clerk



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Utilities Department

DATE: May 3, 2021

SUBJECT: Public Utilities - Approval – Waive formal bidding requirements and authorize awarding a contract to Calgon Carbon Corporation to remove and replace Granular Activated Carbon (GAC) at Well 12.

ATTACHMENTS: None

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to waive the City's formal bidding requirements and authorize the City Manager to enter into an agreement with Calgon Carbon Corporation in the amount of \$77,969 to remove and replace granular activated carbon (GAC) at City Well 12 located at 900 Gettysburg Avenue.

EXECUTIVE SUMMARY

Included in the 2020-21 Water Enterprise Budget are funds to remove and install GAC at various well sites in the City. Three carbon suppliers/contractors were contacted through an informal bid process and three quotes were received. Calgon Carbon Corporation provided the lowest quote. The work includes removing the carbon vessel contents, transporting the contents to a reactivation/destruction facility, reactivating or destroying the carbon, and then installing virgin carbon into three vessels.

BACKGROUND

Granular activated carbon is utilized at certain well sites to adsorb contaminants in the drinking water. Over time, the carbon loses its adsorptive capacity and it must be removed and either replaced or regenerated. Well 12 is currently offline and cannot be placed back into production until the carbon is replaced so that the contaminant level stays below the maximum level set by the State. GAC is used at Well 12 to remove 1,2,3-Trichloropropane (TCP) from the drinking water.

FISCAL IMPACT

Sufficient funds are included in the Water Enterprise budget for the 2020-21 Fiscal Year.

REASON FOR RECOMMENDATION

Calgon Carbon Corporation provided the lowest quote and has extensive experience in this type of work. The material to be provided meets City specifications and there are sufficient funds available for the cost of this project.

ACTIONS FOLLOWING APPROVAL

An agreement will be executed and a purchase order will be prepared for the City Manager's approval.

Prepared by: Paul Armendariz, Assistant Public Utilities Director

Reviewed by: City Manager *JA*



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Utilities Department

DATE: May 3, 2021

SUBJECT: Public Utilities – Approval – Preliminary Engineer’s Report; and Approval – Res. 21-____, a Resolution Declaring the City’s Intention to Levy and Collect the Annual Assessments for Landscape Maintenance District No. 1.

ATTACHMENTS: 1. Resolution of Intention
2. Assessment Diagrams

CONFLICT OF INTEREST

None

RECOMMENDATION

1. For the City Council to approve the Preliminary Engineer’s Report on file with the City Clerk; and
2. For the City Council to adopt Resolution No. 21-____, which declares the City’s intention to levy and collect the annual assessments for Landscape Maintenance District No. 1, and gives Notice of Public Hearing.

EXECUTIVE SUMMARY

The City collects funds through annual assessments on properties within Landscape Maintenance District (LMD) No. 1. These funds provide landscape maintenance services for those properties within the LMD, including special enhancements unique to the various tracts within the District. Currently, 47 different assessment zones have been established. Zones 1-3 provide for general landscape maintenance, Zones 4-6 provide for neighborhood park maintenance, Zones 7-45 provide for maintenance of special neighborhood enhancements, Zone SE provides for maintenance for all of Loma Vista, and Zone NW provides for maintenance for all of Heritage Grove. Properties within the LMD (except the majority of those in Zone SE and Zone NW) are all in Zones 1-3, and they may also be in Zones 4-6 and Zones 7-45. Zone SE and Zone NW are unique in that they cover all three categories of

landscape: street median and street-side landscaping, parks, and neighborhood enhancements. There are five special enhancement zones in Zone SE.

The rates for Zones 1, 3, and 6 were established by election in 2004 and have remained the same since that election. The rate for Zone 2 was increased by election in 2018. Zone 4 had a successful rate increase election in 2016. Zones 5 and 7 both had successful rate increase elections in 2013. Zone 7 can be increased by the Consumer Price Index plus 2% annually; however, an election was needed to establish an adequate baseline rate.

Zones 7-45, Zone SE, and Zone NW include escalation clauses in the annexation covenants that allow the City to increase the assessments by the Consumer Price Index (CPI) plus 2%. Because this provision is included in the annexation documents and agreed to by the property owners, it is not considered a rate increase and is not subject to the election process outlined in Proposition 218.

Consistent with Section 22623 of the Landscape and Lighting Act of 1972, this Resolution proposes the following actions for the various zones:

Zone	Rate Change	Reason For Change
Zones 1 - 6	No change	Rates will continue to be maintained at the rate established by elections in 2004, 2013, 2016, and 2018. Elections may be necessary in 2023 in Zones 1 and 5.
Zones 8-11, 13-17, 20-25, 27-28, 30, 36, 41, 38, SE Tracts (New Zones 43-45, NW)	No change	No change. Current rates are sufficient to cover costs. (New Zones assessed at initial rates).
Zones 18-19, 26, 29, 31-35, 37-40, 42	Increase assessment	Rates are being increased to cover the cost of maintaining service while continuing to maintain capital reserves.
Zones 7 & 12	Decrease assessment	Rates are being decreased since the revenues exceed the expenditures and there are sufficient reserves.

LMD REQUIREMENTS

The Preliminary Engineer’s Report is being filed with the City Clerk for submission to City Council in accordance with Section 22623 of the Landscape and Lighting Act of 1972 (ACT). After approval of the Report, Section 22624 of the Act requires the Council to adopt a Resolution of Intention that:

1. Declares the intention to levy and collect assessments;
2. Generally describes the existing and proposed improvements and any substantial changes proposed to be made in existing improvements;
3. Refers to the assessment district by its distinctive designation and indicates the general location of the district;
4. Refers to the Preliminary Engineer’s Report for a full description of the improvements, boundaries, and any zones in the district, and the proposed assessments upon assessable lots and parcels of land within the district;
5. Gives notice of the time and place for hearing by the Council on the levy of the proposed assessments; and
6. States whether the assessments are proposed to increase from the previous year.

BACKGROUND

On July 15, 1985, Council adopted Resolution No. 85-78, forming the City of Clovis Landscape Maintenance District No. 1 (LMD) in accordance with the Landscaping and Lighting Act of 1972 approved by the California State Legislature. The purpose of the District is to fund the operation and maintenance of landscaped areas and interior parks benefiting development throughout the City.

The yearly assessments established for all properties within the District provide funding for the City's cost for operation, maintenance, related services, and incidental expenses. The required operation and maintenance includes mowing, edging, fertilizing, weed control, irrigation system maintenance and replacement, pruning, plant replacement, lighting, and a depreciation fund to periodically replace playground equipment, benches, drinking fountains, and other park-related infrastructure. The assessments are collected by the County as a special assessment on the property tax bills.

The yearly rates for Zones 1-6 are as follows:

<u>General Landscaping</u>		<u>Neighborhood Park</u>	
Zone 1	\$78.50	Zone 4	\$49.86
Zone 2	\$99.94	Zone 5	\$50.10
Zone 3	\$12.28	Zone 6	\$80.08

In addition to the general landscaping and neighborhood park zones, additional zones have been established to cover enhanced landscaping, entry features, and decorative street lighting in various residential subdivisions. The properties in each of these benefit zones are assessed an additional amount to fund the maintenance costs for the added features at each of their subdivisions. The proposed annual rates for the enhanced landscaping zones are as follows:

Zone 7	\$ 200.00	Tracts 4762A, 4873, 4874, 4875, 4876, & 5015
Zone 8	\$ 66.28	Tract 4949
Zone 9	\$ 58.38	Tract 4954
Zone 10	\$ 80.74	Tracts 4958, 4986, & 5026
Zone 11	\$ -	Not Used
Zone 12	\$ 105.00	Tracts 5025, 5046, & 5047
Zone 13	\$ 49.96	Tract 5045
Zone 14	\$ 32.20	Tract 5020
Zone 15	\$ 150.14	Tracts 5038, 5057, 5058, & 5059
Zone 16	\$ 10.98	Tract 5106
Zone 17	\$ 26.70	Tract 4973
Zone 18	\$ 57.62	Tract 5115
Zone 19	\$ 66.48	Tract 5125
Zone 20	\$ 44.44	Tract 4938
Zone 21	\$ -	Tract 5122 (Zone 21 not developed)
Zone 22	\$ 76.46	Tract 5131
Zone 23	\$ 96.78	Tract 5213
Zone 24	\$ 74.56	Tract 5200
Zone 25	\$ 105.84	Tract 5194
Zone 26	\$ 96.94	Tract 5347
Zone 27	\$ 39.28	Tract 5146
Zone 28	\$ 50.48	Tract 5378
Zone 29	\$ 111.38	Tract 5470
Zone 30	\$ 56.90	Tracts 5264 & 5741
Zone 31	\$ 114.62	Tract 5711
Zone 32	\$ 21.02	Tract 5545
Zone 33	\$ 17.32	Tract 5207
Zone 34	\$ 72.90	Tract 5874
Zone 35	\$ 113.68	Tract 5550
Zone 36	\$ 192.84	Tract 6072
Zone 37	\$ 59.76	Tract 6147
Zone 38	\$ 63.62	Tract 6170
Zone 39	\$ 85.54	Tract 6109
Zone 40	\$ 82.26	Tract 6228
Zone 41	\$ 128.40	Tract 6225
Zone 42	\$ 63.56	Tract 6230
Zone 43	\$ 43.00	Tract 6239
Zone 44	\$ 87.00	Tract 6263
Zone 45	\$ 34.00	Tract 6181

Zone NW	\$ 428.00	Tracts 6200, 6050, & 6328
Zone SE	\$ 351.28	Tracts 5168, 5193, 5254, 5336, 5418, 5484, 5582, 5583, 5874, 5565A2, 5961, 5965, 5970, 5981, 5984, 5596, 5875A, 6010, 5691A2, 6005, 6006, 5825, 5985, 5950, 6020, 5871, 6011, 6007, 6008, Misc., 6012, 5605, 5657A, 6009, 6055, 6058, 6025, SPR2012-006, 5701A, 6089, 5998, 6083, 6086, 6034, 5681, 6064, 6098/6142, 6114, 6082, 6040, 6107, 6143, PM2015-02, PM2015-04, 6144, 6127, 6080, 6101, 6068, 6102,6137A2, 6197, 6120, PM2016-01, 6168, 6193, 6245, 6225, 6228, 6230, & 6254
Zone SE	\$ 218.48	Tracts SPR 2017-0014, 6255, 6164, & PM18-14

Zone SE includes all tracts being developed in the Southeast Urban Village (Loma Vista), generally located in the southern part of the City, east of Locan Avenue and south of Bullard Avenue. With the exception of five additional enhancement zones, the rate for this zone is designed to cover all of the general landscaping, neighborhood parks, enhanced landscaping, and public lighting for the Southeast Urban Village. All of the tracts to be annexed into this area are expected to have enhanced landscaping, entry features, and decorative street lighting.

Generally, a Paseo system or park is not completed until an entire quarter section is developed. Therefore, two assessment rates have been established: one for developed quarter sections and one for partially developed quarter sections. Rates are also reviewed and revised annually to reflect the current level of capital improvements completed within each tract and the actual cost of maintenance.

Similar to Zone SE, Zone NW assessment is designed to cover all of the general landscaping, neighborhood parks, and enhanced landscaping. Zone NW includes all tracts being developed in Heritage Grove. Heritage Grove is located north of Shepherd Avenue between Sunnyside and Willow Avenues. Since this is the first year of the assessment for Zone NW, the maximum assessment rate will be collected.

The Resolution of Intention containing the Notice of Public Hearing will be published in The Business Journal not less than 10 days prior to the Public Hearing date of June 7, 2021. The Public Hearing will afford all interested persons the opportunity to address their concerns. Written protests may be filed with the City Clerk at any time prior to the conclusion of the Public Hearing.

FISCAL IMPACT

Annual LMD assessments collected provide the necessary funding to continue the maintenance of landscaped areas within the various benefit zones for the next fiscal year and provide reserves necessary for depreciation and replacement.

REASON FOR RECOMMENDATION

This resolution is required annually by the Landscaping and Lighting Act of 1972 prior to levying and collecting assessments.

ACTIONS FOLLOWING APPROVAL

1. The Resolution of Intention to Levy and Collect the Annual Assessments will be published in The Business Journal; and
2. The Engineer's Report that shows the final assessment costs will be considered by the City Council at the Public Hearing proposed for June 7, 2021, and if approved, will be recorded by the Fresno County Recorder's Office.

Prepared by: Eric Aller, Parks Manager

Reviewed by: City Manager *EA*

RESOLUTION NO. 21-**A RESOLUTION OF INTENTION TO LEVY AND COLLECT THE ANNUAL ASSESSMENT FOR LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR THE CITY OF CLOVIS AND SET THE PUBLIC HEARING**

WHEREAS, the Clovis City Council has approved thirty-three (33) annexations with new improvements to the Landscape Maintenance District No. 1 of the City of Clovis (herein LMD No. 1) since the Engineer's Report dated May 4, 2020; and

WHEREAS, proceedings for the annual assessments for LMD No. 1 for the fiscal year 2021-22 need to be initiated.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED as follows:

1. It is the intention of said Council to order the levy and collection of an assessment for the 2021-22 fiscal year under the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code beginning with Section 22500 of said Code, for Landscape Maintenance District No. 1 of the City of Clovis (herein "LMD No. 1").
2. Said LMD No. 1 is generally described as all properties in subdivisions, Site Plan Review developments, Parcel Map developments, and other miscellaneous property entitlement developments approved since July 1985, within the current boundaries of the City of Clovis.
3. The Engineer has prepared and filed with the Clerk of the City of Clovis a preliminary report labeled "Preliminary Engineer's Report of the City of Clovis LMD No. 1," dated May 3, 2021, to which reference is hereby made for a detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within LMD No. 1.
4. The Business Journal, a newspaper circulated in the City of Clovis, is hereby designated as the newspaper in which this Resolution of Intention shall be published, and the Clerk of the City of Clovis is hereby directed to cause this Resolution of Intention to be published once, no less than ten (10) days prior to the hearing date set forth below.
5. NOTICE IS HEREBY GIVEN that the 7th day of June 2021, at the hour of 6:00 p.m., in the regular meeting place of the Council of the City of Clovis, Council Chambers, 1033 Fifth Street, Clovis, California 93612, is hereby fixed as the time and place for a PUBLIC HEARING, when and where all interested persons shall be heard on the question of the levy and collection of the proposed assessment. Written protests may be filed with the City Clerk at any time prior to the conclusion of the PUBLIC HEARING. A written protest shall state all grounds of objection and shall contain a description sufficient to identify the property owned by the protesting person or persons.

ATTACHMENT 1

6. In accordance with the terms of the covenants, the rate for Zones 18, 19, 26, 29, 31, 32, 33, 34, 35, 37, 38, 39, 40, and 42 will be increased to the amounts authorized under the covenants.

* * * * *

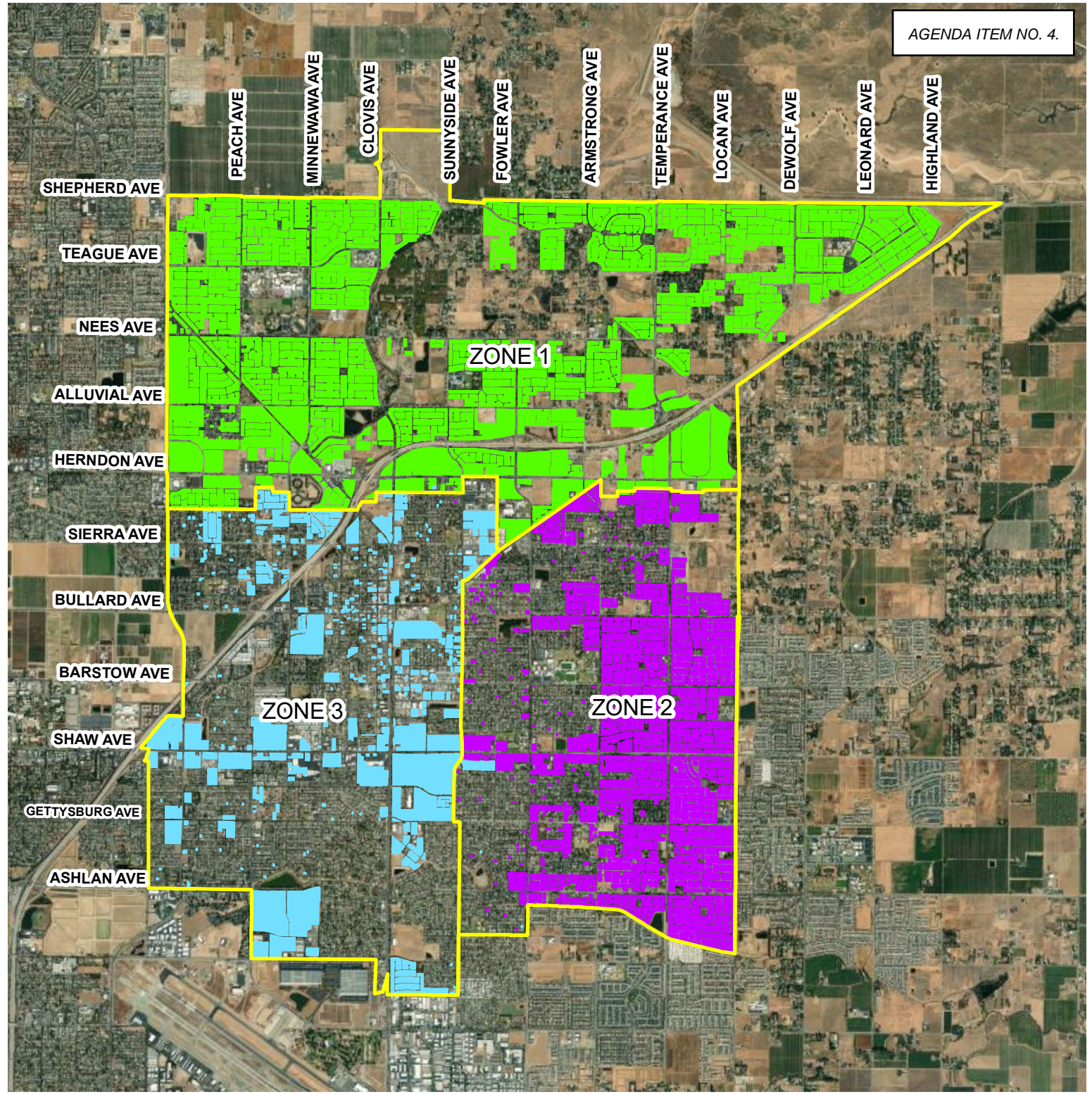
The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 3, 2021 by the following vote, to wit.

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

DATED:

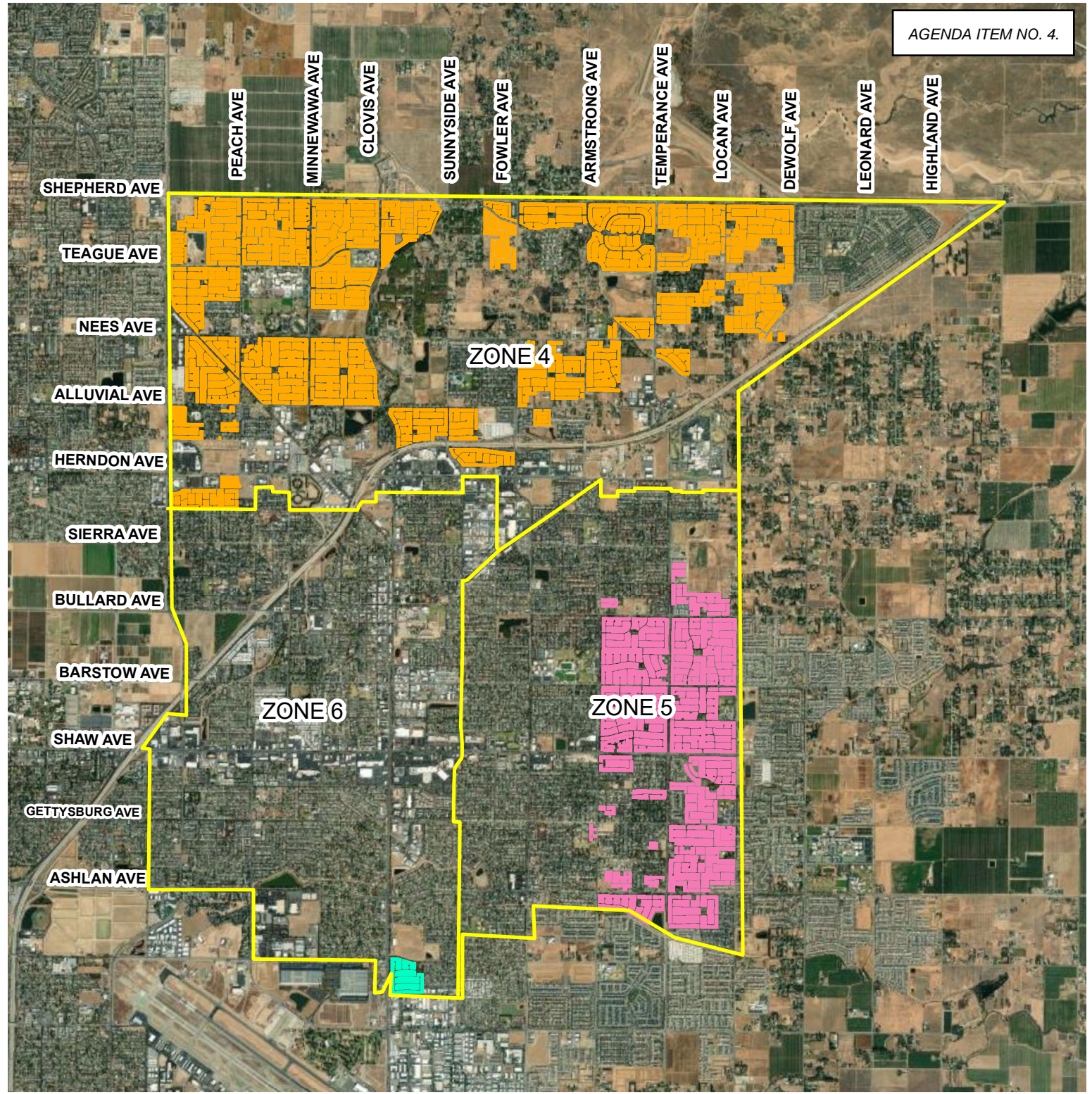
Mayor

City Clerk



**LMD ZONES 1-3
 GENERAL LANDSCAPING
 2021/2022 ASSESSMENT CHANGES
 NO ASSESSMENT CHANGES ZONES 1-3**

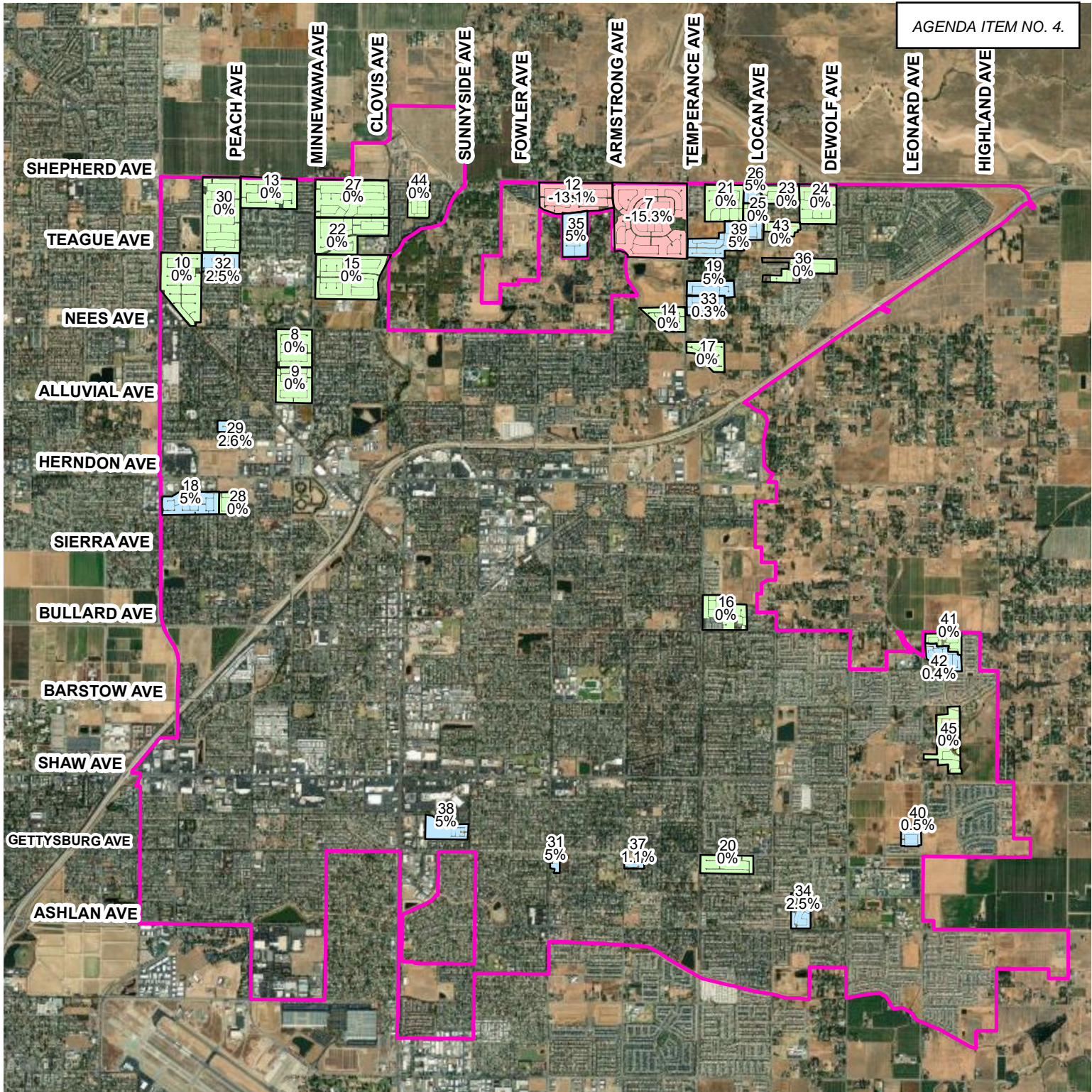




LMD ZONES 4-6
PARKS

2021/2022 ASSESSMENT CHANGES
NO ASSESSMENT CHANGES ZONES 4-6





LMD ZONES 7 - 45 NEIGHBORHOOD ENHANCEMENTS 2021/2022 ASSESSMENT CHANGES

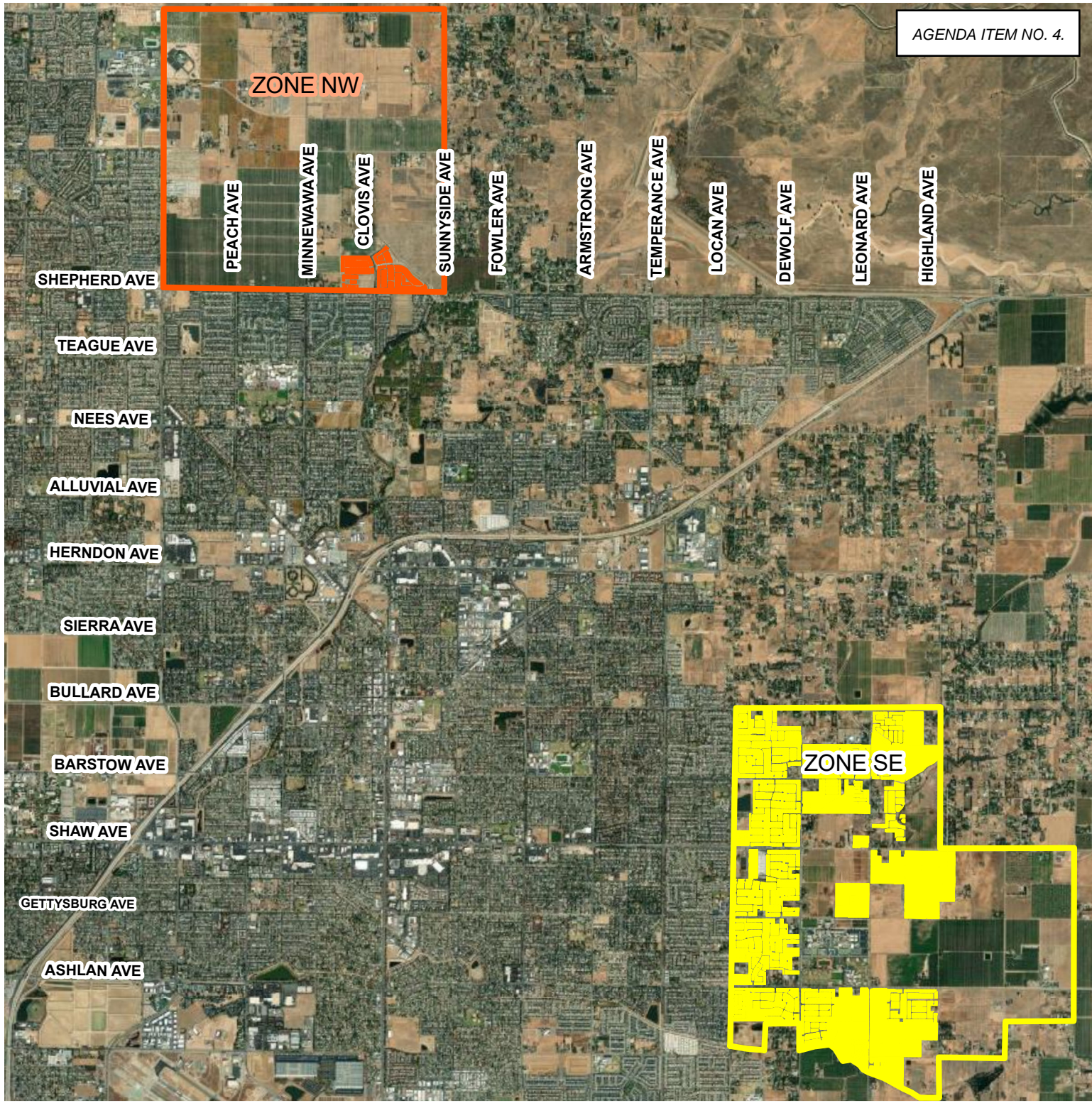


CITY OF CLOVIS

Assessment Changes No Change Decrease Increase



1 inch = 4,833



LMD ZONES SOUTHEAST AND NORTHWEST
 2021/2022 ASSESSMENT CHANGES
 NO ASSESSMENT CHANGE FOR ZONES SE & NW





CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: May 3, 2021

SUBJECT: Consider Adoption - **Ord. 21-02**, R2020-005, A request to rezone ±23 acres, located at the northeast corner of Nees and Minnewawa Avenues, from the R-A (Single-Family Residential Very Low Density) Zone District to the Clovis R-1-7500 (Single-Family Residential Low Density) Zone District. (Vote: 4-0-0-1 with Councilmember Whalen abstaining).

Staff: Ricky Caperton, Senior Planner

Recommendation: Adopt

ATTACHMENTS: None

This item is on the regular agenda because at introduction it was approved with a less than unanimous vote.

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



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: May 3, 2021

SUBJECT: Consider Approval - Res. 21-____, A Resolution Declaring the intention to levy and collect assessments for Fiscal Year 2021-22, Authorizing the City of Clovis Engineering Department to conduct a property owner Proposition 218 proceeding, Approving the Fiscal Year 2021-22 Preliminary Engineer's Report, and setting a Public Hearing for June 21, 2021 or at such time thereafter for Benefit Assessment District No. 95-1 (Blackhorse Estates).

Staff: Sean Smith, Supervising Civil Engineer

Recommendation: Approve

ATTACHMENTS:

1. Vicinity Map
2. Resolution 21-____
3. FY 2021-22 Preliminary Engineer's Report

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to approve the Resolution Declaring the intention to levy and collect assessments for Fiscal Year 2021-22, Authorizing the City of Clovis Engineering Department to conduct a property owner Proposition 218 proceeding, Approving the Fiscal Year 2021-22 Preliminary Engineer's Report, and setting a Public Hearing for June 21, 2021 or at such time thereafter for Benefit Assessment District No. 95-1 (Blackhorse Estates).

EXECUTIVE SUMMARY

On May 1, 1995, the City Council of the City of Clovis approved Resolution No. 95-42 forming the Benefit Assessment District No. 95-1 (the "District") and appointed the City Engineer as the engineer of work. The District is comprised of the Blackhorse Estates development and is divided into Benefit Area 1, which consists of 45 homes and is known as the Renaissance neighborhood and Benefit Area 2, which consists of 81 homes and is known as the Country View neighborhood, for a total of 126 homes. Each area is a private gated community where each home is assessed annually to pay for maintenance of the street and landscaping facilities,

including sidewalks, curbs and gutters, pavement, valley gutters, entrance control gates, median island landscaping, drainage inlets and street lights benefitting the homes within the District. This private gated community is unique in that the way it was approved in 1995 the City essentially was assigned as the Home Owners Association (HOA) for this development. The City has managed the maintenance of the community by hiring a property management company. Rates have not been increased since July 2008, or 13 years.

On June 15, 2020, City Council approved the latest annual Engineer's Report for the District. At that time, City staff brought to Council's attention that assessment rates would need to increase to fund large capital projects, like a slurry seal which has yet to be done since District formation over 26 years ago. Staff did not think it was prudent to perform the slurry seal with last year's budget due to an insufficient revenue stream in each area.

After further evaluation of the funds available for both areas, City staff is proposing to move forward with conducting a Proposition 218 vote with the property owners in order to seek approval to increase assessments in both areas. This would provide both areas with a better cash flow to cover significant increases in maintenance costs due to inflation, provide funding for the City to maintain street, street lighting, and landscaping facilities at their current level, and also perform slurry seal maintenance for the streets within the District.

BACKGROUND

The District is a gated community located at the southeast corner of Alluvial and Minnewawa Avenues and was created under the provisions of the Benefit Assessment Act of 1982, to provide for the maintenance of sidewalks, curbs and gutters, pavement, valley gutters, entrance control gates, median islands and median island landscaping, drainage inlets and street lights within the District. The maintenance activities are managed through a contract with Regency Property Management, a property management firm.

The purpose of the District is to provide all of the necessary street maintenance activities within the tract including gated entries and exits. All maintenance within the District is performed on a contractual basis, utilizing private contractors and funded by the District assessments. All administrative coordination is performed by Regency Property Management who is contracted by the City on behalf of the District, and funded from the assessments.

The City and Regency Property Management identified in FY 2020-21 that both areas are in need of slurry seal to preserve and prolong the life of the street pavement. There has been no preventative maintenance performed on these streets since they were constructed and it is recommended a slurry seal be done soon. Last year reserve funds were sufficient in Benefit Area 2 but Benefit Area 1 also presented other general maintenance projects that the homeowners were desirous of. It was then decided that Benefit Area 1 would receive some general maintenance projects, specifically requested by the property owners and that the slurry seal would need to be deferred until both areas could finance the larger capital project without exhausting their reserves or jeopardizing the City's ability to provide sustained general maintenance services. By having the slurry seal done concurrently in both areas there will be some cost savings rather than doing each area individually.

If a Proposition 218 proceeding occurs and property owners agree to the annual assessment increase of \$89.58 per home per year in Benefit Area 1 (Renaissance neighborhood) and

\$83.46 per home per year in Benefit Area 2 (Country View neighborhood), the City would direct Regency to move forward with the slurry seal project in late Fall 2021. The financial reserves in both areas would be depleted, but with the increase in annual assessments, reserves for the next street maintenance project would be able to be built back up in a reasonable amount of time.

If a Proposition 218 proceeding occurs and property owners do not agree to the annual assessment increase for each area, City Staff would work with Francisco & Associates as well as Regency Property Management to determine the best course of action to cut cost in both areas so that a slurry seal can be completed in the next 5 to 10 years. In this scenario, the level of services and maintenance provided is likely to be noticeably reduced.

FISCAL IMPACT

There is no fiscal impact to the City. It is worth noting that should the Proposition 218 proceeding pass, assessment rates will increase by \$89.58 per home per year in Benefit Area 1 (Renaissance neighborhood) and \$83.46 per home per year in Benefit Area 2 (Country View neighborhood).

REASON FOR RECOMMENDATION

At this time the fund balance for each area will be exhausted for any major capital project, like the slurry seal. Without an increase in assessments that would provide the cash flow necessary for the slurry seal project while maintaining the current level of general maintenance, the roads will continue to wear and other services will have to be reduced in order to have appropriate funds for repair of the roads within the next 10 years.

ACTIONS FOLLOWING APPROVAL

If approved, City staff will work with Francisco & Associates as well as Regency Property Management to begin the formal Proposition 218 proceeding in both Benefit Area 1 and Benefit Area 2 of the Blackhorse Estates development. The remaining schedule is as follows:

- May 5, 2021 - Mail notices and ballots to affected property owners within Benefit Area 1 and Benefit Area 2 (minimum of 45 days prior to Public Hearing).
- June 21, 2021 – City Council Meeting
 - Conduct Public Hearing and Deadline for property owners to submit ballots.
 - Ballot Tabulation conducted at City Council chambers at the start of the item being heard.
 - Declare Results of Ballot Tabulation and approve Final Engineer's Report by the end of the item being heard.

Prepared by: Tatiana Partain, Principal Office Assistant

Reviewed by: City Manager 



RESOLUTION 21-____

A RESOLUTION OF THE CITY COUNCIL DECLARING THE INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2021-22, AUTHORIZING THE CITY OF CLOVIS ENGINEERING DEPARTMENT TO CONDUCT A PROPERTY OWNER PROPOSITION 218 PROCEEDING, APPROVING THE FISCAL YEAR 2021-22 PRELIMINARY ENGINEER'S REPORT, AND SETTING A PUBLIC HEARING FOR JUNE 21, 2021 OR AT SUCH TIME THEREAFTER FOR BENEFIT ASSESSMENT DISTRICT NO. 95-1 (BLACKHORSE ESTATES)

WHEREAS, on May 1, 1995, the City Council approved Resolution 95-42 creating Benefit Assessment District 95-1 (hereafter referred to as the "District") pursuant to the provisions of the Benefit Assessment Act of 1982, Chapter of the California Government Code (commencing with Section 54703) (hereafter referred to as the "Act"). The District is comprised of the Blackhorse Estates development and is divided into Benefit Area 1 (Renaissance neighborhood) and Benefit Area 2 (Country View neighborhood); and

WHEREAS, the District provides annual assessment revenue to fund the construction, operation, maintenance and servicing of street and landscaping facilities, including but not limited to, sidewalks, curbs and gutters, pavement, valley gutters, entrance control gates, median island landscaping, drainage inlets and street lights benefitting the parcels within the District; and

WHEREAS, the City Council proposes to conduct a Proposition 218 proceeding with property owners located within Benefit Area 1 (Renaissance neighborhood) and Benefit Area 2 (Country View neighborhood) to approve assessment increases needed to cover significant increases in maintenance costs due to inflation, provide funding for the City to maintain street, street lighting, and landscaping facilities at their current level, and also perform slurry seal maintenance for the streets within the District; and

WHEREAS, the Preliminary Engineer's Report for Fiscal Year 2021-22 has been presented to the City Council; and

WHEREAS, the City Council has reviewed the Preliminary Engineer's Report as presented and is preliminarily satisfied with the Report, each and all the budget items and documents as set forth therein, and is satisfied that the levy amounts, on a preliminary basis, have been spread in accordance with the special benefit received from construction, operation, maintenance and servicing of public improvements to be performed within the District, as set forth in said Report.

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

1. Intention: The City Council hereby declares that it is its intention to seek the annual levy and collection of assessments of the District pursuant to the Act, over and including the land within the District boundary, and to levy and collect assessments on all such land

ATTACHMENT 2

to pay the annual costs associated with the District improvements. The City Council finds that the public's best interest requires such levy and collection.

2. District Boundaries: The boundaries of the District are described as the boundaries previously defined in the formation documents of the original District.
3. District Improvements: The public improvements include sidewalks, curbs and gutters, pavement, valley gutters, entrance control gates, median islands and landscaping in the median islands, drainage inlet structures, and street lights located within the boundaries of the District.
4. Proposed Assessment Amounts: The proposed Fiscal Year 2021-22 assessments for the parcels within the District are outlined in the Engineer's Report which details the proposed increases in annual assessments for Benefit Area 1 (Renaissance neighborhood) and Benefit Area 2 (Country View neighborhood).
5. Public Hearing(s): The City Council hereby declares its intention to conduct a Public Hearing concerning the levy of assessments for the District on **Monday, June 21, 2021 at 6:00 p.m.** or as soon thereafter as feasible at Clovis City Council Chambers, 1033 Fifth Street, Clovis, California.
6. Notice: The City shall give notice of the time and place of the Public Hearing to all affected property owners within the District in accordance with the requirements of Proposition 218 and by causing the publishing of this Resolution once in the local newspaper not less than ten (10) days before the date of the Public Hearing. Any interested person may file a written protest with the City Clerk prior to the conclusion of the Public Hearing, or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection and a protest by a property owner shall contain a description sufficient to identify the property owned by such property owner. At the Public Hearing, all interested persons shall be afforded the opportunity to hear and be heard.

* * * * *

The foregoing resolution of intent was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 3, 2021 by the following vote, to wit.

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

DATED: May 3, 2021

 Mayor

 City Clerk



CITY OF CLOVIS BENEFIT ASSESSMENT DISTRICT NO. 95-1



Fiscal Year 2021-22
Preliminary Engineer's Report

May 3, 2021

Prepared by:

Francisco & Associates, Inc.
231 Market Place, Suite 543
San Ramon, CA 94583
(925) 867-3400



ATTACHMENT 3

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Appendix B - Detailed Statement of Costs for Benefit Area II (Country View)	
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CITY OF CLOVIS
CITY COUNCIL MEMBERS AND CITY STAFF

FISCAL YEAR 2021-22

City Council Members

Jose Flores
Mayor

Lynne Ashbeck
Mayor Pro-Tem

Drew Bessinger
Council Member

Bob Whalen
Council Member

Vong Mouanoutoua
Council Member

City Staff Members

Luke Serpa
City Manager

Scott Cross
City Attorney

John Holt
Assistant City Manager/
City Clerk

Jay Schengel
Finance Director

Mike Harrison
City Engineer

Sean Smith
Supervising Civil Engineer

Francisco & Associates, Inc.
Assessment Engineer


ENGINEER'S REPORT

CITY OF CLOVIS
ENGINEER'S REPORT FOR THE CITY'S
BENEFIT ASSESSMENT DISTRICT NO. 95-1

Fiscal Year 2021-22

The undersigned, acting on behalf of Francisco & Associates, Inc. respectfully submits the enclosed Engineer's Report as directed by the Clovis City Council pursuant to the provisions of the Benefit Assessment Act of 1982, Article XIII C and XIII D of the California Constitution and pursuant to the Charter and Municipal Code of the City of Clovis. The undersigned certifies that he is a Professional Engineer, registered in the State of California.

Dated: April 1, 2021

By: 
Eduardo Espinoza, P.E.
RCE # 83709

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment Roll and Assessment Diagram, thereto attached, was filed with me on the _____ day of _____, 2021

John Holt, City Clerk
City of Clovis
Fresno County, California

By: _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment Roll and Assessment Diagram, thereto attached, was approved and confirmed by the Council of the City of Clovis, Fresno County, California, on the _____ day of _____, 2021, by adoption of Resolution No. _____.

John Holt, City Clerk
City of Clovis
Fresno County, California

By: _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment Roll and Assessment Diagram, thereto attached, was filed in my office in the County of Fresno, on the _____ day of _____, 2021.

Oscar J. Garcia, CPA, Auditor
Fresno County, California

By: _____

SECTION I

INTRODUCTION
ENGINEER'S REPORT

CITY OF CLOVIS
ENGINEER'S REPORT FOR THE CITY'S
BENEFIT ASSESSMENT DISTRICT NO. 95-1

Fiscal Year 2021-22

Background Information

To insure the proper flow of funds for the ongoing operation, maintenance and servicing of specific improvements within the boundaries of the Benefit Assessment District No. 95-1 ("District"), the City Council, through the Benefit Assessment Act of 1982 ("1982 Act"), previously approved the formation of the District which includes two (2) benefit areas as described in this Engineer's Report ("Report"). Benefit Area I is comprised of the Renaissance development and Benefit Area II is comprised of the Country View development. Improvements, which may be constructed, operated, maintained and serviced by the District, include, but are not limited to:

Sidewalks, curbs and gutters, pavement, valley gutters, entrance control gates, medians islands and median island landscaping, drainage inlets and street lights.

Generally, Developers as a part of their development conditions, are required to construct the improvements listed above which benefit their development. However, the ongoing operation, maintenance, servicing and capital replacement of these improvements are financed through the levy of assessments on parcels within the District. As new developments occur, benefit areas may be created within the District to ensure that the operation, maintenance, servicing and capital replacement of the improvements are specifically paid for by those property owners who directly benefit from those improvements.

Current Annual Administration

As required by the Benefit Assessment Act of 1982, this Report includes for the ensuing fiscal year: (1) a general description of the improvements to be constructed, operated, maintained and serviced by the District, (2) an estimated budget to construct, operate, maintain and service the improvements, (3) the method used to distribute the costs to the benefiting property owners within the District, (4) a diagram of the District and associated benefit areas, and (5) listing of the proposed Fiscal Year 2021-22 assessments to be levied upon each assessable lot or parcel within the District.

For FY 2021-22, the City Council is proposing an increase to the current maximum annual assessment rate for parcels located within Benefit Area I (Renaissance) and Benefit Area II (Country View). The purpose of these proposed assessment rate increases is to provide funding for the City to conduct slurry seal work for the streets associated with Benefit Area I (Renaissance) and Benefit Area II (Country View) every 10 years to preserve and protect the

underlying pavement structure and avoid much more costly street replacement work in the future.

The proposed increases in the assessment rates will require the City to conduct a Proposition 218 election. As a result, the City will mail notices and ballots to the affected property owners a minimum of 45 days prior to the Public Hearing set for June 21, 2021 when the proposed increase in assessments are to be discussed. At the Public Hearing the City will provide an opportunity for any interested person to provide testimony. After the public hearing input portion, the City Council will ask if there are any remaining ballots to be turned in or if anyone would like to change their vote. The ballots will then be tabulated, and the results of the ballot tabulation will be presented to the City Council. If a majority of the ballots received within each benefit area are in favor of the assessment increase, then the assessment increase may be imposed by the City Council for that benefit area. At the conclusion of the Public Hearing, the City Council may adopt a resolution confirming the Fiscal Year 2021-22 levy and collection of assessments for all benefit areas as originally proposed or as modified.

Payment of these annual assessments for each parcel will be made in the same manner and at the same time as payments are made for their annual property taxes. All funds collected through the assessments must be placed in a special fund and can only be used for the purposes stated within this Report.

SECTION II

**ENGINEER'S REPORT PREPARED PURSUANT TO THE PROVISIONS OF THE
BENEFIT ASSESSMENT ACT OF 1982
SECTION 54703 THROUGH 54720
OF THE CALIFORNIA GOVERNMENT CODE**

Pursuant to the Benefit Assessment Act of 1982 (Part 1 of Division 2 of Title 5 of the Government Code of the State of California), and in accordance with Resolution No. 21-__ initiating proceedings for the levy and collection of assessments and ordering the preparation of the annual Engineer's Report and Resolution No. 21-__ approving the Preliminary Engineer's Report and Declaring the Intention for Levy and Collection of Assessments, adopted by the City Council of the City of Clovis, on May 3, 2021, and in connection with the proceedings for:

**CITY OF CLOVIS
BENEFIT ASSESSMENT DISTRICT NO. 95-1**

Herein after referred to as the "District", I, Eduardo Espinoza, the duly appointed ENGINEER OF WORK, submit herewith the "Report" consisting of five (5) parts as follows:

PART A: PLANS AND SPECIFICATIONS

This part describes the improvements to be financed by the District. Plans and specifications for the improvements are as set forth on the lists thereof, attached hereto, and are on file in the Office of the City Clerk of the City of Clovis and are incorporated herein by reference.

PART B: ESTIMATE OF COST

This part contains an estimate of the cost of the proposed improvements, including incidental costs and expenses in connection therewith.

PART C: ASSESSMENT DISTRICT DIAGRAM

This part incorporates by reference a diagram of the District showing the boundaries of any benefit areas within the District and the lines and dimensions of each lot or parcel of land within the District. The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Fresno County Assessor for the year when this Report was prepared. The Assessor's maps and records are incorporated by reference and made part of this Report.

PART D: METHOD OF APPORTIONMENT OF ASSESSMENT

This part contains the method of apportionment of assessments, based upon parcel classification of land within the District, in proportion to the estimated benefits to be received.

PART E: PROPERTY LIST AND ASSESSMENT ROLL

This part contains a list of the Fresno County Assessor's parcel numbers, and the amount to be assessed upon the benefited lands within the District. The Assessment Roll is filed in the Office of the Clovis City Clerk and is incorporated in this Report by reference. The list is keyed to the records of the Fresno County Assessor, which are incorporated herein by reference.

PART A

PLANS AND SPECIFICATIONS

The facilities, which have been constructed within the City of Clovis, and those which may be subsequently constructed, operated, maintained and serviced are generally described as follows:

Street and Landscaping Facilities

Street and Landscaping facilities consist of, but are not limited to: operation, maintenance and servicing of sidewalks parallel to and within 27 feet of the center line of the streets, curbs and gutters, paved sections, valley gutters, four entrance control gates located on Birch Avenue, Chennault Avenue, Oxford Avenue and Dartmouth Avenue, median islands and landscaping in the median islands, drainage inlet structures, and street lights located within the boundaries of the District.

PART B

ESTIMATE OF COST

The 1982 Act requires that a special fund be set up for the collection of revenues and expenditures for the District. The 1982 Act provides that the total cost for the construction, operation, maintenance and servicing of the street facilities can be recovered by the District. Incidental expenses including administration of the District, engineering fees, legal fees and all other costs associated with the District can also be included.

Revenues collected from the assessments within each benefit area shall be used only for the expenditures associated with each benefit area as authorized under the 1982 Act. Any balance remaining at the end of the fiscal year must be carried over to the next fiscal year.

Tables 1 and 2 below provide a summary of the total Fiscal Year 2021-22 estimated revenues and expenditures for each benefit area.

For a detailed breakdown on the revenues and expenditures for each benefit area within the District please refer to Appendix "A" and Appendix "B" in this report.

TABLE NO. 1: COST ESTIMATE FY 2021-22 Benefit Area I (Renaissance)	
	Proposed FY 2021-22
Projected Beginning Balance as of July 1, 2021:	\$37,915
<u>Revenue</u>	
Annual Assessments	\$29,096
Total Revenue:	\$67,011
<u>Annual Expenditures⁽¹⁾</u>	
Office Supplies and Miscellaneous Maintenance	(\$400)
Electronic Gate Maintenance	(\$2,000)
Telephone	(\$700)
Street Sweeping	(\$900)
Landscape Maintenance	(\$4,600)
Electrical Power for Gate and Streetlights	(\$3,500)
City Administration Costs	(\$1,409)
County Collection Fees	(\$8)
District Administrator	(\$8,940)
Assessment Engineering	(\$1,339)
Insurance	(\$1,300)
Annual Expenditures Subtotal:	(\$25,096)
<u>Capital Improvement Projects</u>	
Slurry Seal	(\$28,799)
Sidewalk Repairs & Gate Replacement	(\$0)
Capital Improvement Projects Subtotal:	(\$28,799)
Total Expenses:	(\$53,895)
Projected Ending Balance as of June 30, 2022:	\$13,116
<u>Reserve Detail as of June 30, 2022</u>	
Required Operating Reserves ⁽²⁾	\$12,548
Available Operating Reserves	\$12,548
Available Capital Reserves ⁽³⁾	\$568
Assessment Rate (45 Parcels)	\$646.58
Notes:	
(1) See Appendix "A" for a detailed description of expenses.	
(2) Operating reserves are needed because the City does not receive assessment revenue from the County until the end of December of each year, therefore it is necessary to have an operating reserve to fund 6 months of the estimated annual expenditures from July 1 through December 31 of each fiscal year.	
(3) Capital reserve funds will be used for Capital Improvement Projects or to replace existing improvements once they have reached the end of their useful life.	

TABLE NO. 2: COST ESTIMATE FY 2021-22 Benefit Area II (Country View)	
	Proposed FY 2021-22
Projected Beginning Balance as of July 1, 2021	\$69,625
Revenue	
Annual Assessments	\$44,101
Total Revenue:	\$113,726
Annual Expenditures⁽¹⁾	
Office Supplies and Miscellaneous Maintenance	(\$800)
Electronic Gate Maintenance	(\$2,000)
Telephone	(\$900)
Street Sweeping	(\$1,700)
Landscape Maintenance	(\$8,000)
Electrical Power for Gate and Streetlights	(\$5,500)
City Administration Costs	(\$2,616)
County Collection Fees	(\$14)
District Administrator	(\$13,860)
Assessment Engineering	(\$2,411)
Insurance	(\$1,300)
Annual Expenditures Subtotal:	(\$39,101)
Capital Improvement Projects	
Slurry Seal	(\$48,773)
Sidewalk Repairs & Gate Replacement	(\$5,000)
Capital Improvement Projects Subtotal:	(\$53,773)
Total Expenses:	(\$92,874)
Projected Ending Balance as of June 30, 2022:	\$20,852
Reserve Detail as of June 30, 2022	
Required Operating Reserves ⁽²⁾	\$19,551
Available Operating Reserves	\$19,551
Available Capital Reserves ⁽³⁾	\$1,301
Assessment Rate (81 Parcels)	\$544.46/parcel
<p>Notes:</p> <p>(1) See Appendix "A" for a detailed description of expenses.</p> <p>(2) Operating reserves are needed because the City does not receive assessment revenue from the County until the end of December of each year, therefore it is necessary to have an operating reserve to fund 6 months of the estimated annual expenditures from July 1 through December 31 of each fiscal year.</p> <p>(3) Capital reserve funds will be used for Capital Improvement Projects or to replace existing improvements once they have reached the end of their useful life.</p>	

PART C

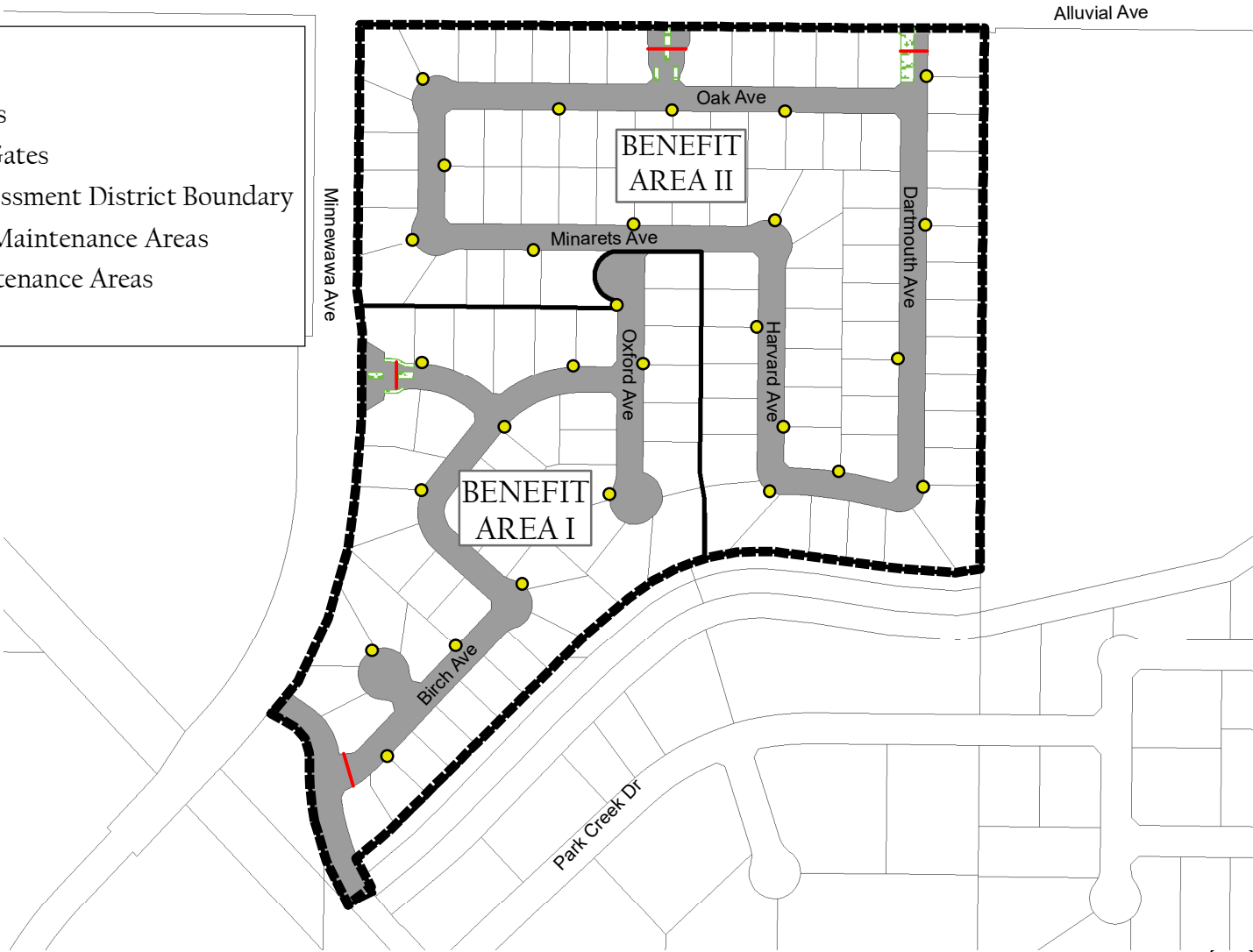
ASSESSMENT DISTRICT DIAGRAM

The boundary of the District is completely within the boundaries of the City of Clovis. The Assessment Diagram for the two benefit areas is on file in the Office of the City Clerk of the City of Clovis and is shown on the following page of this Report. The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Fresno County Assessor, for the year when this Report was prepared, and are incorporated by reference herein and made part of this Report.

City of Clovis Benefit Assessment District No. 95-1 Blackhorse Estates Maintenance Improvement Diagram

Legend

- Street Lights
- Electronic Gates
- ▬ Benefit Assessment District Boundary
- ▨ Landscape Maintenance Areas
- Street Maintenance Areas
- Parcel Lines



Prepared by Francisco & Associates, Inc.



PART D

METHOD OF APPORTIONMENT OF ASSESSMENT

This section explains the benefits to be derived from the street and landscaping improvements and the methodology used to apportion the costs to the benefitting properties within the District.

Discussion of Special Benefit

Part 1 of Division 2 of Title 5 of the Government Code, the Benefit Assessment Act of 1982, permits the establishment of assessment districts by Agencies for the purpose of providing certain public improvements and services which include the construction, operation, maintenance and servicing of street facilities.

Section 54711 of the Benefit Assessment Act of 1982 requires that maintenance assessments must be levied according to benefit rather than according to assessed value. This Section states:

“The amount of the assessment imposed on any parcel of property shall be related to the benefit to the parcel which will be derived from the provision of the service.”

In addition, the 1982 Act permits the designation of zones or areas of benefit within any individual assessment district.

Article XIIIID, Section 4(a) of the California Constitution (also known as Proposition 218) limits the amount of any assessment to the proportional special benefit conferred on the property.

“No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.”

Article XIIIID provides that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment. Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways, public greenbelts and public parkways, and that portion of public property that is not developed and used for business purposes similar to private residential, commercial, industrial and institutional activities.

Special versus General Benefit

In the absence of an annual assessment, the street and landscaping maintenance activities within each benefit area of the District would not be provided. All the assessment proceeds derived from each benefit area will be utilized to fund the cost of providing a level of tangible “special benefits” in the form of property related services which benefit individual properties to which the services are provided. The assessments are also structured to provide specific improvements within each benefit area, further ensuring that the improvements funded by the assessments are of specific and special benefit to property within each benefit area.

The street and landscaping facilities in each benefit area of the District were specifically designed, located and created to provide vehicular access to residences for the direct benefit of property inside the benefit area, and not the public at large. The boundaries of the benefit area have been drawn to include only those parcels that receive a direct benefit from the improvements. Other properties that are outside a benefit area do not benefit from the property related improvements.

It is therefore concluded that all the street and landscaping maintenance activities funded by the Assessments are of special benefit to the identified benefiting properties located within the benefit areas and that the value of the special benefits from such Improvements to property in the benefit areas reasonably exceeds the cost of the assessments for every assessed parcel in the benefit areas. (In other words, as required by Proposition 218: the reasonable cost of the proportional special benefit conferred on each parcel does not exceed the cost of the assessments.)

ASSESSMENT METHODOLOGY

The 1982 Act requires that assessments must be based on the benefit that the subject properties receive from the improvements being maintained. The improvements to be maintained by the District relate to the vehicular access from the public streets, adjacent to the District, and to the residences within the District.

Each year, the Engineer for the District shall evaluate the conditions of the improvements to be maintained by the District and shall estimate the required costs of the maintenance and incidental costs and spread the assessments to the benefitting properties. A portion of the estimated costs may be set aside for significant maintenance items, such as seal coats and street surface overlays. If necessary, revised amounts for the assessments will be determined by the Engineer for the District then considered by the City Council of the City of Clovis to revise the amounts of the assessments as they deem appropriate.

Since the assessments are levied on the owners of properties as shown on the secured property tax rolls, the final charges must be assigned by Assessor's Parcel Number.

The single-family residential parcel has been selected as the basic unit for the calculation of assessments since it represents all the parcels within the District. Therefore, the single-family residential parcel has been determined to have equal vehicular access from the public streets, adjacent to the District, and to the residential parcels. For the spread of the assessments, there are 45 residential parcels in Benefit Area I (Renaissance) and 81 residential parcels in Benefit Area II (Country View) that will be assessed for the maintenance of the improvements. Therefore, the maintenance and incidental costs for Benefit Area I (Renaissance) will be equally spread to each of the residential parcels within Benefit Area I (Renaissance) and the maintenance and incidental costs for Benefit Area II (Country View) will be equally spread to each of the residential parcels within Benefit Area II (Country View).

Below is a listing of each of the benefit areas, their corresponding number and type of parcels within each benefit area and the method of apportioning the costs of the improvements to the benefiting parcels.

Benefit Area I (Renaissance)

Benefit Area I (Renaissance) is comprised of 45 single-family residential parcels. In Fiscal Year 2021-22, there are 45 assessable parcels, and the total assessment revenue needed to operate and maintain the facilities within Benefit Area I (Renaissance) is \$29,096. This results in the following proposed assessment that will be levied upon approval of the property owners within Benefit Area I (Renaissance):

Fiscal Year 2021-22 Rate: \$646.58/parcel

Benefit Area II (Country View)

Benefit Area II (Country View) is comprised of 81 single-family residential parcels. In Fiscal Year 2021-22, there are 81 assessable parcels, and the total assessment revenue needed to operate and maintain the facilities within Benefit Area II (Country View) is \$44,101. This results in the following proposed assessment that will be levied upon approval of the property owners within Benefit Area II (Country View):

Fiscal Year 2021-22 Rate: \$544.46/parcel

PART E

PROPERTY LIST AND ASSESSMENT ROLL

A list of the addresses of all parcels, and the description of each lot or parcel within each of the City of Clovis's Benefit Assessment District No. 95-1 is shown on the last equalized Property Tax Roll of the Fresno County Assessor, which by reference is hereby made a part of this Report.

This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll, which includes the maximum proposed amount of assessments apportioned to each lot or parcel. The Assessment Roll is on file in the Office of the City Clerk of the City of Clovis and is shown in this Report as Appendix "C".

APPENDIX A

DETAILED STATEMENT OF COSTS FOR
BENEFIT AREA I (RENAISSANCE)

BENEFIT AREA I (RENAISSANCE)

DETAILED STATEMENT OF COSTS

The detailed description of costs for each of the improvements to be operated, maintained and serviced in Benefit Area I (Renaissance), and those which may be subsequently operated, maintained and serviced are generally described as follows:

Office Supplies and Miscellaneous Maintenance

This item is to cover unexpected costs that may arise in any given fiscal year that is generally associated with the following improvements:

1. Street pavement and surface maintenance
2. Curb, gutter and sidewalk
3. Street or traffic signs
4. Storm drain inlets
5. Concrete valley gutters

Based on historical data, repairs to the above-mentioned improvements are not needed each fiscal year. The estimated cost for miscellaneous/contingency repairs in Fiscal Year 2021-22 is \$400. If major repairs are needed during the fiscal year, funds will be utilized from the capital reserve fund.

Electronic Gate Maintenance

There are two electronic gates that will be maintained by the District. The estimated cost for electronic gate maintenance in Fiscal Year 2021-22 is \$2,000.

Telephone Costs

Telephone costs are for maintaining the telephone located at the entrance gate which will be used by people at the gate to communicate with the residents of the District.

There are two gates. One gate is an "Enter Only" gate and the other is an "Exit Only" gate. There will only be one telephone to be maintained at the "Enter Only" gate.

The telephone system is a private system and the cost for repair and replacement of the telephone equipment, when needed, will be paid for from the capital reserve fund. The estimated cost to fund telephone equipment repairs and local calls through AT&T is \$700 for Fiscal Year 2021-22.

Street Sweeping

These costs are based on a firm bid obtained by the District Administrator.

The streets will be swept once every two months within Benefit Area I (Renaissance) for an estimated cost of \$900/year.

Landscape Maintenance

The areas where landscaping is scheduled to be maintained by the District are in the median island planters constructed at the gates. The total area of landscaping to be maintained is approximately 500 square feet.

Historically, the residents within Benefit Area I (Renaissance) have routinely requested a higher level of landscape installation and maintenance than was originally planned, including the planting of annual flowers that has resulted in increased maintenance costs.

The total cost of landscape maintenance including City of Clovis water charges for Fiscal Year 2021-22 will be \$4,600 as estimated by the District Administrator.

Electrical Power for Gate and Streetlights

The total estimated cost for electrical power charges for gate operations and street lights for Fiscal Year 2021-22 is \$3,500.

City Administration Costs

The City of Clovis will have many responsibilities for the administration of the District. Included in these costs are:

- a. City Council Costs related to notices, hearings, etc.
- b. Attorney fees for the City Attorney to prepare the legal documents as are required for the operation of the District.
- c. Staff time for the preparation of documents necessary for the on-going operation of the District.
- d. Staff time for the review of documents prepared by District Consultants as necessary for the on-going operations of the District.
- e. Staff time related to the timely application of necessary maintenance and repairs as required.

Historically, the City of Clovis has assessed minimal charges to the District for their services. The estimated annual cost for City Administration in Fiscal Year 2021-22 is \$1,409.

County Collection Fees

The costs from the County of Fresno related to the collection of assessments and transfer of funds to the City are \$0.17 per parcel.

The total estimated cost for the County of Fresno collection fees in Fiscal Year 2021-22 is \$8 (45 parcels x \$0.17/parcel).

District Administrator

The District Administrator will manage the maintenance of the improvements for the District for an estimated cost of \$8,940 for Fiscal Year 2021-22.

Assessment Engineering

The District Assessment Engineer is Francisco & Associates, Inc. They have a contract with the District to perform the assessment engineering services for the sum of \$1,339 for Fiscal Year 2021-22.

Insurance Costs

The District will carry property damage insurance for damage to the gates caused by an accident or vandalism and Comprehensive General Liability Insurance with Excess Coverage.

The property insurance is issued by State Farm Insurance Company. It provides for a maximum of \$80,000 per occurrence for damage to the electronic gates with a \$1,000 deductible.

The Comprehensive Liability Insurance is issued by State Farm Insurance Company, which has the following coverage:

\$3,000,000	General Aggregate
\$3,000,000	Each Occurrence
\$3,000,000	Personal Injury
\$ 50,000	Fire Damage Legal Liability

The total estimated insurance cost for Fiscal Year 2021-22 is \$1,300.

Capital Reserve

On the recommendation of the District Administrator and the City of Clovis Finance Department, the Capital Reserve was established to provide funding for future expenses that do not occur on an annual basis.

Included in the Capital Reserve are funds set aside for items including but not limited to roadway slurry seal maintenance, sidewalk repairs, gate replacement, gate operator replacement, gate support columns and track replacement, gate phone/phone board replacement, and landscape upgrades.

For Fiscal Year 2021-22, the City of Clovis intends on completing the capital improvement projects shown below.

Capital Improvement Projects

After the evaluation of current improvements and their remaining useful life, the City of Clovis and District Administrator assessed a need to utilize Capital Reserve to fund capital improvement projects.

In FY 2020-21, the following capital improvement projects were performed:

- a. Gate Maintenance/Painting
- b. Additional Landscape Maintenance at front and back gate

In FY 2021-22, the City of Clovis and District Administrator anticipate the following capital improvement projects:

- a. Perform Roadway Slurry Seal
- b. Sidewalk Repairs and Gate Replacement (as necessary)

The total estimated cost for the Capital Improvement Projects is \$28,799.

APPENDIX B

DETAILED STATEMENT OF COSTS FOR
BENEFIT AREA II (COUNTRY VIEW)

BENEFIT AREA II (COUNTRY VIEW)

DETAILED STATEMENT OF COSTS

The detailed description of costs for each of the improvements to be operated, maintained and serviced in Benefit Area II (Country View), and those which may be subsequently operated, maintained and serviced are generally described as follows:

Office Supplies and Miscellaneous Maintenance

This item is to cover unexpected costs that may arise in any given fiscal year that is generally associated with the following improvements:

1. Street pavement and surface maintenance
2. Curb, gutter and sidewalk
3. Street or traffic signs
4. Storm drain inlets
5. Concrete valley gutters

Based on historical data, repairs to the above-mentioned improvements are not needed each fiscal year. The amount to be assessed for miscellaneous/contingency repairs in Fiscal Year 2021-22 is \$800. If major repairs are needed during the fiscal year, funds will be utilized from the capital reserve fund.

Electronic Gate Maintenance

There are two electronic gates that will be maintained by the District. The estimated cost for electronic gate maintenance in Fiscal Year 2021-22 is \$2,000.

Telephone Costs

Telephone costs are for maintaining the telephone located at the entrance gate which will be used by people at the gate to communicate with the residents of the District.

There are two gates. One gate is an "Enter Only" gate and the other is an "Exit Only" gate. There will only be one telephone to be maintained at the "Enter Only" gate.

The telephone system is a private system and the cost for repair and replacement of the telephone equipment, when needed, will be paid for from the capital reserve fund. The estimated cost to fund telephone equipment repairs and local calls through AT&T is \$900 for Fiscal Year 2021-22.

Street Sweeping

These costs are based on a firm bid obtained by the District Administrator.

The streets will be swept once every month within Benefit Area II (Country View) for an estimated cost of \$1,700/year.

Landscape Maintenance

The areas where landscaping is scheduled to be maintained by the District are in the median island planters constructed at the gates and a 2,800-sf grass area located on Dartmouth Avenue.

The total cost of landscape maintenance including City of Clovis water charges for Fiscal Year 2021-22 will be \$8,000 as estimated by the District Administrator.

Electrical Power for Gate and Streetlights

The total estimated cost for electrical power charges for gate operations and street lights for Fiscal Year 2021-22 is \$5,500.

City Administration Costs

The City of Clovis will have many responsibilities for the administration of the District. Included in these costs are:

- a. City Council Costs related to notices, hearings, etc.
- b. Attorney fees for the City Attorney to prepare the legal documents as are required for the operation of the District.
- c. Staff time for the preparation of documents necessary for the on-going operation of the District.
- d. Staff time for the review of documents prepared by District Consultants as necessary for the on-going operations of the District.
- e. Staff time related to the timely application of necessary maintenance and repairs as required.

Historically, the City of Clovis has assessed minimal charges to the District for their services. The estimated annual cost for City Administration in Fiscal Year 2021-22 is \$2,616.

County Collection Fees

The costs from the County of Fresno related to the collection of assessments and transfer of funds to the City are \$0.17 per parcel.

The total estimated cost for the County of Fresno collection fees in Fiscal Year 2021-22 is \$14 (81 parcels x \$0.17/parcel).

District Administrator

The District Administrator will manage the maintenance of the improvements for the District for an estimated cost of \$13,860 for Fiscal Year 2021-22.

Assessment Engineering

The District Assessment Engineer is Francisco & Associates, Inc. They have a contract with the District to perform the assessment engineering services for the sum of \$2,411 for Fiscal Year 2021-22.

Insurance Costs

The District will carry property damage insurance for damage to the gates caused by an accident or vandalism and Comprehensive General Liability Insurance with Excess Coverage.

The property insurance is issued by State Farm Insurance Company. It provides for a maximum of \$80,000 per occurrence for damage to the electronic gates with a \$1,000 deductible.

The Comprehensive Liability Insurance is issued by State Farm Insurance Company, which has the following coverage:

\$3,000,000	General Aggregate
\$3,000,000	Each Occurrence
\$3,000,000	Personal Injury
\$ 50,000	Fire Damage Legal Liability

The total estimated insurance cost for Fiscal Year 2021-22 is \$1,300.

Capital Reserve

On the recommendation of the District Administrator and the City of Clovis Finance Department, the Capital Reserve was established to provide funding for future expenses that do not occur on an annual basis.

Included in the Capital Reserve are funds set aside for items including but not limited to the roadway slurry seal maintenance, sidewalk repairs, gate replacement, gate operator replacement, gate support columns and track replacement, and gate phone/phone board replacement, and landscape upgrades.

For Fiscal Year 2021-22, the City of Clovis intends on completing the capital improvement projects shown below.

Capital Improvement Projects

After the evaluation of current improvements and their remaining useful life, the City of Clovis and District Administrator assessed a need to utilize Capital Reserve to fund capital improvement projects.

In FY 2021-22, the City of Clovis and District Administrator anticipate the following capital improvement projects:

- a. Perform Roadway Slurry Seal
- b. Sidewalk Repairs and Gate Replacement (as necessary)

The total estimated cost for the Capital Improvement Projects is \$53,773.

APPENDIX C
ASSESSMENT ROLL

CITY OF CLOVIS
ASSESSMENT DISTRICT NO. 1995-1
(Blackhorse Estates)
Assessment Roll
Fiscal Year 2021-22
Benefit Area 1

AGENDA ITEM NO. 6.

Assessor's Parcel Number	Benefit Area	Assessment Amount	Property Owner	Property Address	Tract and Lot
562-151-08	1	\$646.58	NISHIMURA GAREY	25 CHENNAULT AVE	TR 4299 Lot 1
562-151-09	1	\$646.58	REED SAMUEL H	45 CHENNAULT AVE	TR 4299 Lot 2
562-151-10	1	\$646.58	ANTARAMIAN PETER	65 CHENNAULT AVE	TR 4299 Lot 3
562-151-11	1	\$646.58	TWEDT BRIAN D & VICKIE L	85 CHENNAULT AVE	TR 4299 Lot 4
562-151-12	1	\$646.58	SYVERTSEN WILLIAM & CHERYLE L FAM TRUST	105 CHENNAULT AVE	TR 4299 Lot 5
562-151-13	1	\$646.58	PINERO MARIA JULIA & JESUS SACRAMENTADO	125 CHENNAULT AVE	TR 4299 Lot 6
562-152-04	1	\$646.58	NIMERI ABDELRAHMAN & SHAIMA	650 N CHERRY LN	TR 4299 Lot 41
562-152-05	1	\$646.58	SRA FAMILY	640 N CHERRY LN	TR 4299 Lot 40
562-152-06	1	\$646.58	DUNMORE JAMES L JR & TRACEE L	42 CHENNAULT AVE	TR 4299 Lot 43
562-152-07	1	\$646.58	HSIAO PAUL S	62 CHENNAULT AVE	TR 4299 Lot 42
562-153-03	1	\$646.58	TAKEDA VICTOR K & ANNE M TRUSTEES	665 N CHERRY LN	TR 4299 Lot 18
562-153-04	1	\$646.58	SIRIMARCO JAMES V III & DONNA M	655 N CHERRY LN	TR 4299 Lot 19
562-153-05	1	\$646.58	ROBERTSON STEPHEN W JR & AUTUMN N	635 N CHERRY LN	TR 4299 Lot 20
562-153-06	1	\$646.58	STAFFORD FRANKLIN H	611 N CHERRY LN	TR 4299 Lot 21
562-153-07	1	\$646.58	BIGLIERI JULIE M	601 N CHERRY LN	TR 4299 Lot 22
562-153-13	1	\$646.58	ICE JACOB M	624 N OXFORD AVE	TR 4299 Lot 12
562-153-14	1	\$646.58	CHAVEZ MANUEL A & ROSSANNE C TRS	634 N OXFORD AVE	TR 4299 Lot 13
562-153-15	1	\$646.58	BURRI ROBERT	644 N OXFORD AVE	TR 4299 Lot 14
562-153-16	1	\$646.58	SHIDIYWAH SAIF & HUDA	664 N OXFORD AVE	TR 4299 Lot 15
562-153-17	1	\$646.58	STAWARSKI DOUGLAS P & KAKELLY	684 N OXFORD AVE	TR 4299 Lot 16
562-153-18	1	\$646.58	HASSAN WAQAR	102 CHENNAULT AVE	TR 4299 Lot 17
562-153-19	1	\$646.58	CLARK JASON K RAY	614 N OXFORD AVE	TR 4299 Lot 11
562-153-20	1	\$646.58	MCLAUGHLIN KIMBERLY	651 N OXFORD AVE	TR 4299 Lot 10
562-153-21	1	\$646.58	TILLEY SHARRON F TRUSTEE	671 N OXFORD AVE	TR 4299 Lot 9
562-153-22	1	\$646.58	MEIKLE DIANE L TRUSTEE	691 N OXFORD AVE	TR 4299 Lot 8
562-153-23	1	\$646.58	BROBST JAMES H & M ARLENE TRUSTEES	711 N OXFORD AVE	TR 4299 Lot 7
562-153-24	1	\$646.58	GILL SHERAZ	731 N OXFORD AVE	Por of Lot 6 Clovis Colony
562-161-01	1	\$646.58	GANDY ANN TRUSTEE	610 N CHERRY LN	TR 4299 Lot 37
562-161-02	1	\$646.58	HEMMAN RONALD D & STEPHANIE J	620 N CHERRY LN	TR 4299 Lot 38
562-161-03	1	\$646.58	LARSON DAVID	630 N CHERRY LN	TR 4299 Lot 39
562-161-04	1	\$646.58	GATES GINGER G	57 BIRCH AVE	TR 4299 Lot 36
562-161-05	1	\$646.58	O HARA MICHAEL & CYNTHIA	55 BIRCH AVE	TR 4299 Lot 35
562-161-06	1	\$646.58	DER HAROUTUNIAN VASKEN & LINDA	51 BIRCH AVE	TR 4299 Lot 34
562-161-07	1	\$646.58	YANG YIA	47 BIRCH AVE	TR 4299 Lot 33
562-161-08	1	\$646.58	HAMILTON BRENDA S	37 BIRCH AVE	TR 4299 Lot 32
562-162-01	1	\$646.58	ECKEL DENNIS D & MARIA R TRS	94 BIRCH AVE	TR 4299 Lot 23
562-162-02	1	\$646.58	KHAN SAMIA	84 BIRCH AVE	TR 4299 Lot 24
562-162-03	1	\$646.58	CARUSO HILDA M	74 BIRCH AVE	TR 4299 Lot 25

CITY OF CLOVIS
ASSESSMENT DISTRICT NO. 1995-1
(Blackhorse Estates)
Assessment Roll
Fiscal Year 2021-22
Benefit Area 1

AGENDA ITEM NO. 6.

Assessor's Parcel Number	Benefit Area	Assessment Amount	Property Owner	Property Address	Tract and Lot
562-162-04	1	\$646.58	BRONSON JAMES C & MICHELLE L	64 BIRCH AVE	TR 4299 Lot 26
562-162-05	1	\$646.58	HARDIN TAYLOR J & TETYANA S	54 BIRCH AVE	TR 4299 Lot 27
562-162-06	1	\$646.58	WEBER DAVID & MICHELLE	44 BIRCH AVE	TR 4299 Lot 28
562-162-07	1	\$646.58	THACKER BARBARA J TRUSTEE	34 BIRCH AVE	TR 4299 Lot 29
562-162-08	1	\$646.58	DOUGHERTY STEPHEN P & MONICA	24 BIRCH AVE	TR 4299 Lot 30
562-162-09	1	\$646.58	ROSENTHAL STEVE ANDREW	14 BIRCH AVE	TR 4299 Lot 31
562-180-45	1	\$646.58	GOTTLIEB DAVID ANDREW & VIRGINIA TRS	741 N OXFORD AVE	TR 4668 Lot 18
<hr/>					
TOTAL:	45	\$29,096.10			

CITY OF CLOVIS
ASSESSMENT DISTRICT NO. 1995-1
(Blackhorse Estates)
Assessment Roll
Fiscal Year 2021-22
Benefit Area 2

AGENDA ITEM NO. 6.

Assessor's Parcel Number	Benefit Area	Assessment Amount	Property Owner	Property Address	Tract and Lot
562-153-25	2	\$544.46	KUHL MICHAEL B	732 N HARVARD AVE	TR 4661 Lot 28
562-153-26	2	\$544.46	KEMP TIMOTHY F & SAUNDRA D	722 N HARVARD AVE	TR 4661 Lot 27
562-153-27	2	\$544.46	KONSTANZER KEVIN C & PAMELA S TRUSTEES	712 N HARVARD AVE	TR 4661 Lot 26
562-153-28	2	\$544.46	WEAVER JAMES & LISA TRUSTEES	692 N HARVARD AVE	TR 4661 Lot 25
562-153-29	2	\$544.46	PORTFOLIO MANAGEMENT SERVICES LLC	672 N HARVARD AVE	TR 4661 Lot 24
562-153-30	2	\$544.46	MAKEL JOHN T & RAQUEL	204 BIRCH AVE	TR 4661 Lot 23
562-153-31	2	\$544.46	HIRATA RYEN J & ERICA R JOHNSON TRS	214 BIRCH AVE	TR 4661 Lot 22
562-153-32	2	\$544.46	TURNBULL BRENT L & PATRICIA K TRS	234 BIRCH AVE	TR 4661 Lot 21
562-153-33	2	\$544.46	BASHERIAN ALEX & GENEVIEVE	264 BIRCH AVE	TR 4661 Lot 20
562-153-34	2	\$544.46	AYDINYAN ARA	284 BIRCH AVE	TR 4661 Lot 19
562-153-35	2	\$544.46	KEISER ROBERT & TONI	647 N DARTMOUTH AVE	TR 4661 Lot 18
562-153-36	2	\$544.46	RODRIGUEZ LOUIS JR	667 N DARTMOUTH AVE	TR 4661 Lot 17
562-153-37	2	\$544.46	BICKEL BRUCE D TRUSTEE	687 N DARTMOUTH AVE	TR 4661 Lot 16
562-153-38	2	\$544.46	HOLGUIN GIL & KIM A	707 N DARTMOUTH AVE	TR 4661 Lot 15
562-153-39	2	\$544.46	MARTIN DARRELL B TRUSTEE	717 N DARTMOUTH AVE	TR 4661 Lot 14
562-153-40	2	\$544.46	ANALLA BRYAN G & MOLLY BLISS	727 N DARTMOUTH AVE	TR 4661 Lot 13
562-153-41	2	\$544.46	GUISTO NANCY A	737 N DARTMOUTH AVE	TR 4661 Lot 12
562-155-01	2	\$544.46	GATTIE BRAD H & KIRSTEN	673 N HARVARD AVE	TR 4661 Lot 29
562-155-02	2	\$544.46	GRAY LAURIE J & RANDALL M	676 N DARTMOUTH AVE	TR 4661 Lot 30
562-155-03	2	\$544.46	BREWER ADRIANNE M PETRUTIS & SCOTT M	696 N DARTMOUTH AVE	TR 4661 Lot 31
562-155-04	2	\$544.46	WADE GARY N & DANELLE	716 N DARTMOUTH AVE	TR 4661 Lot 32
562-155-05	2	\$544.46	HUDSON KIMBERLY SUE	726 N DARTMOUTH AVE	TR 4661 Lot 33
562-155-06	2	\$544.46	LEACH RONALD P & TRACY A	736 N DARTMOUTH AVE	TR 4661 Lot 34
562-180-01	2	\$544.46	SCOTT ANDREW L	149 OAK AVE	TR 4668 Lot 1
562-180-02	2	\$544.46	MAINOCK RALPH H TRS	129 OAK AVE	TR 4668 Lot 2
562-180-03	2	\$544.46	ALCONCHER RONALD B & ANNA C TRS	99 OAK AVE	TR 4668 Lot 3
562-180-04	2	\$544.46	LOYD WILLIAM D & CYNTHIA L	89 OAK AVE	TR 4668 Lot 4
562-180-05	2	\$544.46	HUBBARD STEVEN & KATHLEEN TRUSTEES	69 OAK AVE	TR 4668 Lot 5
562-180-06	2	\$544.46	NOEL MIKE & TIFFANY	49 OAK AVE	TR 4668 Lot 6
562-180-07	2	\$544.46	DINATA ANTONIUS J & VERONICA M	790 N CHERRY LN	TR 4668 Lot 7
562-180-08	2	\$544.46	THOMPSON CRAIG	780 N CHERRY LN	TR 4668 Lot 8
562-180-09	2	\$544.46	RATZLAFF CHRISTOPHER	770 N CHERRY LN	TR 4668 Lot 9
562-180-10	2	\$544.46	SILVA ANNA	760 N CHERRY LN	TR 4668 Lot 10
562-180-11	2	\$544.46	KATEIAN JANICE L TRS	750 N CHERRY LN	TR 4668 Lot 11
562-180-12	2	\$544.46	WESSON VINCENT F & SANDRA C TRUSTEES	26 MINARETS AVE	TR 4668 Lot 12
562-180-13	2	\$544.46	SAKAGUCHI PAUL K & CATHERINE KAZU TRS	46 MINARETS AVE	TR 4668 Lot 13
562-180-14	2	\$544.46	KEITH DIANA	66 MINARETS AVE	TR 4668 Lot 14
562-180-15	2	\$544.46	STONECIPHER KAREN TRUSTEE	86 MINARETS AVE	TR 4668 Lot 15

CITY OF CLOVIS
ASSESSMENT DISTRICT NO. 1995-1
(Blackhorse Estates)
Assessment Roll
Fiscal Year 2021-22
Benefit Area 2

AGENDA ITEM NO. 6.

Assessor's Parcel Number	Benefit Area	Assessment Amount	Property Owner	Property Address	Tract and Lot
562-180-19	2	\$544.46	HOLTERMANN DARRIN & JENNIFER	742 N HARVARD AVE	TR 4668 Lot 19
562-180-20	2	\$544.46	KARST DENNIS S & KATHERINE TRUSTEES	693 N HARVARD AVE	TR 4668 Lot 20
562-180-21	2	\$544.46	REY STEVEN F & JULIE L TRUSTEES	713 N HARVARD AVE	TR 4668 Lot 21
562-180-22	2	\$544.46	RAMOS STEPHEN A & JACQUELINE R	723 N HARVARD AVE	TR 4668 Lot 22
562-180-23	2	\$544.46	CLARK MICHAEL & CYNTHIA TRUSTEES	733 N HARVARD AVE	TR 4668 Lot 23
562-180-24	2	\$544.46	DU BOIS DIANE D	743 N HARVARD AVE	TR 4668 Lot 24
562-180-25	2	\$544.46	MORRIS ROGER GARY & ZENAIDA MAPANAO TRS	753 N HARVARD AVE	TR 4668 Lot 25
562-180-26	2	\$544.46	WYATT VIRGINIA V TRUSTEE	197 MINARETS AVE	TR 4668 Lot 26
562-180-27	2	\$544.46	MORROW JOELENE ANN	187 MINARETS AVE	TR 4668 Lot 27
562-180-28	2	\$544.46	STANLEY MATTHEW	177 MINARETS AVE	TR 4668 Lot 28
562-180-29	2	\$544.46	CINO JOHN C & MICHELLE MARQUEZ	157 MINARETS AVE	TR 4668 Lot 29
562-180-30	2	\$544.46	FRANK JOHN BRETT	137 MINARETS AVE	TR 4668 Lot 30
562-180-31	2	\$544.46	OPIE SARA JOAN TRUSTEE	117 MINARETS AVE	TR 4668 Lot 31
562-180-32	2	\$544.46	RALEY EVELYN	97 MINARETS AVE	TR 4668 Lot 32
562-180-33	2	\$544.46	SCHARF DONALD R & DOROTHY D SPENCER TRS	77 MINARETS AVE	TR 4668 Lot 33
562-180-34	2	\$544.46	BESTON LAURENCE O & MARYBETH TRS	57 MINARETS AVE	TR 4668 Lot 34
562-180-35	2	\$544.46	DUCAR FRANK LEROY & GINNIE ILENE TRS	58 OAK AVE	TR 4668 Lot 35
562-180-36	2	\$544.46	HOFER FERDINAND & ANTJE TRUSTEES	78 OAK AVE	TR 4668 Lot 36
562-180-37	2	\$544.46	JACKSON LEANNE R TRUSTEE	98 OAK AVE	TR 4668 Lot 37
562-180-38	2	\$544.46	BELLOW CHERYL	118 OAK AVE	TR 4668 Lot 38
562-180-39	2	\$544.46	DANSBY PAUL	138 OAK AVE	TR 4668 Lot 39
562-180-40	2	\$544.46	CENTRAL PACIFIC INVESTMENT CORPORATION	158 OAK AVE	TR 4668 Lot 40
562-180-41	2	\$544.46	KRUEGER TIMOTHY K	178 OAK AVE	TR 4668 Lot 41
562-180-42	2	\$544.46	HULL HARLAN & ROBIN	188 OAK AVE	TR 4668 Lot 42
562-180-43	2	\$544.46	DEWEY CARL C	198 OAK AVE	TR 4668 Lot 43
562-180-44	2	\$544.46	HAMES KENT L TRUSTEE	106 MINARETS AVE	TR 4668 Lots 16 & 17
562-180-46	2	\$544.46	MANALANSAN EDUARDO L & ROSEMARIE M	179 OAK AVE	TR 4661 Lot 1
562-180-47	2	\$544.46	AULT PHILIP H & COLLEEN K	189 OAK AVE	TR 4661 Lot 2
562-180-48	2	\$544.46	HAUS SPENCER N & CATHLEEN J	219 OAK AVE	TR 4661 Lot 3
562-180-49	2	\$544.46	BREWER RANDALL C & CHERI L TRUSTEES	249 OAK AVE	TR 4661 Lot 4
562-180-50	2	\$544.46	FOSTER STEPHEN & JOANNE	269 OAK AVE	TR 4661 Lot 5
562-180-51	2	\$544.46	KUYPER JASON J	797 N DARTMOUTH AVE	TR 4661 Lot 6
562-180-52	2	\$544.46	LANIK PETR & AIMEE	787 N DARTMOUTH AVE	TR 4661 Lot 7
562-180-53	2	\$544.46	STEADMON MARK S & AMY	777 N DARTMOUTH AVE	TR 4661 Lot 8
562-180-54	2	\$544.46	WILLIAMS RICHARD E & LOLA T TRS	767 N DARTMOUTH AVE	TR 4661 Lot 9
562-180-55	2	\$544.46	STUEBNER KRIS & PRISCILLA	757 N DARTMOUTH AVE	TR 4661 Lot 10
562-180-56	2	\$544.46	CRUZ RAMIRO	747 N DARTMOUTH AVE	TR 4661 Lot 11
562-180-57	2	\$544.46	HOODE SUMANGALI	746 N DARTMOUTH AVE	TR 4661 Lot 12

CITY OF CLOVIS
ASSESSMENT DISTRICT NO. 1995-1
(Blackhorse Estates)
Assessment Roll
Fiscal Year 2021-22
Benefit Area 2

AGENDA ITEM NO. 6.

Assessor's Parcel Number	Benefit Area	Assessment Amount	Property Owner	Property Address	Tract and Lot
562-180-58	2	\$544.46	SIRMAN JAMES A & SHIRLEY A	756 N DARTMOUTH AVE	TR 4661 Lot 36
562-180-59	2	\$544.46	VAN PROYEN DARYL TRS	766 N DARTMOUTH AVE	TR 4661 Lot 37
562-180-60	2	\$544.46	BYRD JAMES L & DOROTHY J TRUSTEES	268 OAK AVE	TR 4661 Lot 38
562-180-61	2	\$544.46	GUTHRIE ALICE EVELYN TRUSTEE	248 OAK AVE	TR 4661 Lot 39
562-180-62	2	\$544.46	JOHNSON BENJAMIN M & KIM	228 OAK AVE	TR 4661 Lot 40
<hr/>					
TOTAL:	81	\$44,101.26			



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: May 3, 2021

SUBJECT: Consider Introduction - Ord. 21-____, A request to Amend Articles 1, 10, and 11 of Chapter 2.2 of Title 2 of the Clovis Municipal Code pertaining to the Appointment of City Clerk and City Treasurer.

Staff: John Holt, Assistant City Manager / City Clerk

Recommendation: Approve

ATTACHMENTS: 1. Draft Ordinance

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to approve the introduction of an ordinance amending Articles 1, 10, and 11 of Chapter 2.2 of Title 2 of the Clovis Municipal Code pertaining to the Appointment of City Clerk and City Treasurer.

EXECUTIVE SUMMARY

The purpose of this ordinance to twofold: 1. To clean up the requirements associated with the appointment of the positions of City Clerk and City Treasurer; and 2. Remove the requirement that the City Clerk be appointed at the Department Head level.

Brief chronology:

1. The City Clerk position was elected until the March 4, 1997 election.
2. The appointment of City Treasurer by City Council has been in place since July 1988.
3. The Finance Director also held the position of City Clerk and City Treasurer for approximately 30 years prior to 2004.
4. Finance Director / City Clerk / City Treasurer was held by the Finance Director until a retirement in September 2004.

5. John Holt was appointed City Clerk shortly thereafter. Rob Woolley was also appointed Finance Director and City Treasurer shortly thereafter.
6. In 2009, the two positions of City Clerk and Assistant City Manager were eliminated and the single position of Assistant City Manager / City Clerk was created.
7. The Treasurer has been appointed to the Director of Finance as far back as records show.

It is staff's opinion that the position of City Clerk does not need to be appointed at the Department Head level. Removing the requirement will allow the City Manager some flexibility at what level the City Clerk is appointed. If approved, the City Clerk will be appointed by the City Manager and ratified by City Council.

Under the current code, the City Treasurer is appointed by the City Council who may assign a separate position of Treasurer or may appoint the Finance Director. Past practice has been to appoint the Finance Director as Treasurer. Staff is recommending amending the code to reflect current practice of having the Finance Director also serve as Treasurer.

BACKGROUND

Staff is recommending the changes to the position of City Clerk to allow for future changes in the City Manager's office to better reflect how the division is currently operating and staffed. If this ordinance amendment is approved, staff will return to City Council with a request to modify the position allocation plan in the City Manager's office.

The future requested changes to the position allocation plan in the City Manager's office will not result in any additional personnel. In 2009, the positions of Assistant City Manager and City Clerk were combined into one position - Assistant City Manager / City Clerk. Also, the Clovis Municipal Code (Section 2.2.1101) requires that the City Clerk be appointed at the Department Head level. Staff is recommending that this requirement be eliminated. Eliminating this requirement allows the City Manager flexibility in the level that the City Clerk will serve as. Staff is recommending that the City Clerk be appointed as a manager.

The City Manager's office has recently evaluated the work assignments in the department and has determined that deleting one (1) Assistant City Manager / City Clerk; adding one (1) Assistant City Manager Position; adding one (1) City Clerk Position; and deleting one (1) Staff Analyst Position; will more efficiently support the current needs of the City. Again, this will be brought back to City Council via separate action if this ordinance amendment is approved.

Under the current code, the City Treasurer is appointed by the City Council who may assign a separate position of Treasurer or may appoint the Finance Director. Past practice has been to appoint the Director of Finance as Treasurer. Staff is recommending amending the code to reflect current practice of having the Finance Director also serve as Treasurer.

REASON FOR RECOMMENDATION

The City Manager's office has recently evaluated the work assignments in the department and has determined that certain changes should be made in the City Manager's office to better reflect how the division is currently operating and staffed. Additionally, the recommended changes to the code better reflects current practice.

ACTIONS FOLLOWING APPROVAL

If approved, staff will implement the changes to the ordinance and return to Council for consideration of changes to the position allocation plan in the City Manager's office.

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

Reviewed by: City Manager LS

ORDINANCE NO. 21-___

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING
ARTICLES 1, 10, AND 11 OF CHAPTER 2.2 OF TITLE 2 OF THE CLOVIS
MUNICIPAL CODE PERTAINING TO THE APPOINTMENT OF CITY CLERK AND
CITY TREASURER**

WHEREAS, the positions of City Clerk and City Treasurer for the City of Clovis currently hold office at the pleasure of the City Council; and

WHEREAS, the City Council may by ordinance vest to the City Manager its authority to appoint the City Clerk and City Treasurer; and

WHEREAS, the Municipal Code currently authorizes the City Council to appoint the Director of Finance as the City Treasurer, and this is the current practice of the Council; and

WHEREAS, the City Council desires to amend the Clovis Municipal Code to authorize the City Manager to appoint, discipline, and dismiss the City Clerk; and

WHEREAS, the City Council further desires to amend the Clovis Municipal Code to authorize the City Manager to appoint the City Treasurer in conjunction with the City Manager's appointment of the Director of Finance.

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

SECTION 1. Section 2.2.103 of Article 1 of Chapter 2.2 of Title 2 of the Clovis Municipal Code is amended as follows (~~strikethrough~~ represents deleted language while **bold italics** represents new language):

2.2.103 Powers and duties generally.

The City Manager shall be the administrative head of the City government under the direction and control of the Council. He **or she** shall be responsible to the Council for the efficient administration of all the affairs of the City which are under his control. In addition to his general powers as administrative head, and not as a limitation thereon, it shall be the duty of the City Manager and he **or she** shall have the power:

- (a) Enforcement of laws. To see that the provisions of this Code and all other laws and ordinances are properly enforced within the City;
- (b) Personnel and department administration. Subject to the provisions of Article 2 of this chapter and to any rules and regulations promulgated by the Council thereunder:
 - (1) To appoint, discipline, and dismiss all subordinate employees of the City, except the City Attorney, ~~the City Clerk, the City Treasurer,~~ and the department heads;

- (2) To appoint, discipline, and dismiss all heads of departments, subject to Council confirmation;
- (3) **To appoint the City Clerk, subject to Council ratification;**
- (4) **To discipline and dismiss the City Clerk without the need for Council confirmation;**
- (5) **To appoint the City Treasurer as part of the position of the Director of Finance;**
- (6) To give notice to the Council of the recommended findings of the Personnel Commission in regard to new employees and their appointment by the City Manager and to keep the Council fully informed of all actions of the City Manager and the Personnel Commission in regard to the suspension, discipline, and dismissal of any City employee;
- (7) To transfer employees from one department to another; and
- (8) To consolidate or combine offices, positions, departments, or units under his jurisdiction;
- (c) Control of officers and departments. To exercise control over all departments and divisions of the City government and over all appointive officers and employees thereof save and except the City Attorney, who is excluded from such control by law;
- (d) Attend Council meetings. To attend all meetings of the Council and its committees, unless excused therefrom by the Council, except when his removal is under consideration by the Council;
- (e) Recommend adoption of ordinances. To recommend to the Council for adoption such measures and ordinances as he **or she** deems necessary or expedient;
- (f) Advice as to finances. To keep the Council at all times fully advised as to the financial condition and needs of the City;
- (g) Prepare budget. To prepare and submit to the Council the annual budget;
- (h) Prepare salary plan. To prepare and recommend to the Council a salary plan;
- (i) Establish purchasing system. To establish a centralized purchasing system for all City offices, departments, and agencies, to act as purchasing agent for the City, and to give preference to local merchants, quality and price being equal. No expenditure shall be submitted or recommended to the Council except upon the report or approval of the City Manager;
- (j) Investigate City affairs. To make investigations into the affairs of the City, any department or division thereof, any contract, or the proper performance of any obligation running to the City;

(k) Investigate complaints. To investigate all complaints in relation to matters concerning the administration of the government of the City and in regard to the service maintained by public utilities in the City, and to see that all franchises, permits, and privileges granted by the City are faithfully observed;

(l) Supervise public property. To exercise general supervision over all public buildings, public parks, and other public property which are under the control and jurisdiction of the Council and not specifically delegated to a particular board or officer, and to control, supervise, and inspect all public work being done by the City;

(m) Take inventories. To compile and preserve inventories of all City real and personal property upon taking office and annually thereafter to the end that the same may be kept current;

(n) To devote entire time to duties. To devote his entire time to the duties and interests of the City; and

(o) To perform additional duties. To perform such other duties and exercise such other powers as may be delegated to him from time to time by the provisions of this Code and other ordinances and resolutions of the Council.

SECTION 2. Article 11 of Chapter 2.2 of Title 2 of the Clovis Municipal Code is amended as follows (~~strike through~~ represents deleted language while ***bold italics*** represents new language):

Article 11. City Clerk

2.2.1101 Appointment of the City Clerk.

The City Clerk shall be appointed as ~~a department head~~ ***by the City Manager, with ratification of such appointment*** by the City Council solely on the basis of administrative qualifications and shall hold office during ~~at~~ the pleasure of the Council ***City Manager. The City Manager has the sole power to discipline, dismiss, or take any employment action with regard to the City Clerk that is authorized by this Code, applicable Personnel Rules and Procedures of the City, or applicable law. Neither the City Manager nor any member of the Council may be*** ~~shall not appointed the City Manager as City Clerk.~~ Nothing in this section shall be construed to limit the authority of the City Manager over ~~other heads of departments heads~~ and over employees appointed by or under the authority of the City Manager as provided in this chapter.

2.2.1102 Powers and duties.

The City Clerk shall have all the power and duties as provided ***in this Code, the job description, and*** by the laws of the State of California ***unless authority is delegated to other employees by*** ~~and as provided in this Code.~~ ***The City Clerk's statutory duties related to financial and accounting tasks, including those codified in California Government Code sections 37200 et seq., Government Code sections 40802 through 40805, or any***

subsequently approved codes authorizing financial or accounting duties of a city clerk, are transferred to the Director of Finance as authorized by Government Code section 40805.5. The City Clerk shall work ~~cooperatively with~~ ***under the supervision and direction*** of the City Manager, ***or designee***, for the efficient administration of the Office of City Clerk.

~~2.2.1103 Salary and expenses.~~

~~The City Clerk shall receive such salary as the Council shall from time to time determine and fix by resolution.~~

~~The City Clerk shall be reimbursed for all sums necessarily incurred or paid by him/her in the performance of the duties of the Office or incurred when traveling on business pertaining to the City under the direction of the Council in accordance with the established Travel Policy of the City. (96-21, Added, 03/05/1997, Passed by majority vote at March 4, 1997 General Municipal Election)~~

~~2.2.1104 Removal of the City Clerk prior to and after Council elections.~~

~~Notwithstanding any other provision of the article, the City Clerk shall not be removed from office during or within a period of ninety (90) days next succeeding any general municipal election held in the City at which election a member of the Council is elected. After the expiration of said ninety (90) days, the provisions of Section 2.2.1101 of this article shall apply and be effective.~~

SECTION 3. Article 10 of Chapter 2.2 of Title 2 of the Clovis Municipal Code is amended as follows (~~strikethrough~~ represents deleted language while ***bold italics*** represents new language):

Article 10. City Treasurer

2.2.1001 Appointment of the City Treasurer.

The Director of Finance shall hold the position of City Treasurer and shall be appointed by the City Manager in the same manner, and in conjunction with, appointment of the Director of Finance. All rules applicable to the supervision, discipline, dismissal, or employment action with regard to the Director of Finance shall be applicable to the City Treasurer without the need for independent review, investigation, or action. The appointment of the City Treasurer shall cease upon termination as Finance Director. ~~The City Treasurer shall be appointed by the City Council. The Treasurer shall be appointed solely on the basis of executive and administrative qualifications and shall serve at the pleasure of the Council. The Council may establish a separate position of City Treasurer or may appoint the Director of Finance as Treasurer.~~

2.2.1002 Power and duties.

The Treasurer shall have all the power and duties as provided by the laws of the State of California and as provided by this Code.

2.2.1003 Supervision by the Council.

~~The Treasurer shall report to the City Council as provided by the laws of the State of California and this Code. If the Finance Director is appointed Treasurer, supervision of the City Treasurer shall rest with the City Manager.~~

2.2.1004 Appointment of Finance Director as Treasurer.

~~If the Finance Director is appointed as City Treasurer, the appointment shall cease upon termination as Finance Director.~~

2.2.1003 Salary.

All duties of the City Treasurer are assumed within the position of Director of Finance and no additional salary or benefits shall be applicable. ~~The City Treasurer shall receive such salary as the Council shall from time to time determine and fix by resolution.~~

Section 4. EFFECTIVE DATE.

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

APPROVED: May 3, 2021

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

The foregoing Ordinance was introduced and read at a regular meeting of the City Council held on May 3, 2021, and was adopted at a regular meeting of said Council held on _____, by the following vote, to wit:

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

DATED:

City Clerk



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: May 3, 2021

SUBJECT: Receive and File – Annual Update on California Open Governance Laws – Brown Act, Public Records Act, Ethics.

Staff: Scott G. Cross, City Attorney
Recommendation: Receive and File

City Attorney Scott G. Cross will give a verbal presentation on this item. Please direct questions to the City Manager's office at 559-324-2060.



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
 FROM: Administration
 DATE: May 3, 2021
 SUBJECT: Consider Approval – Change of Council Meeting Schedule.

Staff: Luke Serpa, City Manager

Recommendation: Approve

ATTACHMENTS: None

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to approve the cancellation of the regular City Council meeting scheduled for Monday, May 10, 2021.

EXECUTIVE SUMMARY

There is a need to change the schedule of meetings for the City Council in May. Staff is recommending that City Council cancel the meeting of May 10, 2021.

BACKGROUND

Staff is able to consolidate the agenda items to the first and third meetings in May. Staff is recommending that City Council consider canceling the meeting of May 10, 2021. Given adequate notice, staff will be able to amend the timing of actions coming forward so that operations will not be affected by the cancellation.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

Pursuant to the Clovis Municipal Code, the City Council meets in regular session on the first, second, and third Monday of each month, except when those Mondays occur on a recognized City holiday. The City Council needs to confirm any change to the schedule of meetings in order to properly notice the public of the City Council's schedule of meetings.

ACTIONS FOLLOWING APPROVAL

A revised schedule of meetings will be published in conformance with law.

Prepared by: Jacquie Pronovost, Executive Assistant

Reviewed by: City Manager *JH*



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: May 3, 2021

SUBJECT: Consider Approval – Authorizing a Letter of Opposition to SB 210 (Wiener) Regarding Automated License Plate Recognition Systems and Use of Data.

Staff: Luke Serpa, City Manager

Recommendation: Approve

ATTACHMENT: 1. Draft letter of opposition
2. Draft SB 210

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to authorize a letter of opposition be drafted for proposed SB 210 (Wiener) regarding automated license plate recognition systems and use and retention of data.

EXECUTIVE SUMMARY

Existing law outlines parameters for use, retention, and auditing functions for agencies who utilize Automated License Plate Reader (ALPR) technologies. In many communities, the adopted policies for the use of cameras have gone through rigorous public processes and have been approved with community input.

SB 210 (Wiener) seeks to strictly limit local agencies access to license plate recognition data and threatens public safety by destroying valuable evidence that has historically helped to find abducted children and apprehend murder suspects, kidnappers, and sex criminals.

Cal Cities supports accountability on the part of law enforcement agencies concerning police technology and policies, as well as related oversight by local governing bodies. However, we do not support policies that restrict law enforcement agencies from utilizing technologies that would otherwise enhance their ability to protect the communities they serve.

SB 210 would require local Automated License Plate Reader (ALPR) data that does not match a "hot list" be destroyed within 24 hours. This measure does not respect the significant administrative work that goes into reviewing license plate data manually as law enforcement agencies work around the clock to solve crimes occurring in our communities.

FISCAL IMPACT

Unknown financial impact, but if approved, the law would increase the amount of work to comply.

REASON FOR RECOMMENDATION

SB 210 seeks to strictly limit local agencies access to license plate recognition data and threatens public safety by destroying valuable evidence that has historically helped to find abducted children and apprehend murder suspects, kidnappers, and sex criminals.

ACTIONS FOLLOWING APPROVAL

If approved, staff will draft the letter of opposition and transmit as appropriate.

Prepared by: John Holt, Assistant City Manager

Reviewed by: City Manager *JH*

ALL LETTERS MUST BE UPLOADED INTO THE ELECTRONIC PORTAL. The portal automatically sends letters to the author's office and the committee(s) of jurisdiction. Please visit <https://calegislation.lc.ca.gov/advocates/> to create an account and upload the letter. If you are having difficulty accessing the portal, please contact Meg Desmond at Mdesmond@cacities.org.

In addition to submitting the letter through the portal, please send a physical copy to your Legislator(s), and email a copy to cityletters@cacities.org as well as your Regional Public Affairs Manager.

CITY LETTERHEAD

DATE

The Honorable Anthony Portantino
Chair, Senate Appropriations Committee
State Capitol, Room 2206
Sacramento, CA 95814

**RE: SB 210 (Wiener) Automated License Plate Recognition Systems:
Use of Data.**
Notice of OPPOSITION *(As Amended 03/15/21)*

Dear Senator Portantino,

The City/Town of _____ must respectfully oppose Senate Bill 210. This measure would hinder law enforcement access to valuable crime fighting data captured by Automated License Plate Reader (ALPR) cameras.

Existing law outlines parameters for use, retention, and auditing functions for agencies who utilize ALPR technologies. Many communities have held public meetings to approve this technology in their jurisdictions and, as required, post their use policies prominently on their agency websites. The same governing bodies should retain authority to direct local retention regulations where necessary.

Ultimately, SB 210 would remove local control over systems that community funds have been invested into. If approved, law enforcement agencies would lose many valuable pieces of information that have historically helped find abducted children, murder suspects, kidnappers, and sex criminals.

The misconception that this technology only matches to existing "hot list" data is a harmful fallacy. There is significant administrative work that goes into reviewing license plate data manually as law enforcement agencies work around the clock to solve crimes happening within our communities.

There also appears to be a misconception that the only way to utilize the data is to enter in specific license plate numbers to find matches; that is not at all accurate. Law enforcement personnel are oftentimes tasked with reviewing data and images from nearby incidents to attempt to match suspect vehicle descriptions or partial plate information relating to criminal activity.

PLEASE CITE HOW YOUR CITY WILL BE AFFECTED BY THIS BILL HERE.

The City/Town of _____ supports accountability on the part of law enforcement agencies concerning police technology and policies, as well as related oversight by local governing bodies. However, we do not support policies that restrict law enforcement agencies from utilizing technologies that would otherwise enhance their ability to prevent criminal activity in the communities they serve.

For these reasons, the City/Town of _____ opposes SB 210.

Sincerely,

NAME

TITLE

CITY/TOWN of _____

cc: The Honorable Scott Wiener
Your Senator & Assembly Member
Your League Regional Public Affairs Manager (via email)
League of California Cities, cityletters@cacities.org


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SB-210 Automated license plate recognition systems: use of data. (2021-2022)

SHARE THIS:



Date Published: 03/15/2021 02:00 PM

AMENDED IN SENATE MARCH 15, 2021

AMENDED IN SENATE MARCH 05, 2021

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

SENATE BILL

NO. 210

Introduced by Senator Wiener
(Coauthor: Senator Wieckowski)
(Coauthors: Assembly Members ~~Stone~~ Chiu, Stone, and Ting)

January 12, 2021

An act to amend Sections 1798.90.51, 1798.90.52, and 1798.90.53 of, and to add Sections 1798.90.56 and 1798.90.57 to, the Civil Code, relating to personal information.

LEGISLATIVE COUNSEL'S DIGEST

SB 210, as amended, Wiener. Automated license plate recognition systems: use of data.

Existing law authorizes the Department of the California Highway Patrol to retain license plate data captured by license plate reader technology, also referred to as an automated license plate recognition (ALPR) system, for not more than 60 days unless the data is being used as evidence or for the investigation of felonies. Existing law authorizes the department to share that data with law enforcement agencies for specified purposes and requires both an ALPR operator and an ALPR end-user, as those terms are defined, to implement a usage and privacy policy regarding that ALPR information, as specified. Existing law requires that the usage and privacy policy implemented by an ALPR operator or an ALPR end-user include the length of time ALPR information will be retained and the process the ALPR operator and ALPR end-user will utilize to determine if and when to destroy retained ALPR information.

This bill would include in those usage and privacy policies a requirement that, if the ALPR operator or ALPR end-user is a public agency and not ~~subject to a specified provision relating to electronic toll collection and electronic transit fare collection systems~~, an airport authority, ALPR data that does not match a hot list be destroyed within 24 hours.

Existing law requires an ALPR operator and an ALPR end-user to maintain reasonable security procedures and practices. Under existing law, the reasonable security procedures and practices must include operational, administrative, technical, and physical safeguards to protect ALPR information from unauthorized access, destruction, use, modification, or disclosure.

This bill would additionally require those procedures and practices to include an annual audit to review user searches during the previous year and, where the ALPR operator or ALPR end-user is a public agency and not ~~subject to a specified provision relating to electronic toll collection and electronic transit fare collection systems; an airport authority,~~ the destruction of all ALPR information that does not match information on a hot list within 24 hours. The bill would also ~~prohibit, except as specified;~~ *prohibit* an ALPR operator or an ALPR end-user that is a public agency *and not an airport authority* from accessing an ALPR system that ~~contains ALPR information that is more than 24 hours old.~~ *retains ALPR information for more than 24 hours that does not match a hot list.*

Existing law requires an ALPR operator that accesses or provides access to ALPR information to maintain a record of that access and require that ALPR information only be used for the authorized purposes described in the usage and privacy policy.

This bill would extend the requirement to keep a record of access to ALPR information to an ALPR end-user. The bill would additionally require an ALPR operator or an ALPR end-user that accesses or provides access to ALPR information to conduct an annual audit to review ALPR end-user searches during the previous year and to confirm that, if the ALPR operator or ALPR end-user is a public agency and not ~~subject to a specified provision relating to electronic toll collection and electronic transit fare collection systems; an airport authority,~~ all ALPR information that does not match a hot list is routinely destroyed in 24 hours or less. The bill would require these annual audits be made available to the public in writing, and, if the ALPR operator or ALPR end-user has an internet website, would require the annual audits be posted conspicuously on that internet website.

This bill would require the Department of Justice, on or before July 1, 2022, to draft and make available on its internet website a policy template and would permit local law enforcement agencies to use the template as a model for their ALPR policies. The bill would also require the Department of Justice to develop and issue guidance to help local law enforcement agencies identify and evaluate the types of data they are currently storing in their ALPR database systems.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

- (a) It is well documented that agencies engaged in federal immigration enforcement are exploiting automated license plate reader (ALPR) databases containing the locations of immigrant drivers as part of their efforts to locate and deport Californians.
- (b) The selling, sharing, or transferring of ALPR information by a California state or local public agency with an out-of-state or federal agency is prohibited under subdivision (b) of Section 1798.90.55 of the Civil Code.
- (c) Despite existing law, public agencies in California share ALPR information with agencies engaged in federal immigration enforcement.
- (d) Further legislation is needed to ensure that ALPR information is retained only for immediate comparison with a hot list and avoids being retained and used for purposes of federal immigration enforcement.

SEC. 2. Section 1798.90.51 of the Civil Code is amended to read:

1798.90.51. An ALPR operator shall do all of the following:

- (a) Maintain reasonable security procedures and practices, including operational, administrative, technical, and physical safeguards, to protect ALPR information from unauthorized access, destruction, use, modification, or disclosure. These reasonable security procedures and practices shall include, but are not limited to, the following:
 - (1) An annual audit to review ALPR end-user searches during the previous ~~year.~~ *year to assess user searches, determine if all searches were in compliance with the usage and privacy policy, and, if the ALPR operator is a public agency and not an airport authority, confirm that all ALPR data that does not match hot list information has been routinely destroyed in 24 hours or less.*
 - (2) If the ALPR operator is a public agency and not ~~subject to Section 31490 of the Streets and Highways Code;~~ *an airport authority,* destruction of all ALPR information that does not match information on a hot list in 24 hours

or less.

(b) (1) Implement a usage and privacy policy in order to ensure that the collection, use, maintenance, sharing, and dissemination of ALPR information is consistent with respect for individuals' privacy and civil liberties. The usage and privacy policy and annual audits shall be available to the public in writing, and, if the ALPR operator has an internet website, the usage and privacy policy and annual audits shall be posted conspicuously on that internet website.

(2) The usage and privacy policy shall, at a minimum, include all of the following:

(A) The authorized purposes for using the ALPR system and collecting ALPR information.

(B) A description of the job title or other designation of the employees and independent contractors who are authorized to use or access the ALPR system, or to collect ALPR information. The policy shall identify the training requirements necessary for those authorized employees and independent contractors.

(C) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.

(D) The purposes of, process for, and restrictions on, the sale, sharing, or transfer of ALPR information to other persons.

(E) The title of the official custodian, or owner, of the ALPR system responsible for implementing this section.

(F) A description of the reasonable measures that will be used to ensure the accuracy of ALPR information and correct data errors.

(G) The length of time ALPR information will be retained, and the process the ALPR operator will utilize to determine if and when to destroy ALPR information. If the ALPR operator is a public agency and not ~~subject to Section 31490 of the Streets and Highways Code~~, *an airport authority*, the policy shall require destruction of ALPR data that does not match hot list information in 24 hours or less.

(c) For purposes of this title, "hot list" means a list or lists of license plates of vehicles of interest against which the ALPR system is comparing vehicles on the roadways.

SEC. 3. Section 1798.90.52 of the Civil Code is amended to read:

1798.90.52. If an ALPR operator or an ALPR end-user accesses or provides access to ALPR information, the ALPR operator or ALPR end-user shall do all of the following:

(a) Maintain a record of that access. At a minimum, the record shall include all of the following:

(1) The date and time the information is accessed.

(2) The license plate number or other data elements used to query the ALPR system.

(3) The username of the person who accesses the information, and, as applicable, the organization or entity with whom the person is affiliated.

(4) The purpose for accessing the information.

(b) Require that ALPR information only be used for the authorized purposes described in the usage and privacy policy required by subdivision (b) of Section 1798.90.51.

(c) Conduct an annual audit to review ALPR end-user searches during the previous year to assess user searches, determine if all searches were in compliance with the usage and privacy policy, and, if the ALPR operator or ALPR end-user is a public agency and not ~~subject to Section 31490 of the Streets and Highways Code~~, *an airport authority*, confirm that all ALPR data that does not match hot list information has been routinely destroyed in 24 hours or less.

SEC. 4. Section 1798.90.53 of the Civil Code is amended to read:

1798.90.53. An ALPR end-user shall do all of the following:

(a) Maintain reasonable security procedures and practices, including operational, administrative, technical, and physical safeguards, to protect ALPR information from unauthorized access, destruction, use, modification, or disclosure. *These reasonable security procedures and practices shall include, but not be limited to, an annual audit to review ALPR end-user searches during the previous year to assess user searches, determine if all searches were in compliance with the usage and privacy policy, and, if the ALPR end-user is a public agency and not an airport authority, confirm that all ALPR data that does not match hot list information has been routinely destroyed in 24 hours or less.*

(b) (1) Implement a usage and privacy policy in order to ensure that the access, use, sharing, and dissemination of ALPR information is consistent with respect for individuals' privacy and civil liberties. The usage and privacy policy and annual audits shall be available to the public in writing, and, if the ALPR end-user has an internet website, the usage and privacy policy and annual audits shall be posted conspicuously on that internet website.

(2) The usage and privacy policy shall, at a minimum, include all of the following:

(A) The authorized purposes for accessing and using ALPR information.

(B) A description of the job title or other designation of the employees and independent contractors who are authorized to access and use ALPR information. The policy shall identify the training requirements necessary for those authorized employees and independent contractors.

(C) A description of how the ALPR system will be monitored to ensure the security of the information accessed or used, and compliance with all applicable privacy laws and a process for periodic system audits.

(D) The purposes of, process for, and restrictions on, the sale, sharing, or transfer of ALPR information to other persons.

(E) The title of the official custodian, or owner, of the ALPR information responsible for implementing this section.

(F) A description of the reasonable measures that will be used to ensure the accuracy of ALPR information and correct data errors.

(G) The length of time ALPR information will be retained, and the process the ALPR end-user will utilize to determine if and when to destroy ALPR information. If the ALPR end-user is a public agency and not ~~subject to Section 31490 of the Streets and Highways Code~~, *an airport authority*, the policy shall require destruction of ALPR data that does not match hot list information in 24 hours or less.

SEC. 5. Section 1798.90.56 is added to the Civil Code, immediately following Section 1798.90.55, to read:

1798.90.56. (a) On or before July 1, 2022, the Department of Justice shall draft and make available on its internet website a policy template that public agencies may use as a model for their ALPR policies.

(b) The Department of Justice shall develop and issue guidance to help local law enforcement agencies identify and evaluate the types of data they are currently storing in their ALPR database systems. The guidance shall include, but not be limited to, the necessary security requirements agencies should follow to protect the data in their ALPR systems.

SEC. 6. Section 1798.90.57 is added to the Civil Code, immediately following Section 1798.90.56, to read:

1798.90.57. An ALPR operator ~~that is a public agency, and an ALPR end-user that is a public agency, shall not access an ALPR system that contains ALPR information that is more than 24 hours old except to access ALPR information that matches hot list information.~~ *or ALPR end-user that is a public agency and is not an airport authority shall not access an ALPR system that retains ALPR information for more than 24 hours that does not match a hot list.*



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
 FROM: Administration
 DATE: May 3, 2021
 SUBJECT: Consider Approval – Authorizing a Letter of Opposition to AB 339 (Lee) regarding Local Government Public Meeting Requirements.

Staff: Luke Serpa, City Manager
Recommendation: Approve

ATTACHMENT: 1. Draft letter of opposition
 2. Draft AB 339

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to authorize a letter of opposition be drafted for proposed AB 339 (Lee) regarding Local Government Public Meeting Requirements.

EXECUTIVE SUMMARY

Due to the pandemic, the City has made numerous changes regarding how citizens can participate in a public meeting. This includes virtually attending, calling in, and participating in person with masks and social distancing. Once the pandemic is over, staff will return to Council to determine how public meetings will be conducted in the future. AB 339 would require the City to continue to provide virtual access for the public with translators, even if all of the Council Members attend in-person.

The additions would mandate virtual public access by calling in and by internet, and require that local governments provide closed captioning (on-screen text for those who cannot hear audio) for virtual participants. The instructions for virtual participation would have to be posted with the agenda. Local governments would also have to provide a place for the public to go to provide in-person comments — even in states of emergency. The City is currently doing most of this, but AB 339 would require this into the future post pandemic.

This bill will purposefully add significant unfunded mandates on local public agencies by requiring them to provide both call-in and internet-based options, in addition to in-person options, for members of the public to attend and comment during any public meeting.

AB 339 further requires extensive translation services:

- In real-time during public meetings; and
- Public meeting materials, which are often extensive and technical, additionally burdening local agencies with significant costs.

The most recent amended version of this bill exempts the legislature and state government agencies from these onerous requirements. Once again, the City would be faced with a statewide mandate, ostensibly for the greater good that does not apply to state government or the Legislature.

The League of California Cities shares the author's commitment to access and transparency, and recognize how key those values are to local democracy. However, AB 339 would burden local governments financially and practically at a time when they are already struggling, and it would undoubtedly hinder their ability to efficiently execute the people's business.

Lastly, AB 339 would not only require virtual access, but it would also add new provisions to the Brown Act requiring public agencies to provide live translation services during all meetings, including real-time translators during all meetings and a translation of all agendas and meeting instructions into all languages spoken by 5 percent or more of the jurisdiction's population.

FISCAL IMPACT

Unknown financial impact, but if approved, the law would increase the cost of conducting public meetings.

REASON FOR RECOMMENDATION

SB 339 would require the City to continue to conduct public meetings as we have during the pandemic and would add additional provisions such as real-time translators.

ACTIONS FOLLOWING APPROVAL

If approved, staff will draft the letter of opposition and transmit as appropriate.

Prepared by: John Holt, Assistant City Manager

Reviewed by: City Manager LS

ALL LETTERS MUST BE UPLOADED INTO THE ELECTRONIC PORTAL. The portal automatically sends letters to the author's office and the committee(s) of jurisdiction. Please visit the [California Legislature Position Letter Portal](#) to create an account and upload the letter. If you are having difficulty accessing the portal, please contact Meg Desmond at Mdesmond@cacities.org.

In addition to submitting the letter through the portal, please send a physical copy to your Legislator(s), and email a copy to cityletters@cacities.org as well as your Regional Public Affairs Manager.

*****CITY LETTERHEAD*****

DATE

The Honorable Cecilia Aguiar-Curry
Chair, Assembly Local Government Committee
Legislative Office Building, 1020 N Street, Room 157
Sacramento, CA 95814

**RE: AB 339 Local Government: Open and Public Meetings
Notice of OPPOSITION (As Amended April 15, 2021)**

Dear Assembly Member Aguiar-Curry:

The City/Town of _____ must respectfully oppose AB 339, which would purposefully add significant unfunded mandates on local public agencies by requiring them to provide both call-in and internet-based options, in addition to in-person options, for members of the public to attend and comment during any public meeting. The measure further requires extensive translation services (a) in real-time during public meetings; and (b) of extensive and often technical public meeting materials, additionally burdening local agencies with significant costs. Imposing these mandated costs on local agencies under particularly challenging fiscal circumstances coupled with the overwhelming practical challenges associated with implementing such a measure makes us deeply concerned about our ability to effectively conduct the people's business.

Our city takes very seriously our obligations under the Brown Act to operate transparently and provide opportunities for members of the public to participate in the most local and foundational levels of democracy. However, the mandates in this bill would create more burdens on our already struggling agencies and could actually do more to hinder local government deliberations than increase participation.

Technological and Staffing Challenge

AB 339's mandate to provide both call-in and internet-based options for attendance and public comment would present an immediate technological and staffing challenge for our city. Compliance with these provisions will require (a) significant one-time equipment expenses and (b) ongoing costs for personnel and technology service subscriptions to ensure strict compliance with the bill.

PLEASE CITE THE SPECIFIC CHALLENGES THIS BILL WOULD PRESENT TO YOUR CITY.

Reliance on Technology

AB 339 fails to provide flexibility to cities to manage their own affairs. If either the teleconferencing service or the internet-based option experienced a service disruption we would not be able to conduct Brown Act-compliant meetings without having all services advertised in meeting announcements being operational – for the entire meeting. This means that the conditions necessary to operate meetings would be wholly outside of our control. This puts our city at risk of not being able to address immediate fiscal, legal, and practical obligations to constituents.

Disruption of Public Meetings

As has been often chronicled in the news media, one significant challenge that has arisen in the Zoom era is of disruption of public meetings. These disruptions have taken the form of derogatory, racist, sexist, hateful, and offensive language in addition to coordinated hijackings of public meetings that involve the display of profane or pornographic images or videos. We worry that these requirements would provide another window of opportunity for bad actors to disrupt local government. While we do not cast aspersions on those who wish to participate, these directed campaigns are often designed to only punish local public agencies and paralyze work by dragging out the public comment period beyond any rational length.

PLEASE CITE THE SPECIFIC CHALLENGES THIS BILL WOULD PRESENT TO YOUR CITY.

Primary Legislative Bodies

While much of our concerns focus on the impacts to our city council, we also believe it is important to recognize the impacts of this legislation on the boards and commissions that advise and make recommendations to our council. Our city currently has ### boards and commission, which all would be covered by this legislation. By raising the bar to effectively and efficiently operate local boards and commissions it becomes more difficult to carry out their essential functions. We fear that if AB 339 were to become law that we would need to reduce or eliminate our use of advisory bodies simply because of the sheer enormity of the cost of complying with the new mandates. AB 339, instead of creating more transparency, actually could result in less opportunities for members of the public to get involved in advising and recommending changes to their local government.

Translation Requirements

The requirement to employ translators and provide live translation services presents another deep cost requirement and operational burden that could end up paralyzing the work of our city. There is a strong concern of what happens if enough translators are not available for every council, planning commissioner, or board meeting. Our city would be forced to schedule our meetings and work around a workforce, the capacity of which is unknown. Additional requirements to mandate translation of written materials poses another significant challenge, in that agenda materials can be extensive and technically complex, requiring specialized translation skills and significant amounts of time to complete appropriately.

PLEASE CITE THE SPECIFIC CHALLENGES THIS BILL WOULD PRESENT TO YOUR CITY.

The State

Lastly, we are disturbed that the most recent amended version of this bill exempts the Legislature and state government and its agencies from these onerous requirements. Once

again, local governments are faced with a statewide mandate, ostensibly for the greater good that does not apply to state government or the Legislature. If the merits of this bill are so beneficial that they require the most expansive and expensive mandates on the operation of public meetings since the Brown Act's inception, it is patently offensive for the state to be exempted given that the impact of its decisions, statutory and regulatory, are far more wide-reaching than the impact of the decisions of any one local public agency on its jurisdiction.

We share the author's commitment to access and transparency and recognize how key those values are to local democracy. However, AB 339 will burden our city financially and practically and will stymied our ability to efficiently execute the people's business.

For these reasons, the **City/Town of _____** opposes AB 339.

Sincerely,

NAME

TITLE

CITY/TOWN of _____

cc: The Honorable _____
Your Senator & Assembly Member
Your League Regional Public Affairs Manager (via email)
League of California Cities, cityletters@cacities.org


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AB-339 Local government: open and public meetings. (2021-2022)

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Date Published: 04/15/2021 09:00 PM

AMENDED IN ASSEMBLY APRIL 15, 2021

CALIFORNIA LEGISLATURE— 2021-2022 REGULAR SESSION

ASSEMBLY BILL

NO. 339

Introduced by Assembly Members Lee and Cristina Garcia
(Coauthors: Assembly Members Arambula, Cooley, and Robert Rivas)

January 28, 2021

An act to amend Sections ~~9027~~, 54953, 54954.2, ~~54954.3, 11122.5, 11123, 11125.7~~ of, and to add Sections ~~9027.1 and 9028.1~~ to, and 54954.3 of the Government Code, relating to ~~state and local government:~~ *public meetings.*

LEGISLATIVE COUNSEL'S DIGEST

AB 339, as amended, Lee. ~~State and local~~ *Local* government: open *and public* meetings.

~~Existing law requires all meetings, as defined, of a house of the Legislature or a committee thereof to be open and public, and requires all persons to be permitted to attend the meetings, except as specified.~~

~~This bill would require all meetings, including gatherings using teleconference technology, to include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services and requires both a call-in and an internet-based service option to be provided to the public. The bill would require all meetings to provide the public with an opportunity to comment on proposed legislation, as provided, and requires translation services to be provided for the 10 most-spoken languages, other than English, in California, and would require those persons commenting in a language other than English to have double the amount of time as those giving a comment in English, if time restrictions on public comment are utilized, except as specified. The bill would require instructions on how to attend the meeting to be posted at the time notice of the meeting is publicized, as specified.~~

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. *Under existing law, a member of the legislative body who attends a meeting where action is taken in violation of this provision, with the intent to deprive the public of information that the member knows the public is entitled to, is guilty of a crime.*

This bill would require all meetings to include an opportunity for ~~all persons~~ *members of the public* to attend via a ~~call-in telephonic~~ option ~~or and~~ an internet-based service ~~option that provides closed captioning services and~~

~~requires both a call-in and an internet-based service option to be provided to the public: option. require, even in the case of a declared state or local emergency, teleconferenced~~ *require all* meetings to include an in-person public comment ~~opportunity: opportunity, except in specified circumstances during a declared state or local emergency.~~ The bill would require all meetings to provide the public with an opportunity to ~~address the legislative body comment on proposed legislation in person and~~ remotely via ~~call-in or a telephonic and an internet-based service; service option, as provided, and would require instructions on how to attend the meeting to be posted at the time notice of the meeting is publicized, as specified: specify requirements for public comment registration.~~ The bill would also require the legislative bodies of the local agency to ~~employ a sufficient amount of qualified bilingual persons to provide translation during the meeting in the language of a non-English-speaking person, in jurisdictions which govern a substantial number of non-English-speaking people, as defined: provide interpretation services as requested, and have a system to process requests for interpretation services and publicize that system online.~~

~~Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The Act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.~~

~~This bill would require all meetings, as defined, to include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services and requires both a call-in and an internet-based service option to be provided to the public. The bill would require instructions on how to attend the meeting via call-in or internet-based service to be posted online along with the meeting agenda in an easily accessible location at least 72 hours before all regular meetings and at least 24 hours before all special meetings. The bill would require all meetings to provide the public with an opportunity to address the legislative body remotely via call-in or internet-based service, as provided, and would require those persons commenting in a language other than English to have double the amount of time as those giving a comment in English, if time restrictions on public comment are utilized, except as specified:~~

~~Existing law, the Dymally-Alatorre Bilingual Services Act, requires any materials explaining services available to the public to be translated into any non-English language spoken by a substantial number of the public, as defined, served by the agency, and requires every state and local agency serving a substantial number of non-English-speaking people, as defined, to employ a sufficient number of qualified bilingual persons in public contact positions or as interpreters to ensure provision of information and services in the language of the non-English-speaking person:~~

~~This bill would require legislative bodies of local agencies, and state bodies, as defined, to translate agendas and agencies to make available instructions for accessing on joining the meeting to be translated into all languages for which 5% of the population in the area governed by the local agency, or state body's jurisdiction, are speakers: to all non-English-speaking persons upon request, and publish the instructions in the 2 most spoken languages other than English within the local agency's jurisdiction.~~

~~By imposing new duties on local governments and expanding the application of a crime with respect to meetings, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement:~~

~~This bill would provide that no reimbursement is required by this act for a specified reason:~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for specified reasons.~~

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

AGENDA ITEM NO. 11.

~~SECTION 1. Section 9027 of the Government Code is amended to read:~~

~~9027. Except as otherwise provided in this article, all meetings of a house of the Legislature or a committee thereof shall be open and public, and all persons shall be permitted to attend the meetings. Additionally, all meetings shall include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services. Both a call-in and an internet-based service option shall be provided to the public. As used in this article, "meeting" means a gathering of a quorum of the members of a house or committee in one place, including a gathering using teleconference technology, for the purpose of discussing legislative or other official matters within the jurisdiction of the house or committee. As used in this article, "committee" includes a standing committee, joint committee, conference committee, subcommittee, select committee, special committee, research committee, or any similar body.~~

~~SEC. 2. Section 9027.1 is added to the Government Code, to read:~~

~~9027.1. All meetings shall provide the public with an opportunity to comment on proposed legislation, either in person or remotely via call-in or internet-based service, consistent with requirements in Section 9027. Persons commenting in person shall not have more time or in any other way be prioritized over persons commenting remotely via call-in or internet-based service. Translation services shall be provided for the 10 most-spoken languages, other than English, in California. If there are time restrictions on public comment, persons giving a public comment in a language other than English shall have double the amount of time as those giving a comment in English to allow for translation, unless simultaneous translation equipment is available.~~

~~SEC. 3. Section 9028.1 is added to the Government Code, to read:~~

~~9028.1. Instructions on how to attend the meeting via call-in or internet-based service shall be posted online in an easily accessible location at the time the meeting is scheduled and notice of the meeting is published. The posted instructions shall include translations into the 10 most-spoken languages, other than English, in California, and shall list a hotline that members of the public can call for assistance, with assistance in the 10 most-spoken languages provided.~~

~~SEC. 4.~~ **SECTION 1.** Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local ~~agency~~, *agency in person*, except as otherwise provided in this chapter. ~~Additionally, all~~

(b) All meetings shall include an opportunity for ~~all persons~~ members of the public to attend via a ~~call-in telephonic~~ option ~~or and~~ an internet-based service ~~option that provides closed captioning services. Both a call-in and an internet-based service option shall be provided to the public.~~ option. For the purposes of this chapter, "internet-based service option" means a service or platform that allows two-way video and audio participation through the internet.

~~(b)~~

(c) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used by members of the legislative body for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, ~~other than what is required by subdivision (a)~~, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in

subdivision ~~(d)~~; *(e)*. The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

AGENDA ITEM NO. 11.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

~~(5) Notwithstanding~~

(5) (A) Unless there are any laws that prohibit in-person government meetings in the case of a declared state of emergency, including a public health emergency, teleconferenced all meetings shall include an in-person public comment opportunity, wherein members of the public can report to a designated site to give public comment in person. The location of the designated site and any relevant instructions on in-person commenting shall be included with the public posting of the agenda.

(B) All meetings shall provide the public with an opportunity to comment on proposed legislation, both in person and remotely via a telephonic and an internet-based service option, and ensure the opportunity for the members of the public participating via a telephonic or an internet-based option to comment on agenda items with the same time allotment as a person attending a meeting in person.

(C) Registration for public comment period is permitted, so long as instructions to register are posted, members of the public are able to register over the telephone and in person, and registration remains open until the comment period has finished for that agenda item. Information collected for registration purposes shall be limited to name, telephone number, and county of residence.

~~(e)~~

(d) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

~~(d)~~

*(e) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision ~~(b)~~; *(c)*, if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.*

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

*(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a ~~county-sponsored~~ *county-sponsored* health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.*

~~SEC. 5.~~ **SEC. 2.** Section 54954.2 of the Government Code is amended to read:

54954.2. (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency or its designee, shall post an agenda containing a brief general description of each item of business to be discussed or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's internet website, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting. ~~In compliance with the Dymally-Alatorre Bilingual Services Act (Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1), agendas and instructions for accessing the meeting, whether teleconferenced or in person, shall be translated into all languages for which 5 percent of the population in the area governed by the local agency is a speaker.~~

(2) Instructions on joining the meeting via telephonic or internet-based service option, including registration for public comment, if required, shall be made available to all non-English-speaking persons upon request and should at minimum be published in the two most spoken languages other than English within the boundaries of the territory over which the local agency exercises jurisdiction. The meeting agenda should be made available upon request to all non-English-speaking persons within those boundaries in their language, regardless of national origin or language ability.

~~(2)~~

(3) For a meeting occurring on and after January 1, 2019, of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an internet website, the following provisions shall apply:

(A) An online posting of an agenda shall be posted on the primary internet website homepage of a city, county, city and county, special district, school district, or political subdivision established by the state that is accessible through a prominent, direct link to the current agenda. The direct link to the agenda shall not be in a contextual menu; however, a link in addition to the direct link to the agenda may be accessible through a contextual menu.

(B) An online posting of an agenda including, but not limited to, an agenda posted in an integrated agenda management platform, shall be posted in an open format that meets all of the following requirements:

(i) Retrievable, downloadable, indexable, and electronically searchable by commonly used ~~Internet~~ *internet* search applications.

(ii) Platform independent and machine readable.

(iii) Available to the public free of charge and without any restriction that would impede the reuse or redistribution of the agenda.

(C) A legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an internet website and an integrated agenda management platform shall not be required to comply with subparagraph (A) if all of the following are met:

(i) A direct link to the integrated agenda management platform shall be posted on the primary internet website homepage of a city, county, city and county, special district, school district, or political subdivision established by the state. The direct link to the integrated agenda management platform shall not be in a contextual menu. When a person clicks on the direct link to the integrated agenda management platform, the direct link shall take the person directly to an internet website with the agendas of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state.

(ii) The integrated agenda management platform may contain the prior agendas of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state for all meetings occurring on or after January 1, 2019.

(iii) The current agenda of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state shall be the first agenda available at the top of the integrated agenda management platform.

(iv) All agendas posted in the integrated agenda management platform shall comply with the requirements of clauses (i), (ii), and (iii) of subparagraph (B).

(D) For the purposes of this paragraph, both of the following definitions shall apply:

(i) "Integrated agenda management platform" means an internet website of a city, county, city and county, special district, school district, or political subdivision established by the state dedicated to providing the entirety of the agenda information for the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state to the public.

(ii) "Legislative body" has the same meaning as that term is used in subdivision (a) of Section 54952.

(E) The provisions of this paragraph shall not apply to a political subdivision of a local agency that was established by the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state.

~~(3)~~

(4) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on the member's own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's internet website, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

~~SEC. 6.~~ **SEC. 3.** Section 54954.3 of the Government Code is amended to read:

54954.3. (a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, ~~before or~~ during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2. ~~All meetings must also provide the public with an opportunity to address the legislative body remotely via call-in and internet-based service, consistent with requirements in Section 54953.~~

~~Persons commenting in person shall not have more time or in any other way be prioritized commenting remotely via call-in or internet-based service. Instructions on how to attend the meeting via call-in or internet-based service shall be posted online along with the meeting agenda in an easily accessible location. However, the~~ *The* agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

(b) (1) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

(2) Notwithstanding paragraph (1), when the legislative body of a local agency limits time for public comment, the legislative body of a local agency shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body of a local agency.

(3) Paragraph (2) shall not apply if the legislative body of a local agency utilizes simultaneous translation equipment in a manner that allows the legislative body of a local agency to hear the translated public testimony simultaneously.

(c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

~~(d) Legislative bodies of local agencies shall employ a sufficient amount of qualified bilingual persons to provide translation during the meeting in the language of the non-English-speaking person, in jurisdictions which govern a substantial number of non-English-speaking people. "Non-English-speaking people" is defined as members of a group who either do not speak English, or who are unable to effectively communicate in English because it is not their native language, and who comprise 5 percent or more of the people served by the statewide or any local office or facility of a state agency.~~

(d) All members of the public shall be entitled to participate in public meetings, regardless of national origin or language ability. If interpretation services are requested for the public meeting and public comment period, those services should be provided.

(e) Local agencies shall have in place a system for requesting and receiving interpretation services for public meetings, including the public comment period. Local agencies shall publicize this system and the instructions on how to request certified interpretation services for public meetings online.

~~SEC. 7. Section 11122.5 of the Government Code is amended to read:~~

~~11122.5.(a) As used in this article, "meeting" includes any congregation of a majority of the members of a state body, including a virtual congregation using teleconference technology, at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains.~~

~~(b)(1) A majority of the members of a state body shall not, outside of a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body.~~

~~(2) Paragraph (1) shall not be construed to prevent an employee or official of a state agency from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the state agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.~~

~~(c) The prohibitions of this article do not apply to any of the following:~~

~~(1) Individual contacts or conversations between a member of a state body and any other person violate subdivision (b):~~

~~(2)(A) The attendance of a majority of the members of a state body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the state body, if a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the state body:~~

~~(B) Subparagraph (A) does not allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance:~~

~~(3) The attendance of a majority of the members of a state body at an open and publicized meeting organized to address a topic of state concern by a person or organization other than the state body, if a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the state body:~~

~~(4) The attendance of a majority of the members of a state body at an open and noticed meeting of another state body or of a legislative body of a local agency as defined by Section 54951, if a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the other state body:~~

~~(5) The attendance of a majority of the members of a state body at a purely social or ceremonial occasion, if a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the state body:~~

~~(6) The attendance of a majority of the members of a state body at an open and noticed meeting of a standing committee of that body, if the members of the state body who are not members of the standing committee attend only as observers:~~

~~SEC. 8. Section 11123 of the Government Code is amended to read:~~

~~11123.(a) All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article. Additionally, all meetings shall include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services. Both a call-in and an internet-based service option shall be provided to the public:~~

~~(b)(1) This article does not prohibit a state body from holding an open or closed meeting by teleconference for the benefit of the public and state body. The meeting or proceeding held by teleconference shall otherwise comply with all applicable requirements or laws relating to a specific type of meeting or proceeding, including the following:~~

~~(A) The teleconferencing meeting shall comply with all requirements of this article applicable to other meetings:~~

~~(B) The portion of the teleconferenced meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting:~~

~~(C) If the state body elects to conduct a meeting or proceeding by teleconference, other than what is required by subdivision (a) and such that all members of the body that are present at the meeting are teleconferencing into the meeting, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. The agenda shall provide an opportunity for members of the public to address the state body directly pursuant to Section 11125.7 at each teleconference location:~~

~~(D) All votes taken during a teleconferenced meeting shall be by rollcall:~~

~~(E) The portion of the teleconferenced meeting that is closed to the public may not include the consideration of any agenda item being heard pursuant to Section 11125.5:~~

~~(F) At least one member of the state body shall be physically present at the location specified in the notice of the meeting to ensure that members of the public are able to give public comment in person. This location must be publicly accessible and able to accommodate a reasonable amount of people, given the circumstances:~~

~~(2) For the purposes of this subdivision, "teleconference" means a meeting of a state body, the members of which are at different locations, connected by electronic means, through either audio or both audio and video. While this section requires that both an call-in and internet-based service are available to the public to join all open meetings that are held in-person, this section does not prohibit a state body from providing members of the public with additional locations in or opportunities by which the public may observe or address the state body by electronic means, through either audio or both audio and video.~~

~~(c) Instructions on how to attend the meeting via call-in or internet-based service shall be posted online along with the meeting agenda in an easily accessible location at least 72 hours before all regular meetings and at least 24 hours before all special meetings. In compliance with the Dymally-Alatorre Bilingual Services Act (Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1), the posted instructions shall also be translated into all languages of which 5 percent of the population of the state body's jurisdiction speaks.~~

~~(d) The state body shall publicly report any action taken and the vote or abstention on that action of each member present for the action.~~

~~SEC. 9. Section 11125.7 of the Government Code is amended to read:~~

~~11125.7.(a) Except as otherwise provided in this section, the state body shall provide an opportunity for members of the public to directly address the state body on each agenda item before or during the state body's discussion or consideration of the item. This section is not applicable if the agenda item has already been considered by a committee composed exclusively of members of the state body at a public meeting where interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the state body. Every notice for a special meeting at which action is proposed to be taken on an item shall provide an opportunity for members of the public to directly address the state body concerning that item prior to action on the item. In addition, the notice requirement of Section 11125 shall not preclude the acceptance of testimony at meetings, other than emergency meetings, from members of the public if no action is taken by the state body at the same meeting on matters brought before the body by members of the public.~~

~~(b) In compliance with subdivision (a) of Section 11123, public comment shall be made available for those attending any meeting via call-in or internet-based service option. Persons commenting in person shall not have more time or in any other way be prioritized over persons commenting remotely via call-in or internet-based service.~~

~~(c) The state body may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public comment on particular issues and for each individual speaker.~~

~~(d)(1) Notwithstanding subdivision (b), when a state body limits time for public comment the state body shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the state body. In compliance with the Dymally-Alatorre Bilingual Services Act (Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1), translation services shall be provided for all languages of which 5 percent of the population of the state body's jurisdiction speaks. Should there be a limit on speaking time, persons commenting in another language shall be given twice as much time as those commenting in English in order to accommodate time for translation services. This is not required when simultaneous translation services are available.~~

~~(2) Paragraph (1) shall not apply if the state body utilizes simultaneous translation equipment in a manner that allows the state body to hear the translated public testimony simultaneously.~~

~~(e) The state body shall not prohibit public criticism of the policies, programs, or services of the state body, or of the acts or omissions of the state body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.~~

~~(f) This section is not applicable to closed sessions held pursuant to Section 11126.~~

~~(g) This section is not applicable to decisions regarding proceedings held pursuant to Chapter 5 (commencing with Section 11500), relating to administrative adjudication, or to the conduct of those proceedings.~~

~~(h) This section is not applicable to hearings conducted by the California Victim Compensation Board pursuant to Sections 13963 and 13963.1.~~

~~(i) This section is not applicable to agenda items that involve decisions of the Public Utilities regarding adjudicatory hearings held pursuant to Chapter 9 (commencing with Section 1701) of Part 1 of Division 1 of the Public Utilities Code. For all other agenda items, the commission shall provide members of the public, other than those who have already participated in the proceedings underlying the agenda item, an opportunity to directly address the commission before or during the commission's consideration of the item.~~

~~SEC. 10. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.~~

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would result either from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, or because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

~~SEC. 41.~~ **SEC. 5.** The Legislature finds and declares that Sections ~~4, 5, and 6~~ *1, 2, and 3* of this act, which amend ~~Section~~ *Sections* 54953, 54954.2, and 54954.3 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

The provisions of the act allow for greater public access through requiring specified entities to provide a ~~call-in~~ *telephonic* and internet-based service *option* and instructions on how to access these options to the public for specified meetings and allow for greater accommodations for non-English speakers attending the meetings.



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: May 3, 2021

SUBJECT: Consider Approval – Res. 21-___, A Request to Repeal Emergency Orders 2020-05, 2020-07, 2020-09, 2020-11, and 2020-12

Staff: Luke Serpa, City Manager

Recommendation: Approve

ATTACHMENTS: 1. Res. 21-___, A Resolution Repealing Emergency Orders 2020-05 (price gouging), 2020-07 (waiving RV parking restrictions), 2020-09 (suspending transit fares), 2020-11 (local enforcement of statewide stay at home requirements), and 2020-12 (enforcement of local emergency orders)

2. Copies of Emergency Orders

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to approve a resolution repealing Emergency Orders 2020-05 (price gouging), 2020-07 (waiving RV parking restrictions), 2020-09 (suspending transit fares), 2020-11 (local enforcement of statewide stay at home requirements), and 2020-12 (enforcement of local emergency orders).

BACKGROUND

On March 16, 2020, the City Council approved the following:

1. A request from the Director of Emergency Services for the City of Clovis that the City Council of the City of Clovis proclaim the existence or threatened existence of a local emergency (COVID-19); and
2. A Resolution of the City Council of the City of Clovis proclaiming the existence or threatened existence of a local emergency (COVID-19).

On March 21, 2020, the City Council confirmed the Director of Emergency Services':

1. Order 2020-01: Declaration Closing Bars, Wineries, Breweries, Pubs, and Restaurants; and
2. Order 2020-02: Declaration Closing Gyms, Health Clubs, Trampoline Parks, Arcades, and Theaters; and
3. Order 2020-03: Declaration Establishing Emergency Telework Guidelines.

On March 30, 2020, the City Council confirmed the Director of Emergency Services':

1. Order 2020-04 pertaining to employee leave/pay during emergency determined as necessary to safeguard life and property and continue essential services of the City of Clovis; and
2. Order 2020-05 related to price gouging and taking unfair advantage of consumers.

On April 6, 2020, the City Council confirmed the Director of Emergency Services':

1. Order 2020-06 related to waiving late fees on business license payments and utility payments; and
2. Order 2020-07 related to waiving municipal code restrictions against parking a recreational vehicle under specific circumstances.

On April 13, 2020, the City Council confirmed the Director of Emergency Services':

1. Order 2020-08 related to suspension of employee vacation caps during the declared emergency; and
2. Order 2020-09 related to waiving transit fares during the declared emergency; and
3. Order 2020-04A, an addendum to 2020-04 relating to emergency leave/pay for use by all City of Clovis employees during the declared emergency; and
4. Order 2020-10 related to closing play structures, exercise apparatus, and picnic shelters at City-owned parks; and
5. Order 2020-11 related to local enforcement of Governor's Executive Order pertaining to the statewide stay at home requirements; and
6. Order 2020-12 relating to enforcement of local emergency orders.

On April 20, 2020, the City Council confirmed the Director of Emergency Services':

1. Order 2020-08A, an addendum to suspension of vacation cap order 2020-08 related to suspension of employee vacation caps during the declared emergency.

On May 4, 2020, the City Council approved an emergency order as follows:

1. Order 2020–13 in order to add clarity to the City’s roles and responsibilities under the governor’s stay at home order by: (1) repealing emergency orders 2020-01 (bars and restaurant closures), 2020-02 (gyms and places of amusement), and 2020-10 (City parks) as unnecessarily duplicative as the statewide stay at home order covers these and other items; and (2) clarifying the City’s enforcement responsibilities.

On June 1, 2020, the City Council approved an emergency order as follows:

1. Order 2020–14 assisting restaurants severely impacted by the COVID-19 crisis by allowing restaurants the option to temporarily expand capacity into public and private common areas under specified circumstances.

On July 20, 2020, the City Council approved an emergency order as follows:

1. Order 2020–15 allowing Retail and Service to use Public and Private common areas.

On August 3, 2020, the City Council approved an emergency order as follows:

1. Order 2020–16 assisting local developers in Clovis by suspending the expiration of specified land use entitlements.

On December 14, 2020, the City Council approved an emergency order as follows:

1. Order 2020–4B providing paid administrative leave time for those employees who have exhausted their COVID leave time and are required to quarantine due to a workplace exposure.

On February 1, 2021, the City Council approved an emergency order as follows:

1. Order 2021–01 suspending certain City transit service rider eligibility requirements for COVID-19 vaccination appointment transportation.

On April 19, 2021, the City Council approved an emergency order as follows:

1. Emergency Services Order 2021-02, relating to Senate Bill 95 emergency leave/pay from January 1, 2021 through September 30, 2021.

Staff is now bringing forth for Council to approve a resolution repealing Emergency Services Director Orders 2020-05, 2020-07, 2020-09, 2020-11, and 2020-12 as described below:

Order #s	Res#	Date Signed by DoES	Date to Council	Description	Date Repealed
2020-05	20-31	3/26/20	3/30/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. Order 2020-05: Price Gouging	5/3/2021
2020-07	20-34	4/2/20	4/6/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. Order 2020-07: Waiving Recreational Vehicle Parking Restrictions	5/3/2021
2020-09	20-42	4/7/20	4/13/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. Order 2020-09: Waive Transit Fees	5/3/2021
2020-11	20-42	4/9/20	4/13/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. Order 2020-11: Enforcement of Stay at Home Order	5/3/2021
2020-12	20-42	4/10/20	4/13/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. Order 2020-12: Enforcement of Local Orders	5/3/2021

FISCAL IMPACT

It is not anticipated that repealing these orders will have a material financial impact on City operations.

Prepared by: John Holt, Assistant City Manager

Reviewed by: City Manager LS

CITY OF CLOVIS

RESOLUTION NO. 21- __

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS REPEALING EMERGENCY ORDERS 2020-05 (PRICE GOUGING), 2020-07 (WAIVING RV PARKING RESTRICTIONS), 2020-09 (SUSPENDING TRANSIT FARES), 2020-11 (LOCAL ENFORCEMENT OF STATEWIDE STAY AT HOME REQUIREMENTS), AND 2020-12 (ENFORCEMENT OF LOCAL EMERGENCY ORDERS)

WHEREAS, on March 16, 2020, with the approval of Resolution No. 20-20, the City Council of the City of Clovis declared a local emergency as a result of the threatened spread of COVID-19 in the City, surrounding areas, and the state; and

WHEREAS, on March 19, 2020, with the adoption of Executive Order N-33-20, the Governor ordered a Statewide stay at home/stay in place order (“Stay at Home Order”) to address the spread of COVID-19, which the City is operating under, and will continue to operate under; and

WHEREAS, under the authority of Government Code sections 8610 and 8634, and Clovis Municipal Code section 4.2.06, the City’s Director of Emergency Services and the City Council are empowered, upon declaration of a local emergency, to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

WHEREAS, on March 26, 2020, the Director of Emergency Services issued Emergency Order 2020-05, ratified by the City Council on March 30, 2020, prohibiting price gouging in the City in connection with the sale of certain goods and supplies, and imposing administrative penalties for violations of the Order; and

WHEREAS, on April 2, 2020, the Director of Emergency Services issued Emergency Order 2020-07, ratified by the City Council on April 6, 2020, waiving Municipal Code restrictions on recreational vehicle parking when the recreational vehicle is used as a place for an individual to isolate themselves to prevent exposure of COVID-19 to themselves or their family or others; and

WHEREAS, on April 7, 2020, the Director of Emergency Services issued Emergency Order 2020-09, ratified by the City Council on April 13, 2020, suspending transit fares for the City’s Roundup and Stageline services during the declared local emergency; and

WHEREAS, on April 9, 2020, the Director of Emergency Services issued Emergency Order 2020-11, ratified by the City Council on April 13, 2020, authorizing punishment by administrative citation and administrative penalty for violation of the Stay at Home Order; and

Attachment 1

WHEREAS, on April 10, 2020, the Director of Emergency Services issued Emergency Order 2020-12, ratified by the City Council on April 13, 2020, authorizing punishment by administrative citation and administrative penalty for violation of any Emergency Orders issued by the Director of Emergency Services; and

WHEREAS, the Stay at Home Order has been modified by the Governor’s color-coded COVID-19 tiers, and Fresno County and the City are currently in the orange tier allowing for indoor business operations with various modifications; and

WHEREAS, the Governor has announced the COVID-19 tiers will end on June 15, 2021, and all businesses and industries in the State will be fully reopened with some required modifications and purported safety measures in place for various businesses and industries; and

WHEREAS, as a result of the modification of the Stay at Home Order, the slowed spread of COVID-19, the opening of businesses and industries, and subsequent action taken by the City Council to eliminate all transit fees for Roundup and Stageline services, various Emergency Orders issued by the Director of Emergency Services are no longer necessary.

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

IT IS HEREBY ORDERED, effective immediately upon adoption of this Resolution, that:

1. Emergency Services Director Orders 2020-05, 2020-07, 2020-09, 2020-11, and 2020-12 are hereby repealed.

The forgoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 3, 2021, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Date: May 3, 2021

Jose Flores, Mayor

ATTEST:

John Holt, City Clerk

**CITY OF CLOVIS
EMERGENCY SERVICES DIRECTOR ORDER 2020 – 05**

DECLARATION OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF CLOVIS RELATING TO PRICE GOUGING AND TAKING UNFAIR ADVANTAGE OF CONSUMERS

WHEREAS, there exists a local emergency in the City of Clovis (“City”) pursuant to Resolution 20-20, approved by the City Council on March 16, 2020, where the City declared a local emergency due to the increase in confirmed cases of COVID-19, including those confirmed cases within Fresno, Tulare and Madera Counties; and

WHEREAS, under the authority of Government Code sections 8610 and 8634, and Clovis Municipal Code section 4.2.06, I am empowered, upon declaration of a local emergency, to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

WHEREAS, during a state of emergency or local emergency, including, but not limited to, an earthquake, flood, fire, riot, storm, drought, plant or animal infestation, disease, or other natural or manmade disaster, some merchants have taken unfair advantage of consumers by greatly increasing prices for essential consumer goods and services. While the pricing of consumer goods and services is generally best left to the marketplace under ordinary conditions, when a declared state of emergency or local emergency results in abnormal disruptions of the market, the public interest requires that excessive and unjustified increases in the prices of essential consumer goods and services be prohibited; and

WHEREAS, it is necessary in such circumstances to protect residents from excessive and unjustified increases in the prices charged during or shortly after a declared state of emergency or local emergency for goods and services that are vital and essential for the health, safety, and welfare of consumers; and

WHEREAS, the City’s residents’ health and property are deemed to be in peril and time is of the essence.

THEREFORE, I, Luke Serpa, as Director of Emergency Services, declare effective 12:00 p.m. on March 26, 2020:

1. During the current local emergency, it shall be unlawful for a person, contractor, business, or other entity to sell or offer to sell any consumer food items or goods, goods or services used for emergency cleanup, emergency supplies, medical supplies, or building materials, for a price of more than ten percent (10%) greater than the price charged by that person for those goods or services immediately prior to the City’s March 16, 2020 declaration of local emergency. However, a greater price increase is not unlawful if that person can prove that the increase in price was directly attributable to additional costs imposed on it by the supplier of the goods, or directly attributable to

additional costs for labor or materials used to provide the services, during the state of emergency or local emergency, and the price is no more than 10 percent (10%) greater than the total of the cost to the seller plus the markup customarily applied by the seller for that good or service in the usual course of business immediately prior to the onset of the state of emergency or local emergency.

2. In addition to all other remedies and penalties available under the Clovis Municipal Code and state law, violation of this regulation shall be punishable by an administrative citation imposed pursuant to Chapter 1.7 of the Clovis Municipal Code with an administrative penalty of \$1,000 per violation. Due to the local emergency and the need to protect the public health, safety, and welfare, no notice and opportunity to correct is required before issuing a citation. Each and every day during any portion of which any violation of any provision of this regulation is committed, continued, or permitted shall be considered a separate offense.

3. For the purposes of this regulation, the following terms have the following meanings:

a. "Consumer food item" means any article that is used or intended for use for food, drink, confection, or condiment by a person or animal.

b. "Emergency supplies" includes, but is not limited to, water, flashlights, radios, batteries, candles, blankets, soaps, sanitizer, disinfectants, diapers, temporary shelters, tape, toiletries, plywood, nails, and hammers.

c. "Medical supplies" includes, but is not limited to, prescription and nonprescription medications, bandages, gauze, isopropyl alcohol, and antibacterial products.

d. "Building materials" means lumber, construction tools, windows, and anything else used in the building or rebuilding of property.

e. "Goods" has the same meaning as defined in subdivision (c) of Section 1689.5 of the Civil Code

4. A business offering an item for sale at a reduced price immediately prior to the proclamation or declaration of the emergency may use the price at which it usually sells the item to calculate the price pursuant to Section 1.

NOW, THEREFORE, BE IT RESOLVED, that the law enforcement forces of this City, along with other law enforcement authorities cooperating with the City, are hereby authorized and charged, to the extent provided by law, with the responsibility of enforcing this regulation.

BE IT FURTHER RESOLVED that this regulation shall remain in effect until such time as it is terminated by the Director of Emergency Services or the City Council of the City of Clovis.

* * * * *

DATE AND TIME: March 26, 2020 at 12:00 p.m.



Luke Serpa, Director of Emergency Services

ATTEST:



John Holt, City Clerk

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**CITY OF CLOVIS
EMERGENCY SERVICES DIRECTOR ORDER 2020 – 07**

DECLARATION OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF CLOVIS RELATING TO WAIVING MUNICIPAL CODE RESTRICTIONS AGAINST PARKING A RECREATIONAL VEHICLE UNDER SPECIFIC CIRCUMSTANCES

WHEREAS, on March 16, 2020, with the approval of Resolution 20-20, the City Council of the City of Clovis (“City”) declared a local emergency as a result of the threatened spread of COVID-19 in the City, surrounding areas, and the state; and

WHEREAS, on March 19, 2020, the Governor of California issued Executive Order N-33-20, ordering all individuals living in the State of California to stay home or at their place of residence, except as needed to maintain continuity of operations of critical infrastructure; and

WHEREAS, some citizens who are classified as essential workers could be exposed to COVID-19, or their family members or other occupants of their homes may have been exposed to COVID-19. As a result, those essential workers may choose to isolate themselves from family members and other occupants of their homes to protect themselves or their family from possible exposure; and

WHEREAS, some citizens that have been directed by a doctor or public health official to self-isolate themselves from other people to prevent the possible spread of COVID-19 may need to isolate themselves from their families and other occupants of their homes, and

WHEREAS, a recreational vehicle that is parked at a residence could provide a useful means for individuals to isolate themselves from their families and the other occupants of their homes, and

WHEREAS, under the authority of Government Code sections 8610 and 8634, and Clovis Municipal Code section 4.2.06, I am empowered, upon declaration of a local emergency, to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

WHEREAS, it is in the best interest of both the essential workers and their families, and other individuals ordered to isolate at home, to maintain a safe and clean environment in which they can isolate to prevent further exposure of COVID-19.

NOW, THEREFORE, I, Luke Serpa, as Director of Emergency Services, declare effective 12:00 p.m. on April 2, 2020, as follows:

1. For the purposes of this Order, the following definitions shall apply:

(a) "Essential worker" has the same definition as those individuals designated by the State Public Health Officer as Essential Critical Infrastructure Workers in the list issued in accordance with the Governor's Executive Order No. N-33-20, and any subsequent modifications of that list.

(b) "Recreational vehicle" or "R.V." has the same definition as Clovis Municipal Code section 9.1.120 (Recreational Vehicle) and refers to a camping trailer, motor home, travel trailer, a truck-mounted camper, with or without a motor, or other similar vehicle designed for human habitation for recreational or emergency occupancy.

2. Notwithstanding any provision of the Clovis Municipal Code restricting or prohibiting R.V. parking on private property and public streets, or the duration of parking on public streets, essential workers who choose to isolate themselves from their families to prevent exposure of COVID-19 to themselves or their family, and those individuals who were ordered to self-isolate by a doctor or public health official, may park an R.V. on the street in front of their home, or in the driveway of their property for the purposes of that self-isolation.

3. Any individual wishing to isolate within a recreational vehicle pursuant to this regulation shall present the following upon request from a peace officer, code enforcement officer, or public health officer:

(a) A letter from the individual's employer that indicates that the individual is in fact working as an essential worker, or other evidence satisfactory to the officer; or

(b) A letter or note from a doctor or public health official ordering that the individual self-isolate themselves away from the people within their normal residence to prevent further exposure to COVID-19, or other evidence satisfactory to the officer.

4. Any individual isolating within a recreational vehicle pursuant to this regulation shall follow all health, safety, and welfare directions of the City relating to water, wastewater, gas, and electricity use.

5. This section is not intended to and shall not be interpreted as a waiver of the parking regulations of recreational vehicles for all individuals within the City. Those who do not qualify under the parameters of this regulation are still subject to the restrictions set forth in the Municipal Code.

6. The City and all departments are authorized to take such action as reasonably necessary to implement this regulation.

BE IT FURTHER RESOLVED that this regulation shall remain in effect until such time as it is terminated by the Director of Emergency Services or the City Council of the City of Clovis.

* * * * *

DATE AND TIME: April 2, 2020 at 12:30 p.m.



Luke Serpa, Director of Emergency Services

ATTEST:



John Holt, City Clerk

**CITY OF CLOVIS
EMERGENCY SERVICES DIRECTOR ORDER 2020 – 09**

**DECLARATION OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF
CLOVIS RELATING TO WAIVING TRANSIT FARES DURING EMERGENCY**

WHEREAS, on March 16, 2020, with the approval of Resolution 20-20, the City Council of the City of Clovis (“City”) declared a local emergency as a result of the threatened spread of COVID-19 in the City, surrounding areas, and the state; and

WHEREAS, on March 19, 2020, the Governor of California issued Executive Order N-33-20, ordering all individuals living in the State of California to stay home or at their place of residence, except as needed to maintain continuity of operations of critical infrastructure; and

WHEREAS, under the authority of Government Code sections 8610 and 8634, and Clovis Municipal Code section 4.2.06, I am empowered, upon declaration of a local emergency, to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

WHEREAS, the City has determined that the transit system for the City of Clovis, which includes Clovis Roundup and Stageline, is an essential service to aid citizens of the community in reaching necessary medical treatment, work for essential workers and to replenish food and supplies; and

WHEREAS, in order to provide these essential services and at the same time comply with social distancing orders, the City has instituted protective measures for both the citizens and the City employees who operate and maintain the transit vehicles; and

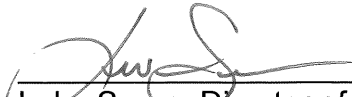
NOW, THEREFORE, I, Luke Serpa, as Director of Emergency Services, declare effective 3:00 p.m. on April 7, 2020, as follows:

1. To further the practice of social distancing and to assist citizens in these difficult economic times, beginning April 8, 2020 through the end of the declared emergency as referenced above, the City of Clovis will suspend all transit fares for Roundup and Stage Line services.

BE IT FURTHER RESOLVED that this regulation shall remain in effect until such time as it is terminated, amended or modified by the Director of Emergency Services or the City Council of the City of Clovis.

* * * * *

DATE AND TIME: April 7, 2020 at 3:00 p.m.



Luke Serpa, Director of Emergency Services

ATTEST:



John Holt, City Clerk

**CITY OF CLOVIS
EMERGENCY SERVICES DIRECTOR ORDER 2020 – 11**

**DECLARATION OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF
CLOVIS RELATING TO LOCAL ENFORCEMENT OF GOVERNOR’S EXECUTIVE
ORDER PERTAINING TO THE STATEWIDE STAY AT HOME REQUIREMENTS**

WHEREAS, there exists a local emergency in the City of Clovis (“City”) pursuant to Resolution 20-20, approved by the City Council on March 16, 2020, where the City declared a local emergency as a result of the threatened spread of COVID-19 in the City, surrounding areas, and the state; and

WHEREAS, under the authority of Government Code sections 8610 and 8634, and Clovis Municipal Code section 4.2.06, I am empowered, upon declaration of a local emergency, to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

WHEREAS, on March 16, 2020, the California Department of Public Health established guidelines for social distancing, elimination of non-essential gatherings, and isolation for specific individuals, in order to prevent the transmission of COVID-19 (“DPH Guidance”);

WHEREAS, on March 19, 2020, with the adoption of Executive Order N-33-20, the Governor ordered a Statewide stay at home/stay in place order (“Stay at Home Order”); and

WHEREAS, on March 21, 2020, the City Council approved Resolution No. 20-29, acknowledging and adopting the Governor’s Stay at Home Order; and

WHEREAS, the City Council specifically made a finding that Executive Order N-33-20, as that Stay at Home Order may be amended or supplemented, shall be in full force and effect in the City of Clovis and shall also be considered a local order under the City’s declared local emergency. Law enforcement forces of this City, along with other law enforcement authorities cooperating with the City, are hereby authorized and charged, to the extent provided by law, with the responsibility of enforcing the Governor’s Order; and

WHEREAS, under conditions of the emergency, it is necessary and in the interest of public safety to take reasonable steps to prevent the spread of COVID-19, including adopting feasible and reasonable local enforcement mechanisms to ensure compliance with the Governor’s Stay at Home Order and DPH Guidance.

NOW, THEREFORE, I, Luke Serpa, as Director of Emergency Services, declare effective 4:00 p.m. on April 9, 2020, as follows:


1. In addition to all other remedies and penalties available under the Clovis Municipal Code and state law, a violation of the Governor's Stay at Home Order or the DPH Guidance regarding social distancing and non-essential gatherings, as the Stay at Home Order and DPH Guidance may be amended, supplemented, or interpreted by the Governor or DPH, shall be punishable by an administrative citation imposed pursuant to Chapter 1.7 of the Clovis Municipal Code with an administrative penalty of \$1,000 per violation. Due to the local emergency and the need to protect the public health, safety, and welfare, no notice and opportunity to correct is required before issuing a citation. Each and every day during any portion of which any violation of any provision of the Governor's Stay at Home Order or the DPH Guidance is committed, continued, or permitted in the City, shall be considered a separate offense.

NOW, THEREFORE, BE IT ORDERED, that the law enforcement forces of this City, along with other law enforcement authorities cooperating with the City, are hereby authorized and charged, to the extent provided by law, with the responsibility of implementing and enforcing this regulation.

BE IT FURTHER ORDERED that this regulation shall remain in effect until such time as it is terminated, amended or modified by the Director of Emergency Services or the City Council of the City of Clovis.

* * * * *

DATE AND TIME: April 9, 2020 at 3:30 p.m.



Luke Serpa, Director of Emergency Services

ATTEST:



John Holt, City Clerk

**CITY OF CLOVIS
EMERGENCY SERVICES DIRECTOR ORDER 2020 – 12**

**DECLARATION OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF
CLOVIS RELATING TO ENFORCEMENT OF LOCAL EMERGENCY ORDERS**

WHEREAS, there exists a local emergency in the City of Clovis (“City”) pursuant to Resolution 20-20, approved by the City Council on March 16, 2020, where the City declared a local emergency as a result of the threatened spread of COVID-19 in the City, surrounding areas, and the state; and

WHEREAS, under the authority of Government Code sections 8610 and 8634, and Clovis Municipal Code section 4.2.06, I am empowered, upon declaration of a local emergency, to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

WHEREAS, on March 16, 2020, the California Department of Public Health established guidelines for social distancing, elimination of non-essential gatherings, and isolation for specific individuals, in order to prevent the transmission of COVID-19 (“DPH Guidance”);

WHEREAS, on March 19, 2020, with the adoption of Executive Order N-33-20, the Governor ordered a Statewide stay at home/stay in place order (“Stay at Home Order”); and

WHEREAS, on March 21, 2020, the City Council approved Resolution No. 20-29, acknowledging and adopting the Governor’s Stay at Home Order; and

WHEREAS, the City Council specifically made a finding that Executive Order N-33-20, as that Stay at Home Order may be amended or supplemented, shall be in full force and effect in the City of Clovis and shall also be considered a local order under the City’s declared local emergency. Law enforcement forces of this City, along with other law enforcement authorities cooperating with the City, are hereby authorized and charged, to the extent provided by law, with the responsibility of enforcing the Governor’s Order; and

WHEREAS, under my authority and in order to protect the public health, safety, and welfare, and to further prevent the spread of COVID-19, I have issued several “Local Emergency Orders” that supplement the DPH Guidance and Stay at Home Order, which have been confirmed by the City Council or are pending confirmation by the City Council; and

WHEREAS, it is necessary and in the interest of public safety to adopt feasible and reasonable local enforcement mechanisms to ensure compliance with the Local Emergency Orders.

NOW, THEREFORE, I, Luke Serpa, as Director of Emergency Services, declare effective 12:00p.m. on April 10, 2020, as follows:

1. In addition to all other remedies and penalties available under the Clovis Municipal Code and state law, a violation of a Local Emergency Order issued by the Director of Emergency Services or City Council, shall be punishable by an administrative citation imposed pursuant to Chapter 1.7 of the Clovis Municipal Code with an administrative penalty of \$1,000 per violation. Due to the local emergency and the need to protect the public health, safety, and welfare, no notice and opportunity to correct is required before issuing a citation. Each and every day any violation of any provision of a Local Emergency Order or Emergency Ordinance is committed, continued, or permitted in the City, shall be considered a separate offense.

NOW, THEREFORE, BE IT ORDERED, that City police and code enforcement officers, along with other law enforcement authorities cooperating with the City, are hereby authorized and charged, to the extent provided by law, with the responsibility of implementing and enforcing this regulation.

BE IT FURTHER ORDERED that this regulation shall remain in effect until such time as it is terminated, amended or modified by the Director of Emergency Services or the City Council of the City of Clovis.

* * * * *

DATE AND TIME: April 10, 2020 at 10:00 a.m.



Luke Serpa, Director of Emergency Services

ATTEST:



John Holt, City Clerk