



CITY of CLOVIS

AGENDA • CITY COUNCIL MEETING

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

November 7, 2022

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.

The Clovis City Council meetings are open to the public at the physical address listed above. There are numerous ways to participate in the City Council meetings: you are able to attend in person; you may submit written comments as described below; you may participate by calling in by phone (see “Verbal Comments” below); and you may view the meeting which is webcast and accessed at www.cityofclovis.com/agendas.

Written Comments

- Members of the public are encouraged to submit written comments at: www.cityofclovis.com/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.
- In order for everyone to be heard, please limit your comments to 5 minutes or less, or 10 minutes per topic

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

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.

- [1.](#) Administration - Approval - Minutes from the October 17, 2022, Council Meeting.
- [2.](#) Administration - Approval – Approve the Purchase of Network, Electrical and Mechanical Equipment, and Related Services to Enhance the Resiliency of the Infrastructure of the City’s Server Rooms During Power Outages; and Approval – Res. 22-____, Amending the 2022-2023 Information Technology Division and the General Services Facilities Maintenance Budgets to Allocate Funds for Purchase of the Equipment and Services.
- [3.](#) Administration - Approval – Award the Request for Proposals and approve the purchase of Storage Area Network equipment from AMS.NET in the amount of \$161,495.37.
- [4.](#) Administration - Receive and File – Economic Development Corporation Serving Fresno County Quarterly Report, July-September 2022.
- [5.](#) Administration - Receive and File – Business Organization of Old Town (BOOT) First Quarter Report, July through September 2022.
- [6.](#) Finance - Approval - Res. 22-____, Amending Resolution 21-129 approving the Appropriations Limit related to approving the 2021-2022 City of Clovis Annual Budget; and Approval - Res. 22-____, Amending Resolution 22-54 approving the Appropriations Limit related to approving the 2022-2023 City of Clovis Annual Budget.
- [7.](#) Fire – Approval – Waive formal bidding requirements and authorize the purchase of replacement self-contained breathing apparatus (SCBA), SCBA fill station, and O2 (oxygen) fill station.
- [8.](#) Planning and Development Services - Approval – Res. 22-____, Final Map Tract 6367, located at the southeast area of Nees Avenue and North Armstrong Avenue (Gleneagles Homes, a California Corp doing business as Gary McDonald Homes, a California corporation).
- [9.](#) Planning and Development Services - Approval – Res. 22-____, Annexation of Proposed Tract 6367, located at the southeast area of Nees Avenue and North Armstrong Avenue to the Landscape Maintenance District No. 1 of the City of Clovis (Gleneagles Homes, a California Corp doing business as Gary McDonald Homes, a California corporation).

COUNCIL ITEMS

- [10.](#) Consider Approval – Appointment to Consolidated Mosquito Abatement District.

Staff: John Holt, City Manager

Recommendation: Approve

- [11.](#) Consider – A Request from the Building Industry Association to draft a letter to the California Public Utilities Commission regarding the impacts of Pacific Gas & Electric business practices and how they are negatively impacting the City of Clovis development.

Staff: John Holt, City Manager

Recommendation: Approve

PUBLIC HEARINGS - A public hearing is an open consideration within a regular or special meeting of the City Council, for which special notice has been given and may be required. When a public hearing is continued, noticing of the adjourned item is required as per Government Code 54955.1.

- [12.](#) Consider Introduction – Ord. 22-___, an Ordinance of the City Council of the City of Clovis Amending Sections 8.1.02, 8.2.101, 8.5.101, 8.6.101, 8.15.101, 8.16.101, 8.17.101 of Title 8 of The Clovis Municipal Code Pertaining to Adoption of 2022 California Building, Electrical, Mechanical, Plumbing, Residential, Energy and Green Building Standards Codes.

Staff: Jesse D. Newton, Deputy Building Official

Recommendation: Approve

- [13.](#) Consider Approval – Res. 22-___, Making and adopting express findings to the 2022 California Fire Code Reasonably Required Based on Local Climatic, Geological, and Topographical Conditions; and Consider Introduction – Ord. 22-___, Amending Various Sections of Title 4, Chapter 4.4, Article 1 of the Clovis Municipal Code Relating to the California Fire Code.

Staff: Chad Fitzgerald, Life Safety Enforcement Manager and Rick Fultz, Fire and Life Safety Specialist

Recommendation: Approve

- [14.](#) Consider Approval – Res. 22-___, Approving the City’s Updated Master Administrative Fee Schedule.

Staff: Andrew Haussler, Assistant City Manager

Recommendation: Approve

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

- [15.](#) Consider Adoption – **Ord. 22-09**, An Ordinance of the City Council of the City of Clovis amending Article 5 Department of Public Utilities, Sections 2.2.501 and 2.2.502, and adding sections 2.2.503 and 2.2.504 of Chapter 2.2 (Officers and Employees) of the Clovis Municipal Code Pertaining to the Department of Public Utilities and the Position of Public Utilities Director. (Vote: 4-0-1 with Councilmember Ashbeck absent)

Staff: Karey Cha, City Clerk

Recommendation: Adopt

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:

Nov. 14, 2022 (Mon.)

Nov. 21, 2022 (Mon.) (To Be Cancelled)

Dec. 5, 2022 (Mon.)

Dec. 12, 2022 (Mon.)

Dec. 19, 2022 (Mon.)

CLOVIS CITY COUNCIL MEETING

October 17, 2022

6:00 P.M.

Council Chamber

Meeting called to order by Mayor Flores at 6:01
Flag Salute led by Councilmember Bessinger

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

PUBLIC COMMENTS – 6:04

Russel Tidrick, resident, shared concerns regarding landscape maintenance on Temperance Avenue between Nees and Shepherd Avenues.

James Borunda, spoke on behalf of his father who is a resident impacted by the Sunnyside Avenue water main break. He shared his complaints regarding the City’s offer to his father and requested for the Council to extend the deadline for the residents to make a decision.

Heather Miller, resident, commented on an issue with mosquitos in her neighborhood and shared that the Mosquito Abatement District indicated that it could be due to the City’s development standards which changed the drainage requirements causing there to be stagnant water.

Jean Johnson, resident, shared complaints regarding her neighbor building in their backyard without permits and causing too much noise. She also shared concerns regarding her encounters with City building inspectors.

Charles Brough, resident, shared his complaints regarding street signage and crosswalk markings at Gettysburg Elementary School.

CONSENT CALENDAR – 6:34

Motion by Councilmember Bessinger, seconded by Councilmember Whalen, that the items on the Consent Calendar be approved. Motion carried 4-0-1 with Councilmember Ashbeck absent.

1. Administration - Approved - Minutes from the October 3, 2022, Council Meeting.
2. Finance - Approved – **Res. 22-114**, Amending the 2022-23 Budget to reappropriate carryover funding from the 2021-22 budget.
3. General Services – Approved - Claim Rejection of the General Liability Claim on behalf of Dianne Smith.
4. General Services – Approved - **Res. 22-115**, Authorizing Amendments to the City’s Classification and Compensation Plans to Adopt both an Information Technology

Cybersecurity Analyst and a Finance Business Systems Analyst Classification with a Salary Range of \$8,514 to \$10,349 per month for both positions; and Approved – **Res. 22-116**, Amending the City’s FY 22-23 Position Allocation Plan.

- 5. General Services – Approved – **Res. 22-117**, Authorizing Amendments to the City’s Classification and Compensation Plans to Adopt the Principal Utilities Engineer Classification with a Salary Range of \$11,795 to \$14,337 per month, and Approved – **Res. 22-118**, Amending the City’s FY 22-23 Position Allocation Plan.
- 6. Planning and Development Services – Approved – Bid Award for CIP 17-13 Nees Avenue Street Widening and Authorize the City Manager to Execute the Contract on behalf of the City.
- 7. Planning and Development Services - Approved – Final Acceptance for CIP 21-04, Loma Vista Village Green Offsite Improvements.

PUBLIC HEARINGS – 6:36

6:36 – ITEM 8 - CONSIDER VARIOUS ACTIONS RELATED TO THE PUBLIC UTILITIES DIRECTOR POSITION:

8A. APPROVED INTRODUCTION - **ORD. 22-09**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING ARTICLE 5 DEPARTMENT OF PUBLIC UTILITIES, SECTIONS 2.2.501 AND 2.2.502, AND ADDING SECTIONS 2.2.503 AND 2.2.504 OF CHAPTER 2.2 (OFFICERS AND EMPLOYEES) OF THE CLOVIS MUNICIPAL CODE PERTAINING TO THE DEPARTMENT OF PUBLIC UTILITIES AND THE POSITION OF PUBLIC UTILITIES DIRECTOR, AND

Motion for approval by Councilmember Whalen, seconded by Councilmember Bessinger. Motion carried 4-0-1 with Councilmember Ashbeck absent.

8B. APPROVED - **RES. 22-119**, AUTHORIZING AMENDMENTS TO THE PUBLIC UTILITIES DIRECTOR CLASSIFICATION WITHIN THE PUBLIC UTILITIES DEPARTMENT.

Motion for approval by Councilmember Whalen, seconded by Councilmember Bessinger. Motion carried 4-0-1 with Councilmember Ashbeck absent.

6:40 – ITEM 9 - CONSIDER ITEMS RELATED TO THE INCORPORATION OF VEHICLE MILES TRAVELED (VMT) INTO THE GENERAL PLAN CIRCULATION ELEMENT. CITY OF CLOVIS, APPLICANT.

9A. APPROVED – **RES. 22-120**, A REQUEST TO CERTIFY A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, ADOPT FINDINGS OF FACT, AND ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM.

Motion for approval by Councilmember Mouanoutoua, seconded by Councilmember Whalen. Motion carried 4-0-1 with Councilmember Ashbeck absent.

9B. APPROVED – **RES. 22-121**, GPA2022-003, A REQUEST TO AMEND THE 2014 GENERAL PLAN TO INCORPORATE POLICY CHANGES TO THE CIRCULATION ELEMENT TO INCORPORATE PROVISIONS RELATED TO THE VEHICLE MILES TRAVELED TRAFFIC IMPACT EVALUATION CRITERION.

Motion for approval by Councilmember Mouanoutoua, seconded by Councilmember Whalen. Motion carried 4-0-1 with Councilmember Ashbeck absent.

9C. APPROVED – **RES. 22-122**, A REQUEST TO ADOPT UPDATED TRANSPORTATION IMPACT ANALYSIS GUIDELINES.

Motion for approval by Councilmember Mouanoutoua, seconded by Councilmember Whalen. Motion carried 4-0-1 with Councilmember Ashbeck absent.

ADMINISTRATIVE ITEMS – 7:30

7:30 – ITEM 10 - CONSIDER APPROVAL – IMPLEMENTATION OF CLOVIS TRANSIT PROGRAM TO CARRY NARCAN ON TRANSIT VEHICLES.

Motion for approval by Councilmember Whalen, seconded by Councilmember Bessinger. Motion carried 4-0-1 with Councilmember Ashbeck absent.

COUNCIL ITEMS – 7:50

7:50 – ITEM 11 - CONSIDER UPDATE – HOTEL PARKING RATIOS.

Randeep, Hotel Owner, spoke in support of changing the hotel parking ratios to 1:1.

Robert, Architect, commented on how changing the hotel parking ratios to 1:1 will allow for more rooms in a hotel.

It was the consensus of the Council for staff to return with additional data specific to the hotels located in Clovis for Council’s consideration.

CITY MANAGER COMMENTS – 8:15

COUNCIL COMMENTS – 8:15

Mayor Flores adjourned the meeting of the Council to November 7, 2022

Meeting adjourned: 8:23 p.m.

Mayor

City Clerk



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: November 7, 2022

SUBJECT: Administration - Approval – Approve the Purchase of Network, Electrical and Mechanical Equipment, and Related Services to Enhance the Resiliency of the Infrastructure of the City’s Server Rooms During Power Outages; and Approval – Res. 22-____, Amending the 2022-2023 Information Technology Division and the General Services Facilities Maintenance Budgets to Allocate Funds for Purchase of the Equipment and Services.

ATTACHMENTS: 1. Resolution and Budget Amendment

CONFLICT OF INTEREST

None.

RECOMMENDATION

1. Authorize the purchase of a various technology and electrical equipment and services to enhance the resiliency of the city’s data systems and network during electrical grid failures, “brown/*outs”, and other power outages; and
2. For the City Council to approve Resolution 22-____, amending the 2022-2023 Information Technology Division and the General Services Facilities Maintenance Budgets to allocate funds for purchase of the equipment and services.

EXECUTIVE SUMMARY

This past summer, the Fresno/Clovis area set a record with 60 plus days of 100°F degrees or more, including a few days with temperatures over 110°F degrees. In September, there was a power outage that lasted for several hours. Staff was unaware that the backup generator failed to activate properly; and the lack of both power sources (PG&E and Generator) caused the network and data systems to experience some downtime. This included communications services to/from all remote locations (Fire Stations, Corporation Yard, Animal Services), Patrol Vehicle Mobile Data Computers, and Internet Connectivity.

Following the outage, staff began to assess the problems with the generator and other equipment to determine why they failed and to develop a plan to address the issues.

To provide this increased reliability and resiliency, Facilities Maintenance staff and Information Technology Division staff did a comprehensive review of the electrical, technological, and mechanical components in the campus server rooms. Staff recommends the purchase of the equipment and services needed to provide more resiliency to this critical infrastructure; and for Council to authorize the budget amendment to allocate the funds for this project.

BACKGROUND

In September of 2022, there was a heat-related power outage that lasted for several hours. Staff was unaware that the backup generator failed to activate properly. The lack of both power sources (PG&E and Generator) caused the UPS battery backup units to deplete their one-hour runtime and an outage of the network and data systems followed. This included communications services to/from all remote locations (Fire Stations, Corporation Yard, Animal Services, etc.), Patrol Vehicle Mobile Data Computers (MDCs), and Internet Connectivity for all City staff. As Council may recall, the Council meeting scheduled for September 6, 2022, had to be cancelled as well.

Following the outage, and after all services were restored, staff from both Facilities Maintenance and Information Technology began to assess the equipment problems and to develop a plan to address the issues. To provide increased reliability and resiliency, staff did a comprehensive review of the electrical, technological, and mechanical components that support the campus server rooms.

For the electrical and mechanical components, this included consulting with professional electricians to determine why the generator and/or transfer switch failed to activate, identifying equipment that operates nonstop and has the potential to fail (example Air Conditioning Units), and finally, reviewing the battery backup units and replacement/upgrade options to provide more than the one hour of uptime than they currently have.

Additionally, for the technological components, staff reassessed the City's internet connectivity connections and the need for offsite redundancy to ensure our Public Safety services (Dispatch, Fire and Police MDCs) would be able to continue to operate if the primary sites are down due to a power outage or other unforeseen circumstance.

Below is the outcome of staff's analysis and the recommended fixes:

1. Facilities: New electrical transfer switch – \$50,000
2. Facilities: New A/C units for server rooms (CH, PDS, PD) – \$30,000
3. Facilities: Cellular 4G/5G-based monitoring of generators – \$5,000
4. I.T.: Consolidated UPS Systems (4) with Power Distribution Units and 4 hours of run-time – \$100,000
5. I.T.: Internet Redundancy at the Disaster Recover Site – \$15,000 / year
6. I.T.: Network/Security enhancements for redundancy – \$75,000

Staff recommends the purchase of the items listed above as they are needed to provide resiliency to this critical infrastructure. Staff also recommends that Council authorize the budget amendment to allocate the funds for these projects. Staff is continuing to look at other long-term

investments that can be made to increase resiliency of this critical infrastructure. This may include alternative electrical supplies and shifting of the location of some of this infrastructure as opportunities arise.

FISCAL IMPACT

A budget amendment, in the amount of an additional \$275,000 is needed to account for the fund expenditure; \$85,000 to the General Services Facilities Maintenance Budget and \$190,000 to the Information Technology Division Budget. Funds are available in the General Governmental Facilities fund.

REASON FOR RECOMMENDATION

The equipment and services are needed to increase the stability and resiliency of the City's critical network infrastructure, and to better protect operations due from electrical grid problems, brownouts, and other unforeseen outages.

ACTIONS FOLLOWING APPROVAL

Staff will implement the improvements and issue bids, requests for proposals, etc., as required by the City's purchasing policy. Depending on product availability, staff would hope to have the solutions in place prior to the extreme summer heat anticipated in June – September 2023.

Prepared by: Jesse Velez, I.T. Deputy Director
Stephen Frankian, Facilities Maintenance and Purchasing Manager

Reviewed by: City Manager AA

RESOLUTION 22-__

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
APPROVING AN AMENDMENT TO THE ANNUAL BUDGET FOR
FISCAL YEAR 2022-2023**

WHEREAS, the City Council adopted the FY 2022-2023 budget on June 13, 2022;
and

WHEREAS, the City Council is amending the 2022-2023 Budget to include expenditures in the Information Technology Division and the General Services Facilities Maintenance Budgets to purchase equipment and services that will provide increased resiliency from power outages to critical network infrastructure; and

WHEREAS, these expenditures were not included in the original adopted budget.

NOW, THEREFORE, BE IT RESOLVED, that the City of Clovis approves the budget amendment as shown in the “Summary of Expenditures by Department” and “Summary of Expenditures by Fund” as attached as Attachment A.

* * * * *

The foregoing resolution was introduced and adopted at a regularly meeting of the Clovis City Council held on November 7, 2022, by the following vote, to wit:

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

DATED:

Mayor

City Clerk

ATTACHMENT A

SUMMARY OF EXPENDITURES BY DEPARTMENT

Department

General Services Facilities Maintenance	\$85,000
Information Technology Division	<u>\$190,000</u>
Total	\$275,000

SUMMARY OF EXPENDITURES BY FUND

Fund

General Services	<u>\$275,000</u>
Total	\$275,000



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration Department

DATE: November 7, 2022

SUBJECT: Administration - Approval – Award the Request for Proposals and approve the purchase of Storage Area Network equipment from AMS.NET in the amount of \$161,495.37.

ATTACHMENTS: None.

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to award the Request for Proposals and approve the purchase of Storage Area Network equipment from AMS.NET in the amount of \$161,495.37.

EXECUTIVE SUMMARY

Over the last several years, staff has implemented a virtualized server infrastructure to consolidate its servers. The system supports approximately 150 servers including the City's financial system, geographic systems and many other applications. It has proven to be an effective replacement model for most servers – instead of purchasing 150 individual servers for all city applications, a virtual infrastructure (consisting of four servers and a Storage Area Network (SAN) system) was purchased. This has provided a significant cost savings and a great return on investment.

The current SAN system in City Hall has been in operation for six years; being built on six plus year old technology, it is starting to show its age. The data storage, throughput, and other system computing resources are slow by current day standards. Staff began planning for its replacement and requested funding in FY22-23 to do so. Staff went out with a Request for Proposals (RFP) and received two responses. AMS.NET provided the most cost effective and responsive proposal.

BACKGROUND

The Information Technology Division supports over 150 virtual servers that provide applications and other information services to all City departments. The current virtual infrastructure in the City Hall data center supports the City's financial system, emails servers, geographic systems,

web applications, security services, and many other applications. It has proven to be an effective replacement model for most servers. For example, instead of purchasing individual servers for all the City’s applications, only four physical servers and the SAN were purchased. This model provides a significant cost savings and has proven to be a great return on investment.

In the last few years, the number of hosted-virtual servers and data storage needs continues to grow on the City Hall Storage Area Network (SAN) system. The system has been in production since 2016; staff anticipated needing to replace this unit this fiscal year to provide more computing resources, better performance (throughput), and room for growth of the City’s data.

Staff developed and issued a Request for Proposals for Storage Area Network equipment.

Two (2) proposals were received as follows:

Vendor Name	Total
AMS.NET	\$161,495.37
Axelliant	\$309,935.29

The proposal from AMS.NET was the lowest cost proposal, it met all system requirements, and they have an office in the Fresno area. Staff is recommending that the City Council award the RFP for the Storage Area Network equipment to AMS.net for \$161,495.37.

FISCAL IMPACT

The total cost for the SAN and networking equipment is \$161,495.37. Funds have been allocated in the IT Division budget.

REASON FOR RECOMMENDATION

There has been significant growth in the City Hall data center storage and computing needs. The virtualized environment has proven to be an effective and cost-efficient model as compared to buying individual servers for each City system / application.

ACTIONS FOLLOWING APPROVAL

Staff will order the storage and network equipment. When it arrives, it will be configured and seamlessly integrated into the City’s data center.

Prepared by: Jesse Velez, IT Deputy Director

Reviewed by: City Manager *JH*



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: November 7, 2022

SUBJECT: Administration - Receive and File – Economic Development Corporation Serving Fresno County Quarterly Report, July-September 2022.

ATTACHMENTS: 1. EDC First Quarter Report, July - September 2022

CONFLICT OF INTEREST

None.

RECOMMENDATION

That the City of Clovis receive and file the First Quarter Report, July - September 2022 from the Economic Development Corporation Serving Fresno County.

EXECUTIVE SUMMARY

The Economic Development Corporation serving Fresno County (EDC) has submitted their First Quarter Report of activities for the City Council to receive and file, as required per the 2022-2023 Agreement with the City.

BACKGROUND

In the summer of 2022, the City of Clovis and the EDC entered a contract for the 2022-2023 fiscal year to provide regional marketing and business services to Clovis businesses. The contract provides for \$40,000 in baseline funding and provides \$10,000 for a medical attraction study implementation plan to be completed. This allows Clovis to be part of a regional effort in attracting commercial and industrial businesses to Clovis. Attached is a report detailing the progress of their activities to provide information to industrial/commercial representatives not currently located in Clovis for recruiting purposes and continue to assist existing Clovis businesses with informational and/or technical assistance to access statewide business support programs.

Highlights of the EDC quarterly report include:

Q1 Snapshot

The EDC team conducts outreach marketing business expansion and retention services by:

- Providing an operational analysis to evaluate the health of the business. This tool offers us a thorough understanding of the appropriate referrals or resources needed for business growth or retention;
- Connecting businesses to labor subsidy programs;
- Providing education on federal/state/local tax Incentives; and
- Providing referrals and information on financing assistance.

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

	Q1 2022-2023	
Businesses Contacted	15	
Business Referrals	20	

Type	Goal	Q1	FY22-23	Completion
Top 50 Business List	1	In Progress	0	-
Economic Profile Update	1	In Progress		-
Comparative Healthcare Analysis Enhancement	1	In Progress	0	-
Broker Events	2	0	0	-
New Business Leads	40	13	13	32.5%
Targeted Healthcare Engagements	20	0	0	-

FISCAL IMPACT

The City will forward the first quarter installment payment to EDC. The funds were budgeted in the 2022-2023 fiscal year budget.

REASON FOR RECOMMENDATION

The attached report meets the requirement established in the 2022-2023 Agreement between the EDC and the City of Clovis.

ACTIONS FOLLOWING APPROVAL

Staff will file the report.

Prepared by: Andy Haussler, Assistant City Manager

Reviewed by: City Manager *AH*



City of Clovis

Quarterly Activity Report

Quarter 1
Fiscal Year 2022-2023
July 1, 2022 – September 30, 2022

Lee Ann Eager	President/CEO
Sherry Neil	Chief Operating Officer
Paul Thorn	Controller
Will Oliver	VP of Business Services
Julian Ramos	Client Services Manager
Spencer Bremer	Research Analyst
Jackie Cuevas	Economic Development Specialist
Charlene Holguin	Economic Development Specialist
Andrea Lee	Economic Development Specialist
Marcella Lara	Business Retention Specialist
Darian Galindo	Business Retention Specialist
Tiffany Louk	Business Attraction Specialist
Merritt Pacini	Executive Assistant to the CEO
Miguel Ruelas	Business Expansion and Retention Coordinator
Ross Williams	Research Analyst
Chris Zeitz	Special Projects Coordinator

City of Clovis Quarterly Activity Report

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

Division Mission

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

Fresno County EDC Services

The Economic Development Corporation serving Fresno County is a nonprofit organization established to market Fresno County as the premier location for business prosperity. We facilitate site selection for new businesses within Fresno County, and assist in the retention and expansion of businesses through our alliance with collaborative partners and resources.

The EDC agrees to the following services:

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

Q1 Snapshot

The EDC team conducts outreach marketing business expansion and retention services by:

- Providing an operational analysis to evaluate the health of the business. This tool offers us a thorough understanding of the appropriate referrals or resources needed for business growth or retention;
- Connecting businesses to labor subsidy programs;
- Providing education on federal/state/local tax Incentives; and
- Providing referrals and information on financing assistance.

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

	Q1 2022-2023
Businesses Contacted	15
Business Referrals	20

Type	Goal	Q1	FY22-23	Completion
Top 50 Business List	1	In Progress	0	-
Economic Profile Update	1	In Progress		-
Comparative Healthcare Analysis Enhancement	1	In Progress	0	-
Broker Events	2	0	0	-
New Business Leads	40	13	13	32.5%
Targeted Healthcare Engagements	20	0	0	-

Clients and Businesses Contacted

A Mind Above, A Professional Psychology Corporation
 Accounting America
 AMA Management, Inc.
 Big Bear Apparel
 Cabinet Connection
 CALBEC Group
 Debra L Winegarden, PhD DBA Achievements Unlimited

Denny's #9549
 Facelogic Spa
 Green Planet Cleaning Pros
 High Performance Academy, LLC
 IDLS Sierra Avenue, LLC dba Magnolia Crossing, LLC
 Michael Angelo Custom Painting Inc
 Panaderia Cafe Oaxaca
 SMS Services Inc.

City of Clovis Economic Snapshot

Quarter 1, FY22-23

Industrial, Office, and Retail Vacancy

This quarter in the City of Clovis, the industrial vacancy rate dropped from 0.2% to zero, the office vacancy rate remained at 54%, and the retail vacancy rate remained at 5.1%.

Q1 FY22-23	Industrial	Office	Retail
Fresno County	11.2%	26.9%	27.2%
City of Clovis	-	54%	5.1%

Source: CoStar.com

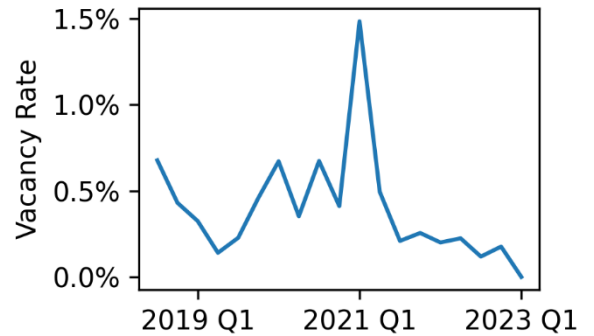
August 2022 Unemployment Rates

The unemployment rate in Clovis was 3.6% in August 2022, up from 3.1% in June 2022. This compares with a non-seasonally adjusted unemployment rate of 4.1% for California and 3.7% for the nation during the same period.

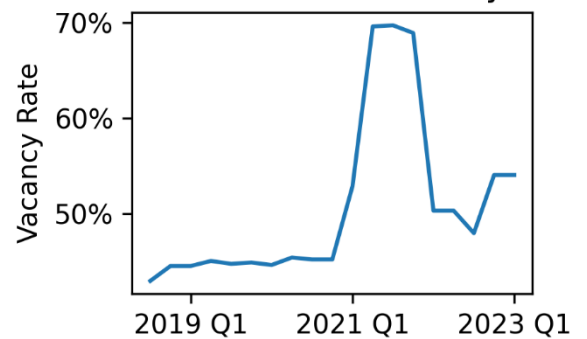
Area	Labor Force	Unemployment Rate
Fresno County	457,800	5.9%
City of Clovis	58,700	3.6%

Source: State of California Employment Development Department

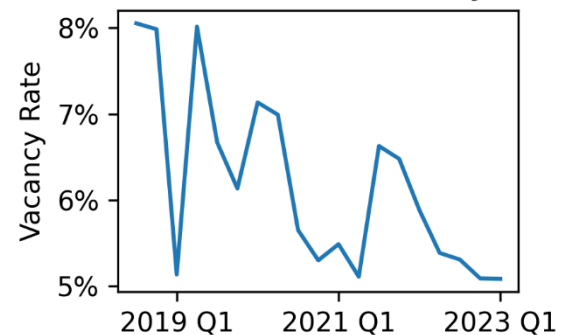
Clovis Industrial Vacancy



Clovis Office Vacancy



Clovis Retail Vacancy



Business Expansion and Attraction Leads

During the first quarter, the EDC generated **14** new business leads and responded to **4** requests for information.

New Leads

MONTH	CLIENT NUMBER	SOURCE	INDUSTRY	JOBS	SITE REQUIREMENTS	PARTICIPATING CITIES
JULY	PROJECT NOVOCARBO	GO-Biz Lead	Carbon and Graphite Product Manufacturing	7	10,000 SF	ALL
	220721A1	City/County Lead	Other Electric Power Generation	18	100,000 SF	Firebaugh
AUGUST	220802A1	Direct Lead	Home Furnishing Merchant Wholesalers	200	200,000 SF / 20AC	ALL
	220802A2	Direct Lead	Control Systems Manufacturing	100	50,000 SF	ALL
	220803A1	Direct Lead	Toy and Hobby Goods Merchant Wholesalers	TBD	40,000 SF	ALL
	220809E1	Direct Lead	Trade Commissions, Government	1	1,000 SF	Metro-Fresno
	Project Heirloom	GO-Biz Lead	Industrial Gas Manufacturing	4	40,000 SF	ALL
	Project Tatis	GO-Biz Lead	Hydrogen Manufacturing	360	450,000 SF	ALL
	220822A1 H2B2	Direct Lead	Hydrogen Manufacturing	6	TBD	ALL
	Project Gray	GO-Biz Lead	Food Manufacturing	250	130,000 SF	ALL
SEPTEMBER	220907E1	Direct Lead	Aircraft Maintenance and Repair Services	TBD	TBD	ALL
	220909A1	City/County Lead	Land Developers	TBD	58 AC Light Industrial Space	Reedley
	220909A2	City/County Lead	Land Developers	TBD	10 AC Commercial Space	Reedley
	220919E1	Direct Lead	Manufacturing Consulting Services	NA	2,500 SF Office Space	Fresno

Requests For Information

MONTH	CLIENT NUMBER	SOURCE	INDUSTRY	DETAILS
JULY	RFI 220705A1	Direct Lead	Fast Food Restaurants	EDC engaged Dairy Queen ahead of the ICSC Las Vegas tradeshow. They expressed interest in some Fresno County cities if we could locate the right space and find potential franchisees.
SEPTEMBER	RFI 220919A1	Direct Lead	Solar Power Structure Construction	Client is interested in establishing an EV charging station for long haul trucks. EDC coordinating with utility provider to determine capacity and process for development.
	RFI 220929A1	Direct Lead	Architectural Consultant	Client is interested in developing multi-family housing in downtown Fresno. EDC coordinating meetings with City of Fresno planning / ED staff. Questions regarding parking/zoning requirements.

Partnership with Department of Social Services

The EDC has been contracted to assist the Fresno County Department of Social Services in marketing the New Employment Opportunities (NEO) program, Ready2Hire, and identify prospective employers to hire from the pool of eligible NEO job seekers.

NEW EMPLOYMENT OPPORTUNITIES (NEO) 2021-2022

To be completed by 9/30/2022

METRIC	Actual	Contract Goal
PARTICIPATING BUSINESSES	118	150
JOB PLACEMENTS	160	200
JOB POSTINGS	754	500
JOB FAIRS	10	4
EMPLOYER TRAINING	7	4

Customized Workforce Trainings

Realizing the current labor demands among our local businesses, the EDC, Department of Social Services and educational partners have worked with industry stakeholders to develop customized trainings to fulfill today's workforce needs. Utilizing input from various industry practitioners, each training curriculum is developed to create career pathways to meet tomorrow's industry needs, help businesses grow, and put individuals back to work. Below is a list of customized training programs underway:

Valley Apprenticeship Connections

Pre-Apprenticeship Program. The partnership between Fresno County EDC, the Department of Social Services, and Fresno EOC will provide a 12-week program comprised of classroom and construction-based training.

John Lawson Truck Driving

Class A Truck Driving Class. The 10-week training is a partnership between Fresno County EDC, the Department of Social Services, West Hills Community College, and Lawson Rock and Oil.

Central Valley Training Center

Pre-Apprenticeship Program. The partnership between Fresno County EDC, the City of Selma, and High-Speed Rail Authority will provide a 12-week program comprised of classroom and construction-based training.

Highlights

July 2022

California Council for Environmental and Economic Balance | California

Lee Ann Eager, serving in capacity as Chair for the California Transportation Commission, was a guest speaker at the California Council for Environmental and Economic Balance Conference on July 18th in Lake Tahoe. There she served on a panel discussion titled “Understanding Fueling and Charging Infrastructure Readiness for Fleets in Advanced Clean Fleets.” The panel took a focused look at zero-emission vehicle (ZEV) infrastructure from the perspective of heavy-duty fleets that will be subject to California Air Resources Board Advanced Clean Fleets regulation. Projects involve many new technologies, equipment, and vendor partnerships unfamiliar to most fleets now, as well as new planning and financial hurdles that must be overcome. Lee Ann was able to make many connections while in attendance at the conference.

Truck Driver Training | Fresno County

Cohort 42 started on July 18th at the new location at JD Food. The Truck Driving training is now at 4403 E Central Ave. Fresno, CA which is where JD Food has their dry foods storage. The new site now has a larger classroom area with a break room. Having the larger classroom gave the opportunity to start the new cohort with 24 students, which is the largest class size thus far. We are excited to have the partnership with JD Food as they will be looking to hire the graduates to fulfill their hiring needs. Fresno EDC will host a Ribbon Cutting ceremony on August 25th to celebrate the new partnership.

NEO | City of Clovis

Fresno EDC Economic Development Specialist assisted the new business owner of Facellogic Spa by providing business resources and incentives. The EDC provided start up business information to help guide them through their new business purchase. The business enrolled into the NEO program and submitted their first hire for August

Dairy Queen Franchise | Fresno County

Attractions Team members gathered site information for Reedley, Kerman, Sanger, and Clovis for two representatives from Dairy Queen. Team members utilized our connections with City Managers and Community Development Directors to organize site and franchisee information, which they presented to the representatives on July 20. The team also organized meetings with two city representatives, which enabled vibrant, productive discussions with the DQ representatives. They were extremely pleased with their visit, and the Attractions team is in the process of following up with franchisee and site leads with the goal of opening one or more DQ franchises in Fresno County.

DQ GRILL & CHILL® CORE 46

SITE INFORMATION

Square Footage	2,207
Seats	45
Minimum Lot Size	32,025
Minimum Frontage	342
Parking Spaces	34

WHAT'S ON THE MENU?
 Lunch and dinner are done right with delicious, unique food items, the made-to-order quarter- and half-pound Grillburgers®, chicken strip basket, DQ® Baked™ Hot Sandwiches as well as an array to serve DQ® soft serve favorites – like our signature Blizzards™ Treats, MedLates™ frozen blended coffee beverages, DQ Baked™ Hot Desserts and DQ® Cakes.

A WELCOMING ATMOSPHERE
 Welcome guests with stylish décor that sets a DQ® location apart from the typical quick-service restaurant. The restaurant features a modern open-air dining area, separate Grill & Chill™ sections, comfortable booths, large tables, warm lighting, and music. Seats 45 guests inside and 20 on an attractive outdoor patio.

August 2022

Good Jobs 4 The Central Valley | All

On August 3, 2022, the US Economic Development Administration announced the Fresno County EDC as one of 32 winners of its American Rescue Plan Good Jobs Challenge. The EDC was awarded \$23 million in funding for *Good Jobs 4 The Central Valley*, which will provide training, hiring, and job placement support across the Central Valley in four regionally significant industries: Professional and Financial Services; Transportation, Distribution, and Logistics; Manufacturing; Building and Construction.

Several of Fresno EDC's current training programs, like the Central Valley Training Center's construction pre-apprenticeship program and the John R. Lawson Truck Driving School were included in the grant. Other training programs in each sector are expected to begin in the first half of 2023. Before the end of the 2027 federal fiscal year, the grant will train and place at least 2,500 new and incumbent workers into high-quality jobs in Fresno, Kings, Madera, and Tulare Counties.

On August 4th, President & CEO Lee Ann Eager was joined by Congressman Jim Costa (CA-16); Chuck Riojas of the Fresno, Madera, Kings, & Tulare Building & Construction Trades Council; Madera County Supervisor Brett Frazier (District 1); and Shellena Heber, Executive Director of the Valley Center of the Blind, to announce the award at a press conference hosted at CTEC High School.



Top left: EDC President & CEO Lee Ann Eager Announcing Good Jobs 4 The Central Valley (Fresno Bee); **Top Right:** EDC Board Chairman Nick Audino and Fresno Mayor Jerry Dyer; **Bottom Left:** Congressman Jim Costa testing a heavy equipment simulator (Fresno Bee); **Bottom Right:** BEAR Coordinator Miguel Ruelas and Special Projects Coordinator Chris Zeitz

John R. Lawson Truck Driving School Ribbon Cutting | All

We are thrilled to celebrate our partnership with JD Food as we commemorate the ribbon cutting of the John R. Lawson Truck Driving School! Thank you to Supervisor Buddy Mendes, Fresno Department of Social Services, West Hills Community College District, Lawson Rock and Oil, and now JD Food for supporting this tremendous project, empowering Fresno residents to fill 5,000 projected jobs in the transportation sector.

Program partners, students, and the media were invited to join the celebration of our new facility that was provided by JD Food. Videos posted on the EDC’s social media reached 176 individuals, with 158 views and 12 reactions.



NEO Program Success Stories | All

FaceLogic Spa recently enrolled in the NEO program and hired their first employee through the NEO program August 5th. During the first month of the retention checks for the employee the business mentioned that their new hire is doing great and learning very quickly. They are happy to have enrolled in the NEO program and found a candidate quickly.

Valley Adult Day Health Care Center, Inc. recently re-enrolled into the NEO Program and quickly hired two employees in August. The business has expressed their gratitude for the support of the EDC through the enrollment and process of the program.

Fresno EDC Open House | All

On August 30th, Fresno EDC held an open house celebration at our new downtown office located at 1060 Fulton St, on the fourth floor of the Pacific Southwest Building. Guests learned all about EDC services as they mingled with staff while enjoying charcuterie and drinks from local downtown businesses.



Meetings with California Attorney General Rob Bonta | All

President & CEO Lee Ann Eager and Vice President of Business Services Will Oliver had the opportunity to meet with California Attorney General Rob Bonta during his Fresno tour in August. Ms. Eager accompanied County of Fresno officials and staff members to brief the Attorney General on the county's proposed industrial park. The meeting was constructive and allowed the county to contextualize their plans and ask for formal guidance, relevant examples of mitigation, and a point of contact to engage the Attorney General directly and proactively. The Attorney General expressed his interest to work alongside the county and reiterated that environmental justice and economic development should not be mutually exclusive.

Concerning economic justice, EDC staff were able to apprise the Attorney General on the EDC's DRIVE Fresno's Impact Economy Initiative and how local leaders are endeavoring to revamp the traditional

economic development approach away from low costs but maximizing tangible impact for local communities. Applying rigorous impact evaluation frameworks serves as a tool to illuminate such impacts. Thus, the EDC presented the Attorney General an impact analysis of the State's California Competes Grant Awards, illustrating the inequities that are present from the \$120M in grant funding that was issued to 8 companies. The analysis concluded that the majority of projects landed in coastal areas where unemployment and poverty is below the state average and did not take into consideration the firm's performance around race/ethnicity nor living wages relative to the markets these prospective companies were locating in. One prime example is Netflix, who received over \$24M in California Competes Grant funding yet announced a layoff of over 400 employees just months later.

First Resident Leadership Summit for Fresno's Impact Economy | All

Fresno County EDC's DRIVE Initiative, Fresno Impact Economy (FIE), hosted its first resident leadership summit at the beginning of August. This weekend-long event allowed more than 50 residents from all areas of the city to learn about inclusive economic development and what projects / opportunities they would like to see in their communities and neighborhoods. Also participating in the summit were key leaders from the Central Valley Community Foundation as well as community and economic development consultants from across the United States including Thrivance Group, Dr. Edward Smith of Boost Analytics, and Sloan Sainas of Global Impact. This summit focused on capacity building and networking and future summits will continue to build upon this work and shape FIE's Inclusive Economic Development Scorecard to help quantify impacts from businesses and projects based on community-driven priorities.



September 2022

International Economic Development Council Annual Conference 2022 | All

Sherry Neil, COO; Jackie Cuevas, Economic Development Specialist; and Tiffany Louk, Business Attraction Specialist, were thrilled to attend the International Economic Development Council Annual Conference in Oklahoma City. They attended a multitude of informative sessions on topics ranging from Foreign Direct Investment to Federal Grants and Workforce Development strategies. Sherry, Jackie, and Tiffany networked with attendees from a wide range of specializations to gain knowledge and build their economic development skill set. Tiffany is following up with FDI experts to continue making EDC's FDI strategy more robust. Staff were excited to explore Oklahoma City's revitalized downtown, seeing firsthand how the community and government came together to revitalize downtown and realizing the incredible impact on tourism and business industries. While in Oklahoma City, Sherry, Jackie, and Tiffany visited the Oklahoma City National Memorial & Museum and enjoyed spending time in the Brick City district modeled after San Antonio's River Walk.



Five Cities JPA Rebranding | Five Cities

The Joint Powers of Authorities group consists of the seven east side cities and has worked with the Jeffrey Scott Agency for a rebranding effort to choose and vote on a cohesive logo that would represent the challenges and opportunities of the east cities. The 5 Cities board voted on the new logo CenterPoint. JSA will work with EDC in a collaborative effort to move forward with marketing the new logo throughout Fresno County to include a microsite page on the EDC website, an interactive map to serve as a foodie trail to highlight some of the unique restaurants in the east side cities.

CVTC Cohort 6 | Fresno County / Five Cities

September 16, 2022 marked another milestone for the Central Valley Training Center in Selma as Cohort 6 completed the class with a total of nine graduates. Prior to graduation, students held interviews with employers seeking to hire entry level construction workers. Additionally, students were provided computers to add resumes to Indeed, create job seeker profiles, and learn how to seek employment online.



Truck Driver Training Program Orientation | Fresno County

In preparation for Cohort 43, DSS and the EDC held a Truck Driver Training Orientation that provided information regarding the minimum requirements, expectations, and career path opportunities available for Commercial Drivers. A total of 30 clients attended the orientation seeking to reserve a spot in the next class. The next class begins on October 10, 2022, with 17 students registered who are eager to begin a new career path.



CVTC Cohort 7 | Fresno County & Five Cities

On Monday September 19, 2022, a new class began with 16 students in attendance. The majority of the students were young adults who recently graduated from high school. Students mentioned they were referred by previous graduates of CVTC and heard great things about the program. Student introductions were given on the first day which gave insight to their previous work experience which ranged from fast food jobs to retail. Expectations were set with the students who were given an overview on what they will gain from the program.

New NEO Businesses | Fresno County

For the month of September, we would like to highlight our newest NEO employers: Axis Hotel Group and Synergy Companies. Axis Hotel Group has five hotels within Fresno and Clovis which include Courtyard by Marriott, two Hampton Inns, Holiday Inn, and Towneplace Suites by Marriott. The positions available are suited for clients with customer service skills and Maintenance experience. Synergy Companies is looking for employees to train for HVAC and insulations installation. The job opportunities will align directly with graduates from the VAC and CVTC programs.

VAC Assessment Test with Laborers Union | Fresno County

On September 9, 2022, Cohort 20 finished their class with an assessment test with the Laborers Union which evaluates their basic math skills and physical agility. Out of the five graduates, three students received a test score of 100/100, one at 98/100, and one at 96/100.



StudentNest | City of Fresno

StudentNest is anticipating filling over 50 positions for Liaison and Customer Call Center Representatives. Chandler, the Vice President of StudentNest, has signed up for the New Employment Opportunities Program and has hired three employees through the program. EDC staff has worked closely with StudentNest to create recruitment job flyers to share their openings for their upcoming job fair. EDC staff has referred StudentNest to the CalWORKs program at Fresno City College, the EOC Workforce Training program, and the Fresno City College job development team to post job openings on the campus and their electronic job board.

Development Projects | City of Reedley

The EDC's Attractions and Business Expansion and Retention teams met with Nicole Zieba, Reedley City Manager; Eric Valencia, Reedley Chamber CEO/President; and the Community Development Director to discuss the upcoming 58 and 19 acre development projects. EDC staff will assist with business incentives and networking to attract potential businesses to the new commercial developments.

West Side Quarterly Meeting | West Side

The West Side Cities group consists of the City of Coalinga, City of Mendota, City of Firebaugh, City of Kerman, and City of San Joaquin. EDC staff coordinated the first in-person meeting for their Quarterly West Side meeting hosted by John Jansons, Kerman City Manager. Chris Zeitz, Director of Special Projects presented the Good Jobs 4 The Central Valley and was able to answer questions. Each city mentioned a few of the business needs that the EDC can provide resources for. EDC staff mentioned the availability to provide Chamber hours on a weekly or monthly basis. The West Side Cities group intends to continue the quarterly in-person meetings.

NEO Companies | All

During the month of September, NEO businesses hired eleven new NEO employees. EDC Business Retention Specialists continue to work closely with these businesses in striving to fulfill any and all needs they may have. Hands On of Central California was happy to share with the EDC that after many years participating in the NEO Program they currently have two NEO Clients that have been with them for over 3 years, and have recently added a new NEO hire to the team!

State of the College | Fresno City College

EDC staff enjoyed attending the Fresno City College State of the College event on September 30th, where they fostered connections with local leaders while learning about the college's projects and goals for the year as presented by newly inaugurated President, Dr. Pimentel.



Vision View | City of Fresno

The Business Expansion and Retention team attended the District 4 SunUp Festival Friday, September 2, 2022. This event took place at Vision View Business Center with live music, a Farmers Market, and small business booths in attendance. EDC presented a booth to meet with the local Vision View Businesses and provided business resources along with an introduction to the Fresno County Economic Development Corporation. EDC was able to meet the Airport District Connectors group which includes Tyler Maxwell, Fresno City Councilmember District 4, Henry Thompson, Yosemite Airport Director; Lynisha Senegal, CEO of Vision View; Kimberly Bonjorni, CEO of Clovis Christian Academy; and Lee Ann Eager, CEO and President of the Fresno County EDC. Council Vice President, Tyler Maxwell announced that he allocated in his budget \$800,000 to put back into the neighborhood of the Airport District and would like to assemble a round table to discuss how the funds will be spent.

State of the County | Fresno County

EDC staff attended the State of the County address by Board of Supervisors Chairman Brian Pacheco on September 27, 2022. In addition to highlighting the upward trajectory of the County, Chairman Pacheco honored Sheriff Margaret Mims, retired Fire Chief Mark A. Johnson, Catherine Huerta, and Drs. Marcia and Oscar Sablan for their contributions to Fresno County communities.

Clovis City Council Presentation | City of Clovis

On September 12, 2022, EDC staff traveled to Old Town Clovis to give a presentation on EDC services to the Clovis City Council. This presentation was an opportunity for the EDC to demonstrate the impact that our organization has had on local businesses since the start of the pandemic, as well as the ways in which the EDC can assist in attracting new businesses and supporting existing businesses. This was the first of many, as the EDC plans to present to each of the city councils that make up Fresno County over the coming months.



Selma City Council Presentation | Five Cities

As part of the ongoing plan to present to each of the city councils in Fresno County, EDC staff traveled to Selma to provide an overview of EDC services to the Selma City Council. In addition to demonstrating the impact that our organization has had on local businesses since the start of the pandemic, CEO and President Lee Ann Eager pledged the EDC's support on future development along the Highway 99 Corridor.

FY 22-23 Overview of Work Product	Deliverables	FY 2022 – 2023 Target Outcomes	Q1 2023
<p>Economic Development Corporation Serving Fresno County</p> <p>Contract: \$40,000</p> <p>Comparative Healthcare Analysis Phase 3: \$10,000</p> <ul style="list-style-type: none"> - Marketing & Recruitment Plan - Healthcare Company Engagement <p>Staff:</p> <p>President & CEO Lee Ann Eager</p> <p>Chief Operating Officer Sherry Neil</p> <p>Vice President of Business Services Will Oliver</p>	<p>Business Retention: Staff will continue to analyze Clovis businesses impacted by COVID-19 and incorporate into the Top 50 Analysis. Targeted businesses will be contacted by a variety of methods to educate Clovis businesses on available retention resources, such as utility rate reductions, rehiring incentives and low-cost emergency relief funding.</p> <ul style="list-style-type: none"> • Conduct Analysis to determine Top 50 companies in Clovis that should be focused on for retention and expansion. <p>New Business Recruitment: Facilitate information and conduct tours for company representatives not currently located in Clovis for the purpose of recruiting new businesses to the City of Clovis. Assist the City of Clovis in promoting future industrial areas and existing industrial sites to new clients.</p> <ul style="list-style-type: none"> • Coordinate virtual and in-person site tours for the purpose of business attraction and expansion. • Create and update marketing materials. • Support in-person or virtual commercial and industrial broker events for the City of Clovis. 	Top 50 targeted business analysis for expansion/retention	In progress
		Respond to all City of Clovis business inquires and connect them to appropriate resources	15 Businesses contacted and 20 Referrals provided in Q1 2023.
		Comparative Healthcare Analysis (HCA) Enhancement & Recruitment Plan	In progress
		2 Broker Events	No Broker Events held in Q1.
		40 new business leads	13 New Business Leads in Q1.
		20 targeted healthcare company engagements from HCA	HCA In Progress
		Economic Profile Update	In Progress

	<ul style="list-style-type: none">• Communicate leads status during monthly EDC - City of Clovis meeting. <p>Comparative Healthcare Analysis:</p> <ul style="list-style-type: none">• EDC has completed a Comparative Healthcare Analysis (CHA) and draft marketing collateral to conduct proactive company engagement. 20 unique businesses have been identified for direct engagement between the City and EDC. Engagements in FY22-23 shall include preparation of detailed marketing materials based on the CHA analysis including City demographics, labor data, available Clovis real estate, anchor assets, clovis4business.com website promotion and other pertinent data and information as approved by the City of Clovis. EDC staff shall work in coordination with the City of Clovis on delivery of materials, company contacts and planning and logistics for subsequent site visits.		
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--

ATTACHMENT 1



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: November 7, 2022

SUBJECT: Administration - Receive and File – Business Organization of Old Town (BOOT) First Quarter Report, July through September 2022.

ATTACHMENTS: 1. Business Organization of Old Town (B.O.O.T.) First Quarter Report, July through September 2022.

CONFLICT OF INTEREST

None.

RECOMMENDATION

That the City Council receive and file the B.O.O.T. First Quarter Report, July through September 2022.

EXECUTIVE SUMMARY

According to the 2022–2023 agreement between the City of Clovis and the Business Organization of Old Town, B.O.O.T. is to submit quarterly reports to the City Manager and City Council. The amount to be funded is \$15,000.

BACKGROUND

According to the 2022-2023 agreement between the City of Clovis and the Business Organization of Old Town, B.O.O.T. is to submit quarterly reports to the City Manager and City Council detailing progress of B.O.O.T.'s promotional and marketing activity. Attached, as Attachment 1 is the First Quarter Report covering July through September 2022 activities. The amount to be funded is \$15,000.

FISCAL IMPACT

The amount to be funded is \$15,000, which is called out in the 2022-2023 Budget.

REASON FOR RECOMMENDATION

The attached report meets the requirement established in the 2022-2023 agreement between the City of Clovis and the Business Organization of Old Town.

ACTIONS FOLLOWING APPROVAL

Staff will process payment to B.O.O.T.

Prepared by: Shawn Miller, Business Development Manager

Reviewed by: City Manager *AM*

Boot Quarterly Report: Quarter 1 (July 1 – September 30th 2022)

In accordance with the Agreement between City of Clovis/community & Economic Development Department and the Business Organization of Old Town Clovis for the fiscal year 2022-2023, the following items have been accomplished to date.

Goal #1:

Maintain a viable organization with membership reflective of the diversity of Old Town Clovis.

Objective:

- To maintain current level of membership and seek new members each year.
- To unite the merchants of Old Town as a group of businesses working together for the betterment of the whole downtown district.

Strategy:

- Provide information on the website about B.O.O.T., B.O.O.T. membership, benefits of membership and application forms year-round.
- Personal visits to businesses in the PBI to recruit and retain memberships.
- Contact with businesses outside the PBI to recruit and retain Associate Memberships, AKA "Friends of B.O.O.T."
- Allow members to pay dues monthly, quarterly, or semi-annually based on their finances.
- Create a benefits package to attract both regular and associate members.
- Design benefits that will be exclusive to B.O.O.T. membership.
- Provide information to merchants of Old Town regarding activities conducted in and around Old Town through the BOOT social media accounts & email blasts.
- Communicate information to merchants on activities at the monthly B.O.O.T. membership meetings and through E-Blasts. Post events for all organizations in Clovis on B.O.O.T. Website and ensure that if someone searches for an event, B.O.O.T.'s website is in the top results.
- Plan and post meeting notices via email for monthly B.O.O.T. membership meetings.
- Advertise frequently to promote Old Town Clovis on behalf of all merchants.
- Enhance existing programs to draw more people to Old Town Clovis.

Results:

- A membership and organization characteristic of Old Town Clovis.
- Created a member only page on Facebook to keep the merchants involved and active in our events
- Members are sought throughout the year and new businesses are invited to join.
- Members meet at American Legion on the 4th Wednesday of each month. We continue to offer zoom during as an alternative to attending in person.

- Board of Directors meet monthly at Noon, on the 3rd Wednesday of each month to discuss issues pertinent to the organization.
- Board members represent our diverse merchant groups: office professional, property owners, restaurants, bars, antique, gift, and specialty stores. The 2021 Board of Directors is as follows:

- *Cora Shipley, President (through 2022)
- * Karen Chisum, Vice President (through 2022)
- * Bradley Warner, Secretary (through 2022)
- * Mark Smith, Treasurer (through 2022)
- * Dave Shivers, Director at Large (through 2022)
- * Julie Glenn, Director at Large (through 2022)
- * Ronnie Silva, Director a Large (through 2022)

- * The Marketing/Events Committee continue to improve existing events, create new events and activities specifically designed to bring customers directly into the businesses.

Goal #2

Maintain Old Town Clovis' promotional activities

Objective:

- Successfully manage, promote, and operate events in Old Town Clovis, as well as create new events on an ongoing basis that attract visitors to Old Town Clovis. Our Friday Night Farmer's Market started 4/29/2022 and will run through 10/28/2022. We had our annual Peach Party on July 15th. We are continuing to hold our weekly Saturday morning Farmer's Market with success and growth. In addition, we had our 2nd Annual Military Appreciation Night on September 16th, Glorious Junks Days on September 18th followed by our annual Pistachio Party on September 29th. With the remaining Vintage Market & Antique which will be held on October 16, 2022, Trunk or Treat on October 28th and our Fall Wine Walk on October 29th.
- To provide a quality events giving people a reason to visit the downtown district.
- To develop marketing strategies to keep Old Town competitive with malls and other shopping areas.
- To attract customers and visitors, both old and new to the downtown district.
- To present Old Town Clovis as an attractive, appealing, friendly and inviting business community.

Strategy:

- Develop, operate, promote, maintain, and pay for events that bring people to Old Town Clovis.
- Establish and maintain events that highlight Old Town Clovis locally, nationally, and internationally.
- Meet all requirements set by City, State and other agencies for activities, events, and attractions.

- Develop new events and activities to help bring visitors to Old Town Clovis while maintaining a safe and inviting atmosphere.
- Create and pay for multi-media advertising campaigns for general advertising such as generic “Shop Local in Old Town Clovis.”
- Continue to evolve events so they continue to attract new people.

Results

- This quarters events included the Year-Round Saturday Morning Farmers Market, Friday Night Farmers Market, Peach Party, Glorious Junk Days, Military Appreciation Night and the Pistachio Party.

Goal #3

Maintain marketing strategies, including safety and appearance and advertising techniques to position the image of Clovis through Old Town Clovis’ unique character.

Objective:

- Create a broad awareness of Old Town Clovis.
- Establish Old Town Clovis as an immediate, intermediate and end destination.
- Retain the established customer base.
- Reach out to Central California so that more people become aware of what Clovis offers.
- Work with City Officials to maintain a safe, crime free area where people feel safe and like bringing their families to Old Town Clovis.

Strategy:

- Secure multi-media advertising campaigns to promote Old Town Clovis along with event generated promotions
- Submit calendar of events to community and online calendars
- Use Website, Instagram, Pinterest, Facebook to promote Old Town Clovis in general, as well as merchant businesses and specific events.
- Contribute to the cost of the Clovis Appliance/General Electric ABC/30 Skycam at 5th and Pollasky when B.O.O.T. has sufficient funds (co-op advertising).
- Advertise antique events in focused publications that are regional and national in scope for our annual antique events.
- Ongoing outreach to businesses to locate to Old Town Clovis.
- Work with City of Clovis Police Department to create a safe atmosphere in Old Town Clovis.
- Work with City of Clovis staff to create a clean, well-maintained streetscape in Old Town Clovis.

Results:

- We continued to work on traditional TV opportunities with “stories” that were carried by local TV and Radio Social Media and Print.
- Facilitated wide exposure for Old Town Clovis, it’s events, character, and appeal
- Assured Old Town Clovis has a strong presence in local TV, especially during the news hours.
- The Clovis Appliance/General Electric Skycam with ABC/30 Action News reaches approximately 684,700 people every week and approximately 400,000 monthly unique visitors online at abc30.com. Old Town Clovis is mentioned a minimum of 3 to 4 times per day on the news program during weather reports and if we have anything special going on in Old Town, i.e. Farmers Market, the camera will show the activity. B.O.O.T. contributes co-op advertising dollars when available.
- Stimulated customer and visitor traffic in Old Town Clovis, as evidence by increased number of customers in town for all our events.
- Promoted individual B.O.O.T. Member businesses, created event pages on Facebook & Instagram for upcoming events in Old Town, thereby giving excellent exposure.
- Communicate information to sources essential for tourism opportunities, capturing disposable money from customers who have an option to spend it elsewhere.
- Completed a complete web-site overhaul in March 2021 with new members page, event information, and Old Town Clovis resources.

Goal #4:**Provide information on activities to the Tourism Advisory Committee**Strategy:

- Participate as an active member of the Tourism Advisory Committee -
- Supply the Clovis Visitors Center with Information regarding events, activities and leads for tour groups.
- Provide event information for visitclovis.com
- Actively promote Old Town Clovis and Member Businesses on Facebook, Instagram, Pinterest and B.O.O.T.’s website.

Results:

- Ensured Old Town Clovis is recognized as a tourism destination.
- Businesses in Old Town showcased Old Town as a friendly and inviting throughout the spring and summer months.
- B.O.O.T. works directly with the Visitors Center to be sure they have current event information, including Event Cards with all street events listed.

Goal #5:

Obtain and maintain Workers Compensation, State Disability and Directors and Officers Policy as well as any other insurance coverage as required by law.

Objective:

- Qualify for Workers Compensation, State Disability coverage, General Liability, and all required Insurances.

Strategy:

- To meet all requirements of renewal; indemnify, hold harmless and defend the City of Clovis, Community and Economic Development Department, its officers, agents or employees.
- Submit for renewal Directors and Officers Insurance Policy through Philadelphia Insurance.
- Complete and submit for renewal the State Fund Compensation Insurance Fund policy information update to Valley Regional Insurance Services, Agent Ron Petersen.
- Submit for approval General Liability Insurance through Charity First an "A" rated insurance company through Agent Ron Petersen, Valley Regional Insurance Services.

Results:

- Obtained General Liability Policy coverage period April 21, 2022 to April 21, 2023.
- State Fund Compensation Policy renewed for period April 1, 2022 to March 31, 2023.
- Directors and Officers Policy will renew for period August 4, 2022 to August 4, 2023.
- Certificates of Insurance with Endorsements provided to the City of Clovis.

Goal #6:

Annual Compliance Audit

Objective

- To successfully complete a compliance audit conducted by an independent auditor - We will be providing a quarterly P&L statement and an annual complete P&L report prepared by Krikorian & Company, 1715 N. Fine Avenue, Fresno, CA 93727.

Strategy:

- Efficiently maintain and preserve all records needed to demonstrate full compliance.

Results:

Financial Status:

- See Q1 Balance Sheet Attached as prepared by CPA Firm Krikorian & Co.

Summary:

Old Town Clovis plays a significant role in creating a favorable image for the City of Clovis. Growth within Old Town Clovis is one of the more important priorities to ensure the future and well-being of Clovis' Redevelopment Project Area. In order to continue the economic vitality of the central trading district, considerable time and effort has been invested in an effort to encourage new businesses to locate and expand in Old Town Clovis. Old Town Clovis has seen many new businesses come into the area in the past few years and many more that are looking for space.

Updates to the PBIA:

- The Business Organization of Old Town represents many business and property owners and operators, within the central business district, who will be affected directly or indirectly by future business promotion efforts and seeks to strengthen the promotion of Old Town Clovis thereby assuring its continued influence on economic growth in both Old Town Clovis and the City as a whole.
- Garbage and recycling needs must be addressed as more people in Old Town equals more garbage and recycling. Inadequate garbage/recycling cans are having an impact on Old Town.
- There are always changes taking place in Old Town Clovis. The following details most of these changes:
 - **New Businesses within Old Town Clovis:**
 - Eye Candy Boutique
 - Twiss Realty
 - **Business Closures within the PBIA**
 - All businesses are open with full capacity
- **Properties that remain vacant:**
 - 311 Pollasky Avenue – La Posada remains vacant.
 - 339 Pollasky Avenue, the former Quilters Paradise is sitting still – no activity.

Business Organization of Old Town
Profit & Loss
 January through August 2022

AGENDA ITEM NO. 5.

	Jan - Aug 22
Ordinary Income/Expense	
Income	
Vendor Fees	1,200.00
Merchant Fee	1,325.00
City of Clovis / PBIA Funding	60,000.00
Event Income	111,483.73
Farmer's Market	60,836.00
FM Annual Membership	15,812.00
Membership	13,215.00
Merchandise Sales	663.00
Misc. Income	2,060.00
Sponsorships	47,600.00
Interest Income	0.12
Total Income	314,194.85
Gross Profit	314,194.85
Expense	
Auto Expense	155.54
Advertising & Marketing	28,774.28
Bank Fees	106.60
Business License & Taxes	3,195.11
Donations	3,000.00
Dues & Subscriptions	1,785.51
Entertainment	7,050.00
Equipment Rentals	10,209.50
Fee Refunds	25.00
Fuel	150.04
Health Insurance	3,233.44
Insurance	9,474.22
Interest Expense	10.99
Legal & Professional Fees	5,200.00
Meals	968.97
Merchant Fees	4,719.94
Office Supplies	5,209.09
Outside Services	8,384.02
Payroll Fees	920.00
Postage	58.00
Printing	7,067.06
Promotional	1,287.29
Rent	7,600.00
Salaries & Wages	74,419.32
Supplies	10,047.18
Taxes - Payroll	6,360.97
Taxes - Property	64.53
Utilities	732.16
Website Maintenance	885.87
Total Expense	201,094.63
Net Ordinary Income	113,100.22
Other Income/Expense	
Other Income	
Gain/Loss on Asset Disposal	-1,600.00
Other Income	10,495.79
Total Other Income	8,895.79
Net Other Income	8,895.79
Net Income	121,996.01

No assurance is provided on these financial statements.



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance

DATE: November 7, 2022

SUBJECT: Finance - Approval - Res. 22-___, Amending Resolution 21-129 approving the Appropriations Limit related to approving the 2021-2022 City of Clovis Annual Budget; and Approval - Res. 22-___, Amending Resolution 22-54 approving the Appropriations Limit related to approving the 2022-2023 City of Clovis Annual Budget.

ATTACHMENTS: 1. Res. 22-___ Amending Res 21-129
2. Res. 22-___ Amending Res 22-54

CONFLICT OF INTEREST

None.

RECOMMENDATION

That the City Council approve the resolutions amending the Appropriations Limit related to approving the 2021-22 City of Clovis Annual Budget and amending the Appropriations Limit related to approving the 2022-23 City of Clovis Annual Budget.

EXECUTIVE SUMMARY

Due to the lack of timely information on price factor and population published by the State Department of Finance, the previous year's published information was used in the preparation of the 2021-2022 and 2022-2023 Appropriations Limit approved as part of the Annual Budget Resolutions and now require recalculation with the published information and amendments by the City Council.

BACKGROUND

On June 5, 1990, City Council adopted a resolution complying with Proposition 111 which requires that the City Council adopt an Appropriations Limit related to approving the City of Clovis Annual Budget. Article XIII B of the California State Constitution sets limits on the amount of tax revenues that local governments can appropriate in a given fiscal year. An appropriation authorizes how much money is allowed to be spent. The limit for each year is equal to the limit for the prior year, adjusted for changes in the cost-of-living and population. The City adopts the required resolution annually when the City Council adopts the Annual Budget.

On May 1st, the State Department of Finance historically provides the City with the population estimates and the California Per Capita Income information that is used to calculate the annual Appropriations Limit which is reported as part of the Annual Budget approved annually by City Council in June. Due to the lack of timely information published by the State Department of Finance, the previous year's published information was used in the City's adopted 2021-2022 and 2022-2023 annual budgets. Due to the previous year's published information being used in the two adopted budgets, the 2021-2022 and 2022-2023 Appropriations Limit are required to be recalculated and amended by the City Council.

The 2021-2022 Appropriations Limit was originally approved at \$344,521,822, and the recalculated amount is \$351,691,295, resulting in an increase of \$7,169,473. The 2022-2023 Appropriations Limit was originally approved at \$373,733,758, and the recalculated amount is \$384,447,189, resulting in an increase of \$10,713,431.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

In order to be in compliance with Proposition 111, the amended Appropriations Limit for 2021-2022 and 2022-2023 are required to be approved by Council.

ACTIONS FOLLOWING APPROVAL

The approved resolutions will be provided to the City's Independent Auditors.

Prepared by: Jay Schengel, Finance Director

Reviewed by: City Manager AA

RESOLUTION 22-

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING
RESOLUTION 21-129 APPROVING THE APPROPRIATIONS LIMIT RELATED TO
APPROVING THE 2021-2022 BUDGET**

WHEREAS, the City Council adopted the 2021-2022 Budget on June 14, 2021; and

WHEREAS, Proposition 111 requires that the Council adopt an Appropriations Limit; and

WHEREAS, the Council intends to establish the City's Appropriations Limit in conformance with the provisions of Proposition 111; and

WHEREAS, the Appropriations Limit has been recalculated for the 2021-2022 Budget; and

WHEREAS, the 2021-2022 Appropriations Limit was previously calculated at \$344,521,822 and the recalculated amount is \$351,691,295 resulting in an increase of \$7,169,473.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Clovis that the Appropriations Limit recalculation for the 2021-2022 Budget is approved for \$351,691,295.

* * * * *

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on November 7, 2022, the following vote, to wit:

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

Dated:

Mayor

City Clerk

RESOLUTION 22-

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING
RESOLUTION 22-54 APPROVING THE APPROPRIATIONS LIMIT RELATED TO
APPROVING THE 2022-2023 BUDGET**

WHEREAS, the City Council adopted the 2022-2023 Budget on June 13, 2022; and

WHEREAS, Proposition 111 requires that the Council adopt an Appropriations Limit; and

WHEREAS, the Council intends to establish the City's Appropriations Limit in conformance with the provisions of Proposition 111; and

WHEREAS, the Appropriations Limit has been recalculated for the 2022-2023 Budget; and

WHEREAS, the 2022-2023 Appropriations Limit was previously calculated at \$373,733,758 and the recalculated amount is \$384,447,189 resulting in an increase of \$10,713,431.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Clovis that the Appropriations Limit recalculation for the 2022-2023 Budget is approved for \$384,447,189.

* * * * *

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on November 7, 2022, the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated:

Mayor

City Clerk



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Fire Department

DATE: November 7, 2022

SUBJECT: Fire – Approval – Waive formal bidding requirements and authorize the purchase of replacement self-contained breathing apparatus (SCBA), SCBA fill station, and O2 (oxygen) fill station.

ATTACHMENTS: 1. HGAC Buy Pricing Worksheet
2. Quote for SCBA Air Bottle Fill Station
3. Quote for O2 Bottle Fill Station

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to waive the City's formal bidding requirements and authorize purchasing through a collaborative purchase through HGAC Buy for the replacement of Self-Contained Breathing Apparatus (SCBA), SCBA fill station, and O2 (oxygen) fill station in the amount of \$944,005.43 including tax, from Bauer Compressors Inc.

EXECUTIVE SUMMARY

The 2022-2023 Fiscal Year's budget included funds in the Safety Equipment account 33400-68403 to replace existing SCBA and corresponding equipment to use and maintain their use. Staff recommends waiving the City's formal bidding requirements and using the HGAC Buy competitive contract pricing. Purchasing replacement SCBA equipment as outlined in the attached HGAC Buy pricing worksheet in the amount of \$833,407.65 including tax, Bauer Compressors Unicus SCBA fill station in the amount of \$83,817.86 including tax, and Bauer Compressor quote for OXY O2 fill station in the amount of \$26,779.92. For a total purchase price of \$944,005.43.

BACKGROUND

Staff is recommending the purchase of replacement SCBA and corresponding equipment to fill both SCBA bottles and oxygen bottles from Bauer Compressors, Inc. in the amount of \$944,005.43.

A Self-Contained Breathing Apparatus (SCBA) is the backpack-style air tank/regulator system which includes a facepiece that firefighters wear during fires or any incident with potentially hazardous atmospheres. SCBA's protect firefighters and their airways from smoke, heat, and other hazardous airborne substances. The air bottles of the system, when used, normally supply approximately 45 minutes of air to the firefighter. At a typical house fire, firefighters will often use two bottles. The SCBA is an essential piece of equipment for firefighters to perform their duties.

The Fire Department purchased its current SCBA inventory in 2010 and all inventory are reaching the end of its life span. SCBA bottles have a lifespan of up to 15 years per federal Department of Transportation (DOT) regulations if they are hydraulically tested every three years. The department has its bottles tested per this regulation to ensure the maximum lifespan. The Department's current SCBA tanks will be required to be removed from service within the next three years. Our inventory of air pack components such as pressure regulators, facepieces, personal alarm devices, and other accessory components to the air tanks do not have a mandated maximum lifespan. These units are no longer compliant with the current National Fire Protection Association (NFPA) standard and are starting to show wear which requires additional maintenance. Based on the condition and age of the Department's existing inventory as well as the mandated 15-year maximum service life for the bottles, the Fire Department has applied for federal grants in the past two years to facilitate the replacement of the SCBA inventory. Unfortunately, we have been unsuccessful in securing grant funds in both 2020 and 2021 grant cycles. Due to the high cost of SCBA's, unlike most personal protective equipment, units are shared among the three shifts with one placed per apparatus for each responding firefighter. Each firefighter is however issued their own individually sized and fitted facepiece.

SCBA's are not entirely compatible or interchangeable with other brands. The air bottle and emergency rescue fill hose fittings are standardized and interchangeable in all brands, but the personally issued facepieces are brand specific. The mechanics of each SCBA brand operates differently in terms of the air regulator, emergency bypass valve, and personal accountability alarm device. When firefighters are operating in a hazardous environment, OSHA mandates that a separate fire crew, which is identified as the "Rapid Intervention Crew" (RIC), is outside and ready. They are equipped with a special rescue pack (RIC pack) that includes an extra SCBA including a facemask in the event a firefighter runs out of air or has an SCBA failure while in a hazardous environment. Having a RIC pack with an extra SCBA/mask that is compatible with all firefighters on the scene of a fire or other emergency is crucial for firefighter safety during a "firefighter-down" scenario. We surveyed neighboring fire agencies and found that all neighboring agencies that provide automatic aid to incidents within Clovis use the MSA brand SCBA. In addition, all our existing air carts, fill stations, and other equipment are already compatible with MSA SCBA units.

MSA SCBA's are available at a reduced cost through a Collaborative Purchasing Program, HGAC Buy. This program is a nationwide, government procurement service of which the City of Clovis is eligible to become a participating member. All contracts available to participating members of HGAC Buy have been awarded through a public competitive procurement process compliant with California statutes. This collaborative purchasing program meets the criteria for competitively awarded purchasing of supplies and equipment, and Clovis Municipal Code Section 2.7.06(a) and the City's Purchasing Manual authorize the City Council to waive the

formal bid/proposal procedure in this instance and approve this requested purchase. Based on the Department's SCBA committee's recommendation, compatibility with other local fire departments, and the option for discount pricing through collaborative purchasing, the Clovis Fire Department recommends the purchase of MSA brand SCBA's through HGAC Buy.

FISCAL IMPACT

Sufficient funds are included in the 2022-23 Safety Equipment budget necessary to purchase this required equipment.

REASON FOR RECOMMENDATION

The Department's current SCBAs are reaching their end of life as outlined by NFPA and DOT, which will require replacing within the next three years. As a result of supply chain issues, it is estimated that these units will arrive and be placed into service until late spring 2023. In addition, we are seeing price increases of five to seven percent every six months, so purchasing now is more fiscally responsible.

ACTIONS FOLLOWING APPROVAL

Three separate purchase orders, one using HGAC Buys for the MSA SCBAs, one for the SCBA bottle fill station, and one for the oxygen O2 fill station will be prepared for the City Manager's approval and sent to the vendor.

Prepared by: John Binaski, Fire Chief

Reviewed by: City Manager *AH*



**CONTRACT PRICING
WORKSHEET**
For Catalog & Price Sheet Type
Purchases

Contract No.: **EE08-19**

Date Prepared: **9/27/2022**

AGENDA ITEM NO. 7.

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents MUST be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.

Buying Agency:	CLOVIS FIRE DEPARTMENT	Contractor:	BAUER COMPRESSORS Inc.
Contact Person:	Chief Anthony Gomes	Prepared By:	Dan Kroetch
Phone:	(559) 999-5062	Phone:	510-909-6157
Fax:	N/A	Fax:	925-449-7201
Email:	TonyG@cityofclovis.com	Email:	dan.kroetch@bauersf.com

Catalog / Price Sheet Name:	MSA 2021 US Suggested List Price Book
General Description of Product/ Product Code	EE19ACA

A. Catalog / Price Sheet Items being purchased - Itemize Below - Attach Additional Sheet If Necessary

Quan	Description	Unit Pr	Total
78	A-G1FS422MA2C2LAR MSA G1 SCBA Configured	\$7,106.85	\$554,334.30
8	A-G1FS422MA2C2LAR MSA G1 SCBA Configured	\$7,106.85	\$56,854.80
174	10156424-SP Cyl. Assy, G1,RC,4500 psig,45min,LP,Pkgd	\$1,404.37	\$244,360.38
100	10156459 G1 Facepiece, 4pt Adjustable Harness, Medium Nose	\$387.77	\$38,777.00
48	10148741-SP MSA G1 Rechargeable Battery (Charger not included)	\$370.06	\$17,762.88
8	10158385 G1 Smart Charger	\$716.77	\$5,734.16
1	10144231-SP Kit, Filter Adapter Assy, G1 Facepiece	\$111.84	\$111.84
75	10083875 TAG ASSY, ELECTRONIC ID, G1	\$41.79	\$3,134.25
10	10165336 KIT, CONVERSION, REG, RESCUEAIRE II G1	\$786.92	\$7,869.20
34	10156426-SP Cylinder,4500 psig, 88 cu. ft, 60-min	\$1,721.46	\$58,529.64
1	10157420 Manifold Assy,w/Valve/Fitting,Extd.,G1 Flow Testing	\$327.69	\$327.69
1	10110435 CD-ROM,SCBA TEST SOFTWARE,POSI 3 USB	\$1,118.10	\$1,118.10
1	10164940 KIT, REPAIR TOOLS, G1, CUSTOM	\$1,966.57	\$1,966.57
4	10169979 Kit, CONVERSION, REG and Harness, G1 PremAire® Cadet Escape Respirator, Kevlar, Black, Standard	\$801.97	\$3,207.88
8	10163388 PTT for APX6000/7000	\$741.73	\$5,933.84
Total From Other Sheets, If Any:			
Subtotal A:			\$1,000,022.53

B. Unpublished Options, Accessory or Service items - Itemize Below - Attach Additional Sheet If Necessary

(Note: Unpublished Items are any which were not submitted and priced in contractor's bid.)

Quan	Description	Unit Pr	Total
			\$0.00
			\$0.00
			\$0.00
			\$0.00
Total From Other Sheets, If Any:			
Subtotal B:			\$0.00
Check: Total cost of Unpublished Options (B) cannot exceed 25% of the total of the Base Unit Price plus Published Options			For this transaction the percentage is: 0%

C. Trade-Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges

SUBTOTAL A+B		\$1,000,022.53
CONTINUED CUSTOMER DISCOUNT		-\$228,170.11
POST DISCOUNT SUBTOTAL		\$771,852.42
SALES TAX 7.975%		\$61,555.23
FREIGHT/ INSTALLATION		\$0.00
Subtotal C:		\$833,407.65

Delivery Date:

D. Total Purchase Price (A+B+C):

\$833,407.65

AMENDMENT No. 2 to CONTRACT No. EE08-19
For
Emergency Medical & Rescue Equipment
Between
HOUSTON-GALVESTON AREA COUNCIL
And
Bauer Compressors, Inc


THIS AMENDMENT modifies the above referenced Contract as follows:

This contract is extended through July 31, 2023 Midnight CT.

Unless otherwise noted, this amendment goes into effect on the date signed by H-GAC. All other terms and conditions of this Contract shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective duly authorized representatives.


Signed for **Houston-Galveston Area Council**,
Houston, Texas

DocuSigned by:

82E0276D5061423

Chuck Wemple, Executive Director
6/27/2022

Date: _____

Signed for: **Bauer Compressors, Inc**

DocuSigned by:

EF24352C92104A3

Tim MCGuire BRANCH MANAGER

Printed Name & Title:

6/27/2022
Date: _____

Houston-Galveston Area Council: Purchase Order Terms and Conditions

A. ACCEPTANCE

1. This Order is H-GAC's offer to purchase the goods and/or services described on the purchase order from Contractor. H-GAC's placement of this Order with Contractor is expressly conditioned upon Contractor's acceptance of all the terms and conditions of purchase contained on or attached to this Order. H-GAC shall accept the item(s) on the twentieth (20) business day after the date of receipt of the item(s) by H-GAC unless prior to the twentieth (20th) day, H-GAC's Procurement Program, or authorized designee delivers a notice to the Contractor stating the reason(s) why the items have not been accepted.
2. Any additional or different terms and conditions which may appear in and communication from Contractor are hereby expressly objected to and shall not be effective or binding unless specifically agreed to in writing by H-GAC's Procurement Program and no such additional or different terms or conditions in any printed form of Contractor shall become part of this order despite H-GAC's acceptance of goods and/or services, unless such acceptance specifically recognizes and assents to their inclusions.
3. This Order contains the entire agreement between the parties and supersedes any and all prior agreements, arrangements or understandings between the parties relating to the subject matter. No understandings, statements, promises or inducements contrary to the terms of this Order exist. This order cannot be changed or terminated orally.

B. MODIFICATION

Except as otherwise provided, this Order shall be subject to change, modification, or amendment only by the mutual written consent of the parties hereto.

C. IDENTIFICATION

All invoices, shipping notices, instructions, manuals and other written documents affecting this Order shall contain the applicable purchase order number. Packing lists shall be enclosed in each box or package shipped pursuant to this Order, indicating the contents. Invoices will not be processed for payment until all items invoiced are received.

D. SHIPPING

All goods are to be shipped prepaid, F.O.B. Destination, unless otherwise agreed. Where H-GAC has so authorized in writing, goods may be shipped F.O.B. Origin, but Contractor shall prepay all shipping charges, route the goods by the least expensive common carrier, or the carrier specified, and list charges as a separate item on Contractor's invoice. Each invoice for shipping charges shall be accompanied by the original or a copy of the bill indicating that such charges have been paid. H-GAC reserves the right to reject C.O.D. shipments. Contractor shall not insure the goods for H-GAC's account during shipment except upon H-GAC's written request, or where the shipping mode is parcel post.

E. DELIVERY

Time is of the essence, and this Order may be terminated if delivery is not made or services are not performed by the date specified. No change in the scheduled delivery date or performance will be permitted without H-GAC's written consent. No acceptance of goods or services after the scheduled delivery date will waive H-GAC's rights with respect to such late delivery nor shall it be deemed as a waiver of future compliance with the terms hereof.

F. FORCE MAJEURE

To the extent that either party shall be wholly or partially prevented from the performance within the term specified of any obligation or duty placed on such party by reason of or through strikes, stoppage of labor, riot, fire, flood, acts of war, insurrection, accident, order of any court, act of God, or specific cause reasonably beyond the party's control and not attributable to its neglect or nonfeasance, in such event, the time for the performance of such obligation or duty shall be suspended until such disability to perform is removed. Determination of force majeure shall rest solely with H-GAC.

G. INVOICES and PAYMENT

H-GAC's standard payment term is to pay thirty (30) days after receipt of invoice or receipt of goods or services, whichever is later, according to the requirements of the Texas Prompt Payment Act (Tx. Gov't. Code, Ch. 2251).

Houston-Galveston Area Council: Purchase Order Terms and Conditions

H. FIRM PRICE

The price(s) specified on the face of the purchase order and/or the change order is firm, and may not be increased or supplemented on the contractor's invoice.

I. FISCAL FUNDING

H-GAC is a political subdivision of the State of Texas. H-GAC shall have the right, upon failure of the governing body of the Houston-Galveston Area Council, to appropriate finances to meet the terms and obligation herein, and to terminate this Order as of the effective date of such lack of fiscal funding. H-GAC agrees to include a request for funding for this Order in all budgets during the term thereof.

J. TAXES

H-GAC is a government agency and is exempt from payment of Sales Tax. Unless the H-GAC Request for Quote Form or specifications specifically indicates otherwise, the price bid must be net exclusive of the previously mentioned taxes.

K. LIENS, CLAIMS AND ENCUMBRANCES

Contractor warrants and represents that all the goods, when delivered hereunder, will be free and clear of all liens, claims and or encumbrances of every kind.

L. REJECTION

All goods purchased hereunder are subject to inspection and approval. In the event H-GAC rejects any item(s) the contractor shall have ten (10) days after receipt of notice of such rejection to replace any item(s) with replacements which conform to this Order, at no additional cost to H-GAC. Goods rejected by H-GAC shall be held, transported and/or stored at contractor's sole expense. Contractor shall promptly reimburse H-GAC for any such expenses.

M. TERMINATION**By H-GAC for Convenience:**

The H-GAC Procurement Program may terminate this Order at any time upon thirty (30) calendar days notice in writing to the Contractor. Upon receipt of such notice, the Contractor shall, unless the notice directs otherwise, discontinue all services in connection with the performance of the Order and shall proceed to cancel promptly all existing Orders insofar as such orders are chargeable as soon as practicable after the receipt of notice of termination, the Contractor shall submit a statement to the H-GAC Procurement Program showing in detail the services performed or items delivered under this Order to date of termination. H-GAC agrees to compensate the Contractor for that portion of the prescribed charges for which the services were actually performed or items delivered under this Order and not previously paid.

By H-GAC for Default by the Contractor:

In the event that the materials and/or services furnished by the Contractor do not conform to the standard set forth herein, or if the deliveries and servicing of this Order do not conform to the requirements detailed herein, H-GAC through a written notice from the H-GAC Procurement Program to the Contractor describing such default may as its options:

1. Terminate the Order for default and H-GAC shall have no further obligation under the Order.
2. Allow the Contractor to cure default within a reasonable time as specified in the notice. H-GAC, at its sole option, may extend the proposed date of termination to a later date. If prior to the proposed date of termination, the Contractor cures such default to H-GAC's satisfaction, then the proposed termination shall be ineffective. If the Contractor fails to cure such default prior to the proposed date of termination, then H-GAC may terminate its performance under this Order as of such date and have no further obligation under the Order.

In the event of failure to deliver any or all of the items or to perform required services, H-GAC may cover its loss by reasonably procuring from another source the items not delivered or the services not performed. The Contractor shall be responsible for and shall pay to H-GAC immediately upon demand the difference in price between that offered by the Contractor and that which H-GAC was forced to pay for covering the Contractor's failure to deliver or perform services.

Houston-Galveston Area Council: Purchase Order Terms and Conditions

N. DEFAULT

H-GAC may, subject to paragraph "M" by written notice of default to Contractor, cancel the whole, or any part, of this Order or exercise any other remedy provided H-GAC of goods by law or in equity including any remedy under the Uniform Commercial Code, in any of the following circumstances:

1. If Contractor fails to make delivery of the goods or to perform the services within the time specified or any extension thereof;
2. If, in H-GAC's good faith judgment, the contractor fails to perform any of the other provisions of this Order or fails to cure such failed performance within a period of ten (10) days, or such longer period as H-GAC may authorize in writing after receipt of notice from H-GAC specifying such failure;
3. If Contractor is in breach of any of the terms or conditions of this Order; or
4. If Contractor becomes insolvent or makes an assignment for the benefit of creditors, or if there shall be instituted by or against Contractor any proceeding under bankruptcy, reorganization, arrangement or readjustment of debt or insolvency law of any jurisdiction or for the appointment of a trustee in respect to any of Contractor's property and such proceeding is not dismissed or cured within sixty (60) days.

O. REMEDIES

Not by the way of limitation, the remedies of the parties include:

1. If H-GAC cancels this Order in whole or in part as provided in paragraph "M", H-GAC may procure, upon such terms and in such manner, as H-GAC may deem appropriate, the goods or services similar to those cancelled and Contractor shall be liable to H-GAC for any excess costs, incidental or consequential damages for such similar supplies of services provided that Contractor shall continue the performance of this Order to the extent not called under the provisions of this Order.
2. The rights and remedies of H-GAC provided herein shall not be exclusive and are in addition to any other rights and remedies provided by law under this Order.
3. The failure of H-GAC to insist upon strict performance of any of the terms of this Order or to exercise any rights hereunder shall not be construed as a waiver of H-GAC's rights.
4. The Contractor may be excused from performance under this Order provided the Contractor notifies H-GAC within ten (10) days of discovery of any of the below named events:
 - a. Acts of God, or of public enemy, acts of the government with lawful jurisdiction over Contractor in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes and unusually severe weather.
 - b. The Contractor's failure to perform is caused by default of a supplier of sub-contractor and if such default arises out of causes beyond the control of both the Contractor and the supplier or sub-contractor and without the fault or recognition of either of them, provided that the contractor agrees to make a concerted effort to obtain supplies or services from other sources in time to meet required delivery schedule(s), if such events or causes names above cause a supplier default.

P. WARRANTIES

Contractor warrants that each item delivered will (1) be new (unless otherwise specified on the face of the purchase order, change order or specifications), free from liens and defects in design, materials, workmanship and defects in title (including any defect in the contractor's right to sell a patented or copyrighted product or to use a patented process), (2) conform in all respects to the terms of the purchase order, change order or specifications, and (3) be of the best quality, if no specific quality is established in the specification(s). If within one (1) year from the date of acceptance by H-GAC, it appears that an item, or any commercial unit thereof, does not conform to these warranties, and the H-GAC Procurement Program notifies the contractor within a reasonable amount of time after discovery, the contractor shall correct such nonconformity to the satisfaction of the H-GAC Procurement Program at the contractor's expense.

Should this occur, H-GAC may revoke acceptance, and purchase substitute item's correcting the nonconformity. The cost of the substitute item(s) correcting any nonconforming item(s) shall be borne by the contractor. Additionally, the contractor shall transfer to the H-GAC any manufacturer's warranty that it has for the item(s).

Houston-Galveston Area Council: Purchase Order Terms and Conditions

Q. SUCCESSORS AND ASSIGNS

This Order shall bind and benefit the respective parties and their legal successors, and shall not be assignable, in whole or in part, by any party hereto without first obtaining the written consent of the other party. This provision is not intended to limit the Contractor's ability to assign receivables under this Order, but applies to performance of the Order. Nothing herein shall be construed as creating any personal liability on the part of any agent of H-GAC.

R. QUALITY STANDARDS

If a special brand is listed in this Order, the goods being purchased must meet the standard for quality, performance, and use of such brand. If Contractor is willing to supply an equivalent to the designated special brand, it must provide H-GAC with descriptive literature identifying its brand, including the quality, performance and specifications.

S. INSPECTION AND QUALITY CONTROL

All items furnished under this order shall be subject to inspection and tests. To the extent practicable inspection may be made at any time and place, including the period of manufacture and prior to acceptance.

T. INFRINGEMENTS

Contractor warrants that H-GAC's purchase, installation, and/or use of the goods covered hereby will not result in any claim of infringement, or actual infringement of any patent, trademark, copyright, franchise, or other intellectual property right. Contractor shall indemnify and hold H-GAC harmless from and against all claims, losses, expenses, damages, causes of action and liabilities of every kind and nature, including without limitation, reasonable attorney's fee (without waiver of Contractor's obligation to indemnify H-GAC hereunder), arising from or out of any breach of the foregoing warranties and representations.

U. RISK OF LOSS

Regardless of F.O.B. Point, Contractor agrees to bear all risk of loss, injury, or destruction of goods and materials ordered herein which occur prior to acceptance by H-GAC. No such loss, injury or destruction shall release Contractor from any obligations hereunder.

1. Contractor shall indemnify and hold H-GAC harmless from and against all claims, demands, losses, expenses, damages, causes of action and liabilities of every kind and nature including, without limitation, reasonable attorney's fees and costs, without waiver of Contractor's obligation to indemnify H-GAC hereunder arising from or out of any alleged breach of any Contractor's obligations or warranties hereunder or from other acts or omissions of Contractor, its directors, Officer's, agents, representatives, employees and sub-contractors, however caused, instituted by persons who purchase from H-GAC or use product purchased from Contractor.
2. Contractor is solely liable for its employees, agents, contractors or sub-contractors and their actions while on H-GAC's premises and the Contractor indemnifies and will protect H-GAC from all losses, claims, expenses, and damages arising from or out of the presence or activity of Contractor's employees while on H-GAC premises.

V. EQUAL EMPLOYMENT OPPORTUNITY

Contractor will be required to comply with all applicable Equal Employment Opportunity laws and regulations.

W. TITLE VI REQUIREMENTS

Contractor will be required to comply with all requirements imposed by Title VI of the Civil Rights Acts of 1964 (49 U.S.C. Section 2000d), the Regulations of DOT issued hereunder (49 C.F.R. part 21), and the assurances by H-GAC thereto.

Houston-Galveston Area Council: Purchase Order Terms and Conditions

X. CONFLICT OF INTEREST

Chapter 176 of the Texas Local Government Code requires contractors and consultants seeking to do business with H-GAC to file a conflict of interest questionnaire (CIQ) if they have an employment or other business relationship with an H-GAC officer or an officer's close family member. The required questionnaire and instructions are located at the Texas Ethics Commission website <https://www.ethics.state.tx.us/forms/CIQ.pdf>. H-GAC officers include its Board of Directors and Executive Director, who are listed on this website. The CIQ must be completed and filed with a bid, request for quote or proposal response, if an employment or business relationship defined in the law exists.

Y. ADVERTISING

No advertising or publicity matter having or containing any reference to H-GAC or any of its staff members shall be made by Contractor or anyone on Contractor's behalf unless Contractor has the written consent of H-GAC.

Z. LAW

This order is made subject to the Constitution and laws of the State of Texas. The laws of the State of Texas shall govern this Order and the venue of any action brought hereunder may be bid in or transferred to the State of Texas.



Quality. Our DNA

BAUER COMPRESSORS Inc.
 267 East Airway Blvd.
 Livermore , CA 94551
 (925)-449-7210
 www.bauersf.com

Quotation

Date: 4/6/2022
 Quote # DK04062022-1
 Customer ID
 Expiration 8/1/2022

Customer:
 Clovis Fire Department
 790 N Temperance Ave
 Clovis, CA 93611
 Customer Contact:
 Chief Anthony Gomes
TonyG@cityofclovis.com
 (559) 999-5062

Line	QTY	UNIT	Part #	Description	Unit Price	Line Total
1	1	EA	UN 4S/25H-E3	Unicus 4/25H-E3 Working pressure: 6,000 psi Charging rate: 25.2 scfm Horsepower: 20 three phase including four (4) 6,000 psi ASME Cylinders	\$68,689.00	\$ 68,689.00
2	1	EA	0001	Electronic carbon monoxide monitor complete with calibration kit wired for alarm and shutdown. (calibration gas included)	\$3,746.00	\$ 3,746.00
3	1	EA	0004	Panel Mounted Remote Fill Hose Connection	\$1,256.00	\$ 1,256.00

Note: Prices do not include shipping/handling charges or sales tax unless specified. Quotation prices are valid for 60 days. Call 925-449-7210 if past expiration date. Thank you for the opportunity to submit this quotation. If you have any questions please give us a call.

Subtotal	\$	73,691.00
7.975%		\$5,876.86
Freight		\$2,750.00
Installation		\$1,500.00
Total	\$	83,817.86

Sincerely,
 Dan Kroetch
 Phone: +1 (925) 449-7210
 Cell: +1 (510) 909-6157
 Fax: +1 (925)-449-7201
 dan.kroetch@bauersf.com



Quality. Our DNA

BAUER COMPRESSORS Inc.
 267 East Airway Blvd.
 Livermore , CA 94551
 (925)-449-7210
 www.bauersf.com

Quotation

Date: 4/4/2022
 Quote # DK04042022-1
 Customer ID
 Expiration 5/4/2022

Customer:
 Clovis Fire Department
 633 Pollasky Ave
 Clovis, CA 93612
 Customer Contact:
 Eric C. Connors, Fire Captain
ericc@ci.clovis.ca.us
 (559) 324-2200

Line	QTY	UNIT	Part #	Description	Unit Price	Line Total
1	1	EA	OXY-2S	Two position fill station with inlet pressure gauge, fill control valves and fill pressure gauges	\$11,499.00	\$ 11,499.00
2	1	EA	7000A-2-3000	MASTERLINE 2-STAGE OXYGEN BOOSTER PUMP W/ INLET & OUTLET GAUGES, 3000 PSI 120V/15 AMP REMOTE START/STOP ON FRONT PANEL	\$12,939.00	\$ 10,895.00

Note: Prices do not include shipping/handling charges or sales tax unless specified. Quotation prices are valid for 60 days. Call 925-449-7210 if past expiration date. Thank you for the opportunity to submit this quotation. If you have any questions please give us a call.

Sincerely,

Dan Kroetch
 Phone: +1 (925) 449-7210
 Cell: +1 (510) 909-6157
 Fax: + 1 (925)-449-7201
dan.kroetch@bauersf.com

Subtotal	\$	22,394.00
7.975%		\$1,785.92
INSTALLATION		\$1,600.00
FREIGHT		\$1,000.00
Total	\$	26,779.92



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: November 7, 2022

SUBJECT: Planning and Development Services - Approval – Res. 22-____, Final Map Tract 6367, located at the southeast area of Nees Avenue and North Armstrong Avenue (Gleneagles Homes, a California Corp doing business as Gary McDonald Homes, a California corporation).

ATTACHMENTS: 1. Res. 22-____
2. Vicinity Map
3. Copy of Final Map

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to approve Res. 22-____, which will:

1. Accept the offer of dedication of parcels and public utility easements within Tract 6367; and
2. Authorize the recording of the final map.

EXECUTIVE SUMMARY

The owner, Gleneagles Homes, a California Corp doing business as (DBA) Gary McDonald Homes, a California corporation, acting as the subdivider, has submitted a final map. The improvement plans are being processed by City staff. The improvements to be installed include curb, gutter, sidewalk, streetlights, fire hydrants, street paving, sanitary sewer, water mains, and landscaping. The subject tract is at the southeast area of Nees Avenue and North Armstrong Avenues. It contains approximately 2.06 acres and consists of 8 residential units, zoned R-1-7500.

FISCAL IMPACT

The subdivider will be installing curb, gutter, sidewalk, fire hydrants, street paving, sanitary sewer, water mains, and landscaping, which will be perpetually maintained by the City of Clovis. For the streetlights, the City will pay for the power and PG&E will provide the maintenance.

REASON FOR RECOMMENDATION

The subdivision agreement has been executed by the subdivider and all development fees paid or deferred in accordance with the Municipal Code. The agreement provides for the developer to complete a technically correct map and improvement plans, and to complete all the required improvements in compliance with the conditions of approval. The improvements are adequately secured.

ACTIONS FOLLOWING APPROVAL

The final map will be filed with the Fresno County Recorder's office for recording.

Prepared by: Jeff Brown, Engineer II

Reviewed by: City Manager AA

RESOLUTION 22-___**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
APPROVING FINAL SUBDIVISION MAP FOR TRACT NO. 6367**

WHEREAS, a final map has been presented to the City Council of the City of Clovis for Tract 6367, by The City of Clovis, a Municipal Corporation; and

WHEREAS, said final tract conforms to the requirements of Chapter 2, Part 2, of Division 4 of the Business and Professions Code and to local ordinances.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Clovis will proceed as follows:

1. The final map of Tract 6367, consisting of two (2) sheets, a copy of which is on file with the City Clerk, be and the same is hereby approved.
2. The subdivision improvement plans for said tract have been approved by City Staff.
3. The preliminary Engineer's Cost Estimate of development cost of said tract, a copy of which is on file with the City Clerk, be and the same is hereby approved and adopted as the estimated cost of improvements for said subdivision in the sum of \$688,000.00.
4. The offer and dedication for public use of the parcels and easements specified on said map are accepted by the City of Clovis and the City Clerk is authorized and directed to execute said subdivision map.
5. This Council finds that the proposed subdivision, together with the provisions for its design and improvement, are consistent with applicable general and specific plans of the City of Clovis.
6. Improvement Security, as provided hereunder and in said Subdivision Agreement, is fixed at one hundred percent (100%) of the remaining improvements to be constructed or the sum of \$688,000.00 for guaranteeing specific performance of said agreement and fifty percent (50%) of the remaining improvements or the sum of \$344,000.00 for payment of labor and materials furnished by contractors, subcontractors, labormen and materialmen in connection with the improvements required to be made or constructed by said subdivider in conformity with said subdivision map or said agreement.
7. Subdivider shall furnish a bond in the sum of \$68,800.00 being the amount determined by the City Council of the City as necessary for the guarantee and warranty of the work for a period of one year following the completion and acceptance of the tract against any defective work or labor done, or defective materials furnished. Said bond is required to be furnished prior to acceptance of the tract by the City Council.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on November 7, 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

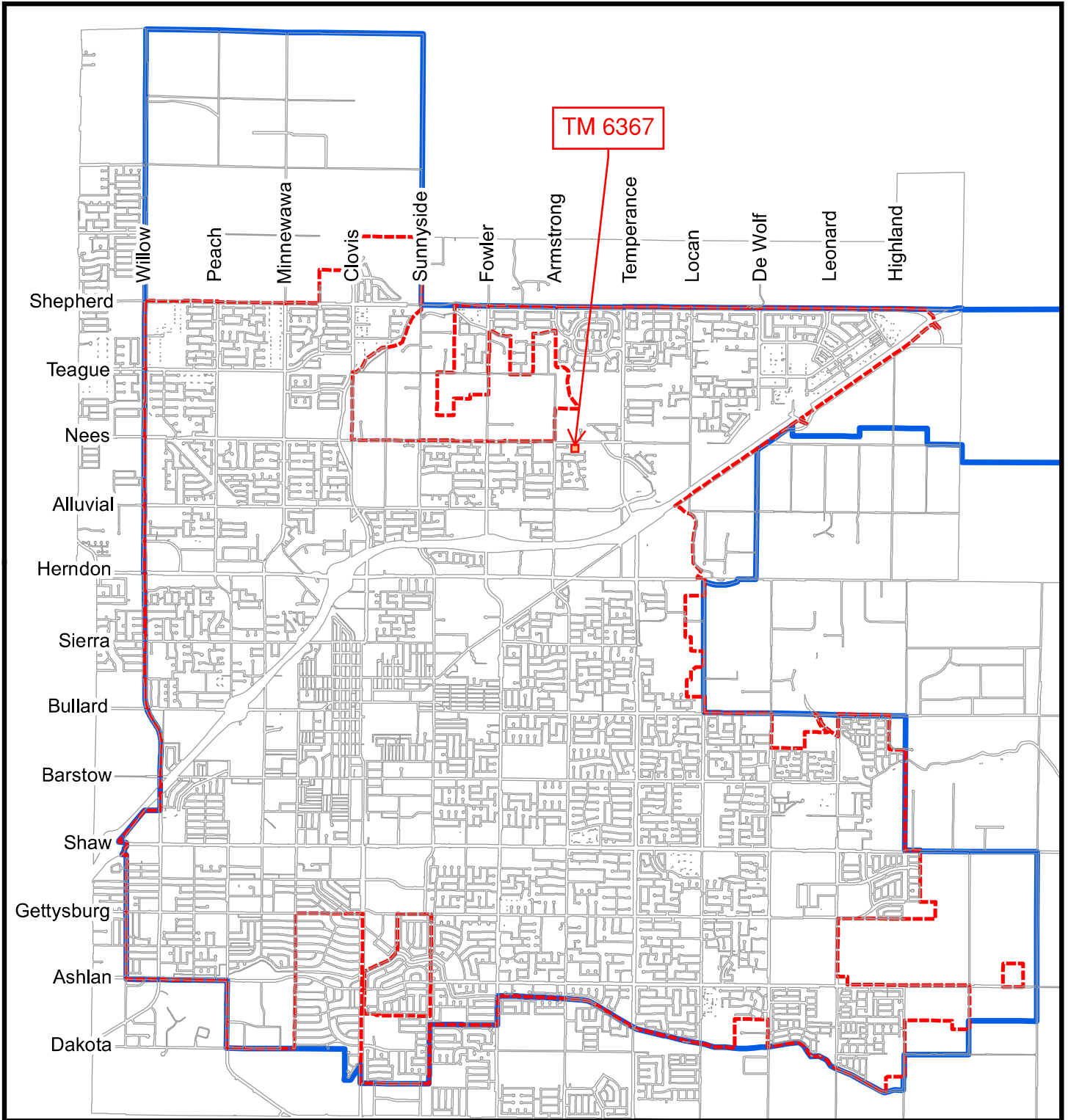
DATED:

Mayor

City Clerk

VICINITY MAP

TM 6367 (Gleneagles Homes)



ATTACHMENT 2



SUBDIVISION MAP OF TRACT NO. 6367

IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA,
SURVEYED AND PLATTED IN OCTOBER, 2021 BY HARBOUR &
ASSOCIATES
CONSISTING OF 2 SHEETS
SHEET 1 OF 2

OWNER'S STATEMENT

THE UNDERSIGNED, BEING ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND WITHIN THIS SUBDIVISION, HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND OFFER FOR DEDICATION FOR PUBLIC USE THE PARCELS AND EASEMENTS SPECIFIED ON SAID MAP AS INTENDED FOR PUBLIC USE FOR THE PURPOSES SPECIFIED THEREIN.

GLENEAGLES HOMES, A CALIFORNIA CORP DBA GARY MCDONALD HOMES, A CALIFORNIA CORPORATION

Gary L. McDonald
GARY L. MCDONALD, SECRETARY

UNITED SECURITY BANK

BY: *Porsche A. Saunders*
PORSCHE A. SAUNDERS, FIRST VP

NOTARY ACKNOWLEDGEMENTS

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA)
COUNTY OF Fresno)

ON July 13, 2022, 2022, BEFORE ME, Andrea A. Pfaffen, NOTARY PUBLIC, PERSONALLY APPEARED GARY L. MCDONALD, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT, WITNESS MY HAND.

NAME Andrea A. Pfaffen SIGNATURE Andrea A. Pfaffen
MY COMMISSION EXPIRES 2/12/24 COUNTY OF Fresno
COMMISSION NUMBER 2393797

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA)
COUNTY OF Fresno)

ON July 18, 2022, BEFORE ME, H. Dale-Vidales, NOTARY PUBLIC, PERSONALLY APPEARED PORSCHE A. SAUNDERS, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT, WITNESS MY HAND.

NAME H. Dale-Vidales SIGNATURE H. Dale-Vidales
MY COMMISSION EXPIRES Sept. 6, 2025 COUNTY OF Fresno
COMMISSION NUMBER 2374109

LEGAL DESCRIPTION

THE NORTH 340 FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM THE EAST 380.00 FEET.

ALSO EXCEPTING THEREFROM THE SOUTH 48 FEET OF THE NORTH 68 FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34 TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN.

ALSO EXCEPTING THEREFROM THE WEST 20 FEET.

ALSO EXCEPTING THEREFROM LOTS 1-16 INCLUSIVE OF TRACT 5360, ACCORDING TO THE MAP THEREOF FILED FOR RECORD MAY 24, 2005 IN BOOK 72 OF PLATS AT PAGES 70 AND 71, FRESNO COUNTY RECORDS.

BEING FURTHER DESCRIBED AS THE 'REMAINDER LOT' OF SAID TRACT 5360.



SURVEYOR'S STATEMENT

THE SURVEY FOR THIS MAP WAS MADE BY ME OR UNDER MY DIRECTION AND IS TRUE AND COMPLETE AS SHOWN.

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF GLENEAGLES HOMES, ON OCTOBER 11, 2021. I HEREBY STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE ONE YEAR AFTER THE DATE THIS MAP IS RECORDED, OR ANY TIME EXTENSION APPROVED BY THE CITY ENGINEER. THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

Aaron D. Spray
AARON D. SPRAY, PLS 9484

7-13-22
DATE



CITY ENGINEER'S STATEMENT

I, MICHAEL J. HARRISON, CITY ENGINEER OF THE CITY OF CLOVIS, HEREBY STATE THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND OF ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH, AND THAT I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.

MICHAEL J. HARRISON, P.L.S. 8088
CITY ENGINEER

DATE

CITY CLERK'S STATEMENT

I, KAREY CHA, HEREBY STATE THAT THE CITY COUNCIL OF THE CITY OF CLOVIS, BY RESOLUTION ADOPTED _____, APPROVED THE WITHIN MAP AND ACCEPTED, SUBJECT TO IMPROVEMENT, ON BEHALF OF THE PUBLIC, ANY REAL PROPERTY AND EASEMENTS OFFERED FOR DEDICATION FOR PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION. THIS ALSO INCLUDES APPROVAL OF WRITTEN NOTATIONS OF ALL ABANDONED EASEMENTS CONTAINED WITHIN THIS MAP.

DATED _____
KAREY CHA, CITY CLERK

THIS LAND IS SUBJECT TO THE FOLLOWING:

1. SAID LAND LIES WITHIN THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT AND IS SUBJECT TO DRAINAGE FEES AND/OR REQUIREMENTS TO CONSTRUCT PLANNED LOCAL DRAINAGE FACILITIES, AS DISCLOSED BY INSTRUMENT ENTITLED 'RESOLUTION NO. 1816 - THE BOARD OF DIRECTORS OF THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT', RECORDED JULY 31, 1995 AS SERIES NUMBER 95092128, O.R.F.C.
2. ORDINANCE NO 490-A-1615, EXECUTED BY THE COUNTY OF FRESNO, RECORDED MARCH 18, 1977 IN BOOK 6759 OF OFFICIAL RECORDS, PAGE 808 UNDER RECORDERS SERIAL NUMBER 27124.
3. TERMS AND PROVISIONS AS CONTAINED IN AN INSTRUMENT ENTITLED: COVENANT LANDSCAPE MAINTENANCE DISTRICT, EXECUTED BY GLENEAGLES HOMES, RECORDED MAY 21, 2005 IN OFFICIAL RECORDS UNDER RECORDERS SERIAL NUMBER 2005-0114276.
4. ANY SPECIAL TAX WHICH IS NOW A LIEN AND THAT MAY BE LEVIED WITHIN THE CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2004-1, A NOTICE OF WHICH WAS RECORDED AS FOLLOWS: INSTRUMENT ENTITLED: AMENDED NOTICE OF SPECIAL TAX LIEN, BY THE CITY OF CLOVIS, RECORDED DECEMBER 16, 2021, IN OFFICIAL RECORDS UNDER RECORDERS SERIAL NUMBER 2021-0206130.

RECORDER'S CERTIFICATE

DOCUMENT NO. _____ FEE PAID \$ _____

FILED THIS _____ DAY OF _____, 20____, AT _____ M. IN VOLUME _____ OF PLATS, AT PAGE(S) _____, FRESNO COUNTY RECORDS, AT THE REQUEST OF OLD REPUBLIC TITLE COMPANY.

PAUL A. DICTOS, CPA
FRESNO COUNTY ASSESSOR-RECORDER

BY: _____
DEPUTY



Harbour & Associates
Civil Engineers
389 Clovis Avenue, Suite 300 • Clovis, California 93612
(559) 325-7675 • Fax (559) 325-7899

W.O. #21-016

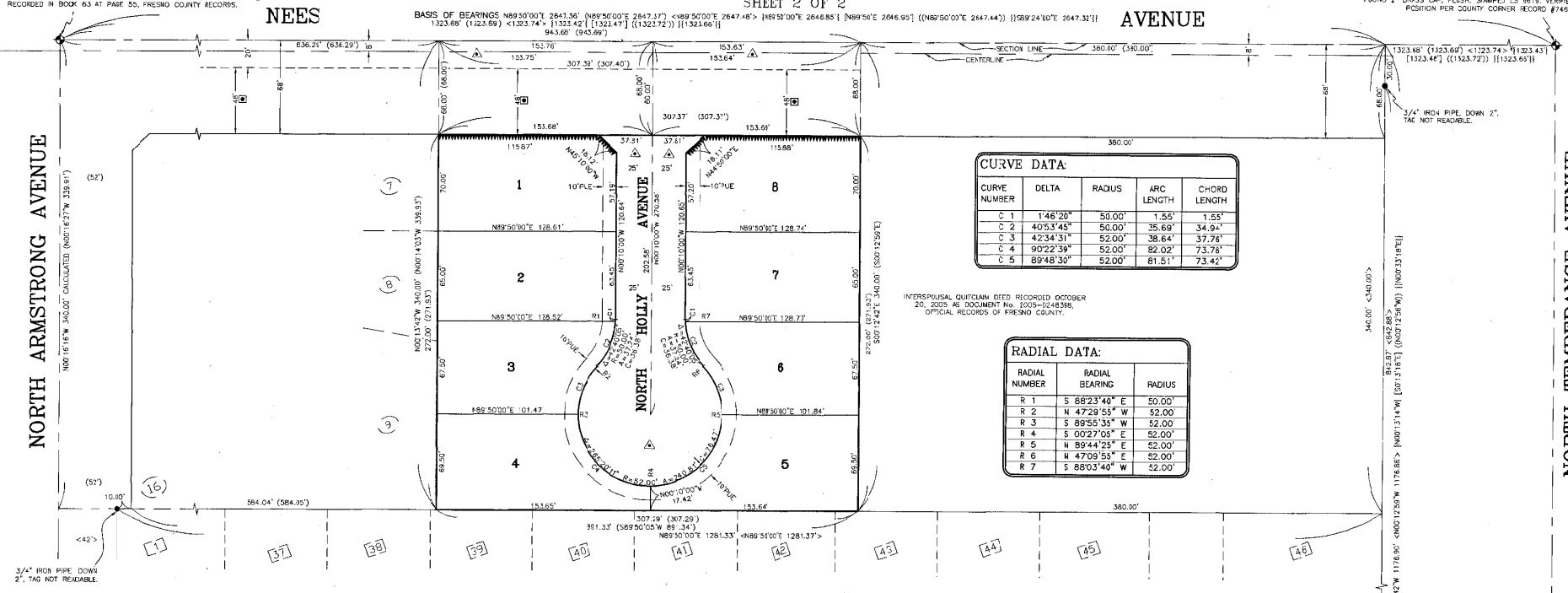
TRACT NO. 6367

IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA
 SURVEYED AND PLATTED IN OCTOBER, 2021 BY HARBOUR & ASSOCIATES

CONSISTING OF 2 SHEETS
 SHEET 2 OF 2

NORTHWEST CORNER OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, FOUND 3/4" IRON PIPE, FLUSH, TAG NOT READABLE. VERIFIED POSITION PER RECORD OF SURVEY RECORDED IN BOOK 63 AT PAGE 55, FRESNO COUNTY RECORDS.

NORTH QUARTER CORNER OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, FOUND 1" BRASS CAP, FLUSH, STAMPED LS 6619, VERIFIED POSITION PER COUNTY CORNER RECORD #7461.



CURVE DATA:

CURVE NUMBER	DELTA	RADIUS	ARC LENGTH	CHORD LENGTH
C 1	1°46'20"	50.00'	1.55'	1.55'
C 2	40°53'45"	50.00'	35.69'	34.92'
C 3	42°34'31"	52.00'	36.64'	37.78'
C 4	90°22'39"	52.00'	82.02'	73.78'
C 5	89°48'30"	52.00'	61.51'	73.42'

RADIAL DATA:

RADIAL NUMBER	RADIAL BEARING	RADIUS
R 1	S 88°23'40" E	50.00'
R 2	N 47°29'55" W	52.00'
R 3	S 89°55'35" W	52.00'
R 4	S 00°27'03" E	52.00'
R 5	N 89°44'25" E	52.00'
R 6	N 47°09'55" E	52.00'
R 7	S 88°03'40" W	52.00'

INTERSPOLAR QUICCLAIM FILED RECORDED OCTOBER 20, 2020 AS DOCUMENT No. 1009-0248396, OFFICIAL RECORDS OF FRESNO COUNTY.

BASIS OF BEARINGS:

THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 21 EAST, M.D.B.&M., WAS TAKEN TO BE NORTH 89°50'00" EAST, AS SHOWN ON THE MAP OF TRACT NO. 5360 RECORDED IN VOLUME 72 OF PLATS AT PAGES 70 AND 71, FRESNO COUNTY RECORDS.

NOTES:

- 3/4" X 30" IRON PIPE, DOWN 6", TAGGED PLS 9484 SET AT ALL LOT CORNERS, BLOCK CORNERS AND BEGINNING AND ENDING OF ALL CURVES, OR WILL BE SET WITHIN ONE YEAR OR ANY APPROVED EXTENSION THEREOF, WITH THE EXCEPTION OF THE CENTERLINE OF THE ENTERPRISE CANAL.
- DISTANCES NOT MONUMENTED ARE CALCULATED.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES.

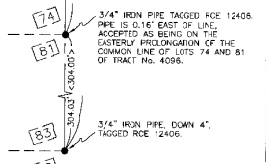
PUE PUBLIC UTILITY EASEMENT NOW OFFERED FOR DEDICATION.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED IN FEE FOR PUBLIC PURPOSES.

△ PUBLIC STREET AND PUBLIC UTILITY PURPOSES.

LEGEND:

- ◆ FOUND AND ACCEPTED SECTION CORNER OR QUARTER CORNER AS DESCRIBED HEREON.
- MONUMENT FOUND AND ACCEPTED AS DESCRIBED HEREON UNLESS OTHERWISE NOTED.
- () RECORD DATA AS SHOWN ON, OR CALCULATED FROM, THE MAP OF TRACT No. 5360 RECORDED IN VOLUME 72 OF PLATS AT PAGES 70 AND 71, FRESNO COUNTY RECORDS.
- <> RECORD DATA AS SHOWN ON, OR CALCULATED FROM, THE MAP OF TRACT No. 4096 NORTHWOOD ESTATES RECORDED IN VOLUME 53 OF PLATS AT PAGES 27 AND 28, FRESNO COUNTY RECORDS.
- { } RECORD DATA AS SHOWN ON PARCEL MAP No. 3410 RECORDED IN BOOK 23 OF PARCEL MAPS AT PAGE 5, FRESNO COUNTY RECORDS
- [] RECORD DATA AS SHOWN ON PARCEL MAP NO. 1436 RECORDED IN BOOK 9 OF PARCEL MAPS AT PAGE 85, FRESNO COUNTY RECORDS.
- { } RECORD DATA AS SHOWN ON PARCEL MAP NO. 1063 RECORDED IN BOOK 5 OF PARCEL MAPS AT PAGE 28, FRESNO COUNTY RECORDS.
- { } RECORD DATA AS SHOWN ON RECORD OF SURVEY RECORDED IN BOOK 63 OF RECORD OF SURVEYS AT PAGE 55, FRESNO COUNTY RECORDS.
- ☐ PREVIOUSLY OFFERED BY IRREVOCABLE OFFER OF DEDICATION RECORDED MARCH 29, 2005 AS DOCUMENT No. 2005-0069214, AND ACCEPTED BY DOCUMENT RECORDED APRIL 4, 2005 AS DOCUMENT No 2005-0073877, BOTH OF OFFICIAL RECORDS OF FRESNO COUNTY.
- ⓧ LOT OF TRACT NO. 5360 RECORDED IN VOLUME 72 OF PLATS AT PAGES 70 AND 71, FRESNO COUNTY RECORDS.
- ⓧ LOT OF TRACT NO. 4096 NORTHWOOD ESTATES RECORDED IN VOLUME 53 OF PLATS AT PAGES 27 AND 28, FRESNO COUNTY RECORDS.
- INDICATES WAIVER OF DIRECT VEHICULAR ACCESS RIGHTS.
- THE BLUE BORDER INDICATES THE LIMITS OF THIS SUBDIVISION.



SCALE: 1" = 50'

Harbour & Associates
 Civil Engineers
 390 CLOVIS AVENUE #300 • Clovis, California 93612
 (559) 321-7676 • Fax (559) 328-7899 • e-mail: h&a_eng@harbour.com



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: November 7, 2022

SUBJECT: Planning and Development Services - Approval – Res. 22-____, Annexation of Proposed Tract 6367, located at the southeast area of Nees Avenue and North Armstrong Avenue to the Landscape Maintenance District No. 1 of the City of Clovis (Gleneagles Homes, a California Corp doing business as Gary McDonald Homes, a California corporation).

ATTACHMENTS: 1. Res. 22-____

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to approve Res. 22-____, which will annex proposed Tract 6367, located at the southeast area of Nees Avenue and North Armstrong Avenue to the Landscape Maintenance District (LMD) No. 1 of the City of Clovis.

EXECUTIVE SUMMARY

The owner, Gleneagles Homes, a California Corp doing business as (DBA) Gary McDonald Homes, a California corporation, acting as the subdivider, has requested to be annexed to the LMD No. 1 of the City of Clovis as set forth by the Conditions of Approval for Tentative Tract 6367.

BACKGROUND

Gleneagles Homes, a California Corp DBA Gary McDonald Homes, a California corporation, the developer of Tract 6367, has executed a covenant that this development be annexed to the City of Clovis, LMD No. 1. An executed copy can be provided on request. Council formed the original District on July 15, 1985, for the purpose of funding the maintenance of landscaped areas and parks.

Under the provisions of the Landscaping and Lighting Act of 1972 and in accordance with Article XIII C and Article XIII D of Proposition 218, all the owners of property proposed for annexation

have provided a written request and consent to annexation and have executed a covenant (petition) indicating acceptance of the annual assessment.

FISCAL IMPACT

This project will add landscaping to the LMD No. 1 of the City of Clovis shown as follows:

	<u>Tract 6367</u>	<u>Year to Date</u>
LMD Landscaping added:	0.075 acres	1.303 acres
Resource needs added:	0.008 persons	0.131 persons

The resource needs estimate is based on 1 person per 10 acres of landscaped area.

REASON FOR RECOMMENDATION

The property owners for the subject tract have requested annexation into the City of Clovis LMD No. 1.

ACTIONS FOLLOWING APPROVAL

Tract 6367 shall become a part of City of Clovis LMD No. 1 and will be assessed next year for maintenance costs.

Prepared by: Jeff Brown, Engineer II

Reviewed by: City Manager *AH*

RESOLUTION 22-___

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING ANNEXATION TO LANDSCAPING MAINTENANCE DISTRICT NO. 1 OF THE CITY OF CLOVIS

WHEREAS, City of Clovis Landscape Maintenance District No. 1 ("District") was formed by Resolution No. 85-78, adopted July 15, 1985, pursuant to Part 2 of Division 15 of the Streets and Highways Code (Landscape and Lighting Act of 1972), herein the "Act"; and

WHEREAS, all of the owners of property proposed to be annexed to the District consisting of proposed Tract No. 6367, as described in Attachment "A" attached hereto and incorporated herein by reference, have consented to said annexation and such annexation may be ordered without notice and hearing or filing of engineer's report, or both.

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

1. That the public interest and convenience require that certain property described in Attachment "A" attached hereto and by reference incorporated herein be annexed into Landscape Maintenance District No. 1 of the City of Clovis for the maintenance and servicing of landscaping facilities.

2. The City Clerk shall receive and file the maps showing the boundaries of the areas annexed as set forth in Attachment "A" which boundaries shall be used for assessment proceedings until and unless a change of organization is approved pursuant to the Act.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on November 7, 2022, by the following vote, to wit:

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

- DATED:

Mayor

City Clerk

ATTACHMENT A

Legal Description

Lots 1 through 8, inclusive, of Tract Map 6367 recorded in Volume _____ of Plats at Pages _____ through _____, Fresno County Records.



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: November 7, 2022

SUBJECT: Consider Approval – Appointment to Consolidated Mosquito Abatement District.

Staff: John Holt, City Manager
Recommendation: Approve

ATTACHMENTS: None.

CONFLICT OF INTEREST

None.

RECOMMENDATION

On recommendation of the Mayor, subject to approval by the City Council, make reappointment of the current representative, Jennifer Willems, to the Consolidated Mosquito Abatement District for a 2-year term through December 31, 2024.

EXECUTIVE SUMMARY

The term of appointment of Jennifer Willems as representative of the City of Clovis to the Consolidated Mosquito Abatement District expires on December 31, 2022. Ms. Willems has served in this capacity since September 2021 and is requesting reappointment for a two-year term through December 31, 2024.

BACKGROUND

The term of appointment for the City's representative, Jennifer Willems, expires on December 31, 2022. Ms. Willems has served well as a representative of the City of Clovis to the Consolidated Mosquito Abatement District and regularly reports to the City Council on matters acted upon by the Board. She is now requesting reappointment to that Board. Mayor Flores has recommended her reappointment which needs to be acted upon by the City Council.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

Appointments to the Consolidated Mosquito Abatement District shall be acted upon by the City Council. The City's current representative has served this position well and has requested reappointment. If the City Council does not concur with the reappointment, the position would need to be advertised.

ACTIONS FOLLOWING APPROVAL

Staff will inform Ms. Willems of the City Council's action in this matter and will take whatever further actions are needed to complete the notification for this appointment.

Prepared by: Rebecca Simonian, Executive Assistant

Reviewed by: City Manager *RS*



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: November 7, 2022

SUBJECT: Consider – A Request from the Building Industry Association to draft a letter to the California Public Utilities Commission regarding the impacts of Pacific Gas & Electric business practices and how they are negatively impacting the City of Clovis development.

Staff: John Holt, City Manager

Recommendation: Approve

ATTACHMENTS:

1. Letter dated September 27, 2022, from the law firm of Wanger Jones Helsley to the California Public Utilities Commission regarding a complaint about PG&E's reallocation of resources for new residential projects in the counties of Fresno and Madera.
2. Letter dated October 13, 2022, from the law firm of Wanger Jones Helsley to the California Public Utilities Commission regarding an updated complaint about PG&E's reallocation of resources for new residential projects in the counties of Fresno and Madera.
3. Primer on Community Choice Aggregation.
4. Primer on municipalities forming a utility company.

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to approve a request from Mike Prandini, Executive Director of the Building Industry Association (BIA) to draft a letter to the California Public Utilities Commission (CPUC) regarding the impacts of Pacific Gas & Electric (PG&E) business practices and how they are negatively impacting the City of Clovis development.

EXECUTIVE SUMMARY

Staff is in receipt of a request from Mike Prandini, Executive Director of the BIA, to draft a letter to the CPUC regarding the impacts of PG&E business practices and how they are negatively impacting the City of Clovis development. Attached are two letters from a law firm representing

the BIA highlighting the issues being imposed on the building industry and home buyers in Fresno and Madera counties.

The letters highlight the issues the BIA is having with PG&E's inability to provide certain services as follows:

- Transformer lead times: Lead times for transformers from PG&E approved suppliers are being quoted in the 18–24-month range for standard-sized units and extended lead times for more specialized units.
- Energizing the Tract Once Transformer Arrives: Once the transformers arrive, PG&E still needs to energize the project and set the electric meters on the houses. Energizing requires a PG&E crew or third-party PG&E-affiliated contractor to be scheduled to do this work. Getting these crews scheduled is still challenging, especially during heat waves, wildfires, etc.
- Impact on Home Buyers: PG&E's abject inability to approve enough suppliers who can source and install the needed quantity of transformers continues to put a serious strain on homebuyers in the state. Potential buyers who cannot move into their homes because PG&E cannot energize them are having to extend leases – at record-high rents – on a month-to-month basis or find alternative, expensive short-term housing solutions. Homebuyers' mortgage rates are only locked by lenders for a specific period before expiring. If a buyer's house is delayed beyond the expiration date of the rate lock, the lock expires, and the buyer has to re-apply for a new loan at present interest rates. In this environment of rates increasing, this forces the buyers to have to be re-qualified. Many buyers cannot qualify for the same loan at a higher rate or are uncomfortable moving forward because a higher rate means more debt and higher payments for the life of the loan. These problems also exacerbate the housing crisis.
- Lack of Long-Term Solutions & Urgency from PG&E: PG&E has offered some short-term solutions to the crisis, such as allowing a project to be partially energized if only some transformers can be installed. However, there is no sense of urgency to find long-term solutions. PG&E reports it is working to bring on new transformer manufacturers, but the process is "months to years" long just for approval by PG&E.

The letters include a request to the CPUC to re-order PG&E's priorities, which are dictated by the CPUC as related to allocating resources. The BIA has been informed that continuity of service, including storm repair, is the highest priority. Wildfire prevention and infrastructure safety upgrades comes in second. Pursuit of renewable energy and transmission grid upgrades is next, followed by large industrial projects, with general new business (including residential projects) being last in priority.

The City of Fresno is in the process of beginning to look at options to how the City is provided electricity. It is likely that they will start with a study of cost and options that may be pursued. One option is Community Choice Aggregation (CCA). When California deregulated the energy market in 1997, many Californians switched to alternative energy providers. Following the

energy crisis of 2000-2001, consumer choice of electricity providers was suspended. As a response to the closing of the open market, Assembly Bill 117 was passed in 2002 to establish CCA, also known as Community Choice Energy (CCE), which offers an opportunity for communities to join to offer Californians choice of their electric provider and the source of their electricity. With CCA, the City would purchase electricity on the open market and continue to use PG&E facilities to transmit the energy. Attachment 3 is a primer on CCA with more detail.

The other long-term option would be to have the City become an energy utility provider. This would involve procuring the energy, owning the transmission assets, and maintaining them. This would require a significant amount of capital and significant increase in staffing. Attachment 4 is a primer for municipalities considering forming a utility company.

FISCAL IMPACT

There is no fiscal impact in authorizing staff to develop a letter from the Mayor to the CPUC.

REASON FOR RECOMMENDATION

Staff is in receipt of a request from Mike Prandini, Executive Director of the BIA, to draft a letter to the CPUC regarding the impacts of PG&E business practices and how they are negatively impacting the City of Clovis development.

ACTIONS FOLLOWING APPROVAL

Staff will implement Council direction.

Prepared by: John Holt, City Manager

Reviewed by: City Manager *JH*

WANGER JONES HELSLEY PC
ATTORNEYS

AGENDA ITEM NO. 11.

OLIVER W. WANGER
TIMOTHY JONES*
MICHAEL S. HELSLEY
RILEY C. WALTER
PATRICK D. TOOLE
SCOTT D. LAIRD
JOHN P. KINSEY
KURT F. VOTE
TROY T. EWELL
JAY A. CHRISTOFFERSON
MARISA L. BALCH
AMANDA G. HEBESHA**
PETER M. JONES†
MICHAEL L. WILHELM†
STEVEN M. CRASS†
JEFFREY B. PAPE†
DEBORAH K. BOYETT
STEVEN K. VOTE
NICOLAS R. CARDELLA
GIULIO A. SANCHEZ
CHRISTOPHER A. LISIESKI***
BENJAMIN C. WEST
HUNTER C. CASTRO
STEPHANIE M. HOSMAN
GARRETT R. LEATHAM††
RACHEL L. POMBO
NATHAN J. MARTIN

265 E. RIVER PARK CIRCLE, SUITE 310
FRESNO, CALIFORNIA 93720

MAILING ADDRESS
POST OFFICE BOX 28340
FRESNO, CALIFORNIA 93729

TELEPHONE
(559) 233-4800
FAX
(559) 233-9330



CLOVIS OFFICE:
642 Pollasky Avenue
Suite 100
Clovis, California 93612

OFFICE ADMINISTRATOR
LYNN M. HOFFMAN

Writer's E-Mail Address:
kvote@wjhattorneys.com

Website:
www.wjhattorneys.com

* Also admitted in Washington
** Also admitted in Idaho
*** Also admitted in Virginia
†† Also admitted in Utah
† Of Counsel

September 27, 2022

Via U.S. Mail

California Public Utilities Commission
President-Commissioner Alice Busching Reynolds
505 Van Ness Avenue
San Francisco, CA 94102

Re: **Complaint Regarding the Reallocation of PG&E's Resources for New Residential Projects in the Counties of Fresno and Madera**

Dear Ms. Busching Reynolds:

I write to you on behalf of The Building Industry Association for the Counties of Fresno and Madera (the "BIA"), which is composed of more than 100 companies and individuals involved in developing residential housing in the Fresno/Madera area. This letter is also joined by the Building Industry Association of the Greater Valley, whose more than 100 members develop and construct Housing in the greater Stockton area.

Established in 1943, the California Building Industry Association, of which the BIA is a chapter, is a membership-based organization representing builders, developers, subcontractors, and affiliated businesses in the residential, commercial, and industrial building industry. The mission of the BIA is to cooperate with all branches of government and with other community organizations to promote housing affordability and economic development in Fresno and Madera

California Public Utilities Commission
President-Commissioner Alice Busching Reynolds
September 27, 2022
Page 2

Counties. Our members employ thousands of California residents in high-paying jobs. The “ripple” impact of the wages earned by our employees spreads throughout California.

Development and construction of new residential housing serves several important purposes in Central California. First, building new houses helps meet the demands caused by California’s ongoing housing crisis. The State of California has set ambitious goals for each area of the State to meet when it comes to the development of new housing. The impact of the Regional Housing Need Allocations is discussed in more detail below. Second, building new residential homes generates money for the local economies. Studies from the National Association of Home Builders show that, on average, construction of only 100 new homes adds \$30,000,000 to the economy of the location where the homes are built, creating 400 new jobs, and adding \$6,000,000 in annual revenue for local governments. The vast majority of the material suppliers and subcontractors who build homes for our BIA members are, themselves, local businesses. United States Chamber of Commerce studies show that every dollar spent in a local economy gets recirculated through that local economy 6-7 times. It is, therefore, difficult to understate the importance of the economic benefits that new home construction creates in the Central Valley.

But the new home industry in Central California, and especially in Fresno and Madera Counties, has come to a halt due to PG&E’s limited pool of approved transformer suppliers and their inability to timely deliver transformers to BIA members’ projects. The failure of PG&E to be able to either directly, or through approved suppliers, source and install transformers and then energize projects means that homes which have been finished cannot be energized and sold to local families. It also means local homebuilders are forced to make the difficult decision to slow down or even stop commencement of construction on new homes because even if the homes are timely finished, they cannot be powered up and sold – leaving the builder stuck with huge sums of capital expended and no clear idea of when to expect a return.

My clients’ members have been experiencing significant problems with PG&E related to transformers for quite some time. These are the types of things they are experiencing:

- Transformer lead times:
 - o Lead times for transformers from PG&E approved suppliers are being quoted in the 18-24 month range for standard-sized units and extended lead times for more specialized units. These leads times are for production builders. Lead times for the smaller builders, apartment developers, etc. is even more extended. The typical time it takes from breaking ground to being ready to close escrow is 9-14 months. Completion times vary based on inclement weather, labor shortages, and other factors. Nonetheless, even a “fast” development is looking at a very large gap in time between completing a project to having the transformers to energize it. This puts a huge financial strain on the builder and disincentives investment. One local BIA member has tabled two projects that were slated for 2023 and would have delivered nearly 100 new homes. Those homes cannot even be started until the builder gets a clear line in sight to deliver of transformers. Other

California Public Utilities Commission
President-Commissioner Alice Busching Reynolds
September 27, 2022
Page 3

developers are running into the same issue, which exacerbates the ongoing housing shortage.

- Energizing the Tract Once Transformer Arrives:
 - o Once the transformers arrive, PG&E still needs to energize the project and set the electric meters on the houses. Energizing requires a PG&E crew or third party PG&E-affiliated contractor to be scheduled to do this work. Getting these crews scheduled is still challenging, especially during heat waves, wildfires, etc. This is not about whether new home construction is more or less important than public safety. It is about a regulated public utility being consistently unable to plan for the clearly foreseeable (windstorms in the winter and fires in the summer). Consequently, even when the transformers arrive, getting the job energized still takes another few weeks to months. PG&E also struggles to communicate across departments internally once a project has been energized and individual houses have passed municipal inspection. When a home buyer is at risk of an expiring interest rate lock on their loan, especially when rates are rising, every day counts and builders lose precious time after the transformers arrive getting the project energized and then setting meters to get individual houses in a position to close.

- Impact on Home Buyers:
 - o PG&E's abject inability to approve a sufficient number of suppliers who can source and install the needed quantity of transformers continues to put a serious strain on homebuyers in the state. Potential buyers who cannot move into their homes because PG&E cannot energize them are having to extend leases – at record-high rents - on a month-to-month basis or find alternative, expensive short-term housing solutions. Homebuyers' mortgage rates are only locked by lenders for a specific period of time before expiring. If a buyer's house is delayed beyond the expiration date of the rate lock, the lock expires and the buyer has to re-apply for a new loan at present interest rates. In this environment of rates increasing, this forces the buyers to have to be re-qualified. Many buyers cannot qualify for the same loan at a higher rate or are uncomfortable moving forward because a higher rate means more debt and higher payments for the life of the loan. These problems also exacerbate the housing crisis.

- Lack of Long-Term Solutions & Urgency from PG&E:
 - o PG&E has offered some short-term solutions to the crisis, such as allowing a project to be partially-energized if only some transformers can be installed. However, there is no sense of urgency to find long-term solutions. PG&E reports it is working to bring on new transformer manufacturers, but the process is “months to years” long just for approval by PG&E, not to mention the

California Public Utilities Commission
President-Commissioner Alice Busching Reynolds
September 27, 2022
Page 4

transformers actually being manufactured and delivered. Finally, once the transformers are delivered, BIA members have to wait months for PG&E to install them.

We think it is important to note the foregoing problems do not exist, either at all or with nearly the degree of severity, in areas served by other utilities, such as Southern California Edison or San Diego Gas & Electric. This is not speculation. Many of our BIA members build homes in more than one location and they have personal experience when saying Edison and SDG&E do not have nearly the same level of transformer problems as PG&E.

The BIA and its members have diligently tried to communicate with the Pacific Gas and Electric Company (“PG&E”) regarding the transformer and new service connection issues that plague PG&E’s operations related to new residential construction projects. Our members have watched as PG&E’s level of service slowly and inexorably degrades to the point that finished homes throughout the Fresno/Madera area cannot be delivered to homebuyers because PG&E simply cannot manage the limited resources it has dedicated to new construction in this area. PG&E takes literally months to review simple designs which are prepared using PG&E’s established standards. Following design approval, PG&E further delays the approval and installation of its own work, which only exacerbates the delays BIA members face in completing their portion of the utility work. Finally, when all work is done and projects are ready to be “heated up”, PG&E delays assigning dates for power to be provided and then, routinely, postpones the actual provision of power on several occasions – often at the last minute.

Lack of transformers, and the resulting lack of power to the projects, prevents homes from closing escrow, which causes members of the home-buying public substantial emotional and financial damage. In addition to expiring rate locks, discussed above, homebuyers who have given notice at their apartments or arranged to sell their existing homes are left scrambling for shelter, moving arrangements are disrupted, and time taken off of work to pack and move is often forced to be repeated several times. Perhaps most importantly, the recurring delays from PG&E prevent the BIA and its members, as well as the municipalities in which we build homes for Central Valley families, from helping reduce the crushing housing shortage within the State of California.

During our discussions with PG&E, which have involved PG&E officials at the local and regional level, as well as the CEO, we have determined the best way to resolve our members’ concerns involves a re-ordering of PG&E’s priorities, which are dictated by the California Public Utilities Commission (“CPUC”), as related to allocating resources. The BIA has been informed that continuity of service, including storm repair, is the highest priority. Wildfire prevention and infrastructure safety upgrades comes in second. Pursuit of renewable energy and transmission grid upgrades is next, followed by large industrial projects, with general new business being last in priority.

The BIA is extremely concerned the CPUC would place new business last in priority for PG&E when the State Legislature and Governor have made it their priority to end the State’s housing

California Public Utilities Commission
 President-Commissioner Alice Busching Reynolds
 September 27, 2022
 Page 5

crisis. The BIA believes that by placing new business last in priority, the CPUC is directly contributing to local counties and cities being unable to meet their Regional Housing Needs Allocation (“RHNA”) as determined by the California Department of Housing and Community Development (“HCD”).

For the reasons set forth below, we ask that the CPUC adjust PG&E’s priorities to reflect the importance of providing utility service to new residential construction in the Fresno/Madera area, including (but not limited to) approving more transformer suppliers and heating up projects more quickly.

The Building Industry Association’s Role in Helping Each County Meet Their Regional Housing Needs Allocations

The BIA’s members develop and build residential housing in the Counties of Fresno and Madera, which are (respectively) located in PG&E’s Fresno/Kern Division and PG&E’s Madera/Yosemite Division. In 2021, private developers pulled building permits for new residential housing with a cost of over \$735 million dollars within the County of Fresno alone. (2021 CIRB Report for Fresno County.) In the County of Madera, well over \$1 billion in housing is completed annually by BIA members to help the Counties meet their RHNAs.

To give some perspective on the allocation to each individual County, the County of Fresno’s 2013-2023 RHNA detailed a total of 41,470 housing units were allocated to the County to be built by 2023. This means that approximately 4,147 units need to be built every year to meet the allocation. (Fresno Multi-Jurisdictional 2015-2023 Housing Element, § 3-2, at p. 97.) The County of Madera’s 2014-2024 RHNA that 12,895 units housing units were allocated to the County, with 1,289 units needing to be built every year to meet its allocation. (Madera County 2016-2024 Housing Element Update, § 3-3, at p. 59.)

The BIA is an integral part in meeting the RHNAs for both Counties, as the members of the BIA consist of all of the major developers in the community, as well as specialty trade contractors, engineers, and those who provide ancillary services. As such, BIA members are on the “front lines” when it comes to dealing with PG&E to provide service connections to new residences. Further, because a substantial portion of the housing the BIA develops sells for under the State median price, the majority of the homes the BIA builds are disproportionately delivered to people of color and those who are under-served.

The Department of Housing and Community Development’s Regional Housing Needs Allocation for the Counties of Fresno and Madera

Since 1969, California has required all local governments adequately plan to meet the housing needs of everyone in the community. However, since that requirement has begun, California has slowly slipped into a major housing crisis. In 2019, Governor Newsom signed Senate Bill 330, known as the Housing Crisis Act of 2019, into law to respond to the soaring housing crisis. The Housing Crisis Act of 2019 was part of the Governor’s pledge to create 3.5 million new housing

California Public Utilities Commission
 President-Commissioner Alice Busching Reynolds
 September 27, 2022
 Page 6

units by 2025. In 2021, Governor Newsom, as part of his “California Comeback Plan,” signed new bills that would lead to over \$1.75 billion in affordable housing funding for the new California Housing Accelerator and require local governments to plan for the creation of more than 2.5 million units statewide, more than doubling their obligation under the previous RHNA cycle (5th Cycle).

Table 1, below, shows that 41,470 housing units were allocated to the County of Fresno during its 2013-2023 RHNA. In 2021 alone, the BIA delivered approximately 2,800 new residential units, the vast majority of which were considered to be low to moderate housing units by income level.

Jurisdiction	Housing Units by Income Level					Total Housing Units
	Extremely Low	Very Low	Low	Moderate	Above Moderate	
Clovis	1,160	1,161	1,145	1,018	1,844	6,328
Coalinga	75	75	115	123	201	589
Firebaugh	64	64	169	204	211	712
Fowler	61	62	83	75	243	524
Fresno	2,833	2,833	3,289	3,571	11,039	23,565
Huron	43	44	107	106	124	424
Kerman	119	119	211	202	258	909
Kingsburg	56	57	70	60	131	374
Mendota	40	40	56	77	341	554
Orange Cove	55	56	86	105	367	669
Parlier	55	55	82	77	319	588
Reedley	196	197	204	161	553	1,311
San Joaquin	51	52	36	35	204	378
Sanger	156	156	175	163	568	1,218
Selma	70	70	115	69	281	605
Unincorporated County	230	230	527	589	1,146	2,722
Total County	5,264	5,271	6,470	6,635	17,830	41,470

Table 2, below, shows that 12,895 housing units were allocated to the County of Madera during its 2014-2024 RHNA. Again, in 2021 alone, the BIA delivered approximately 531 new residential units.

California Public Utilities Commission
 President-Commissioner Alice Busching Reynolds
 September 27, 2022
 Page 7

Table 2 2014-2024 Regional Housing Needs Allocation by Jurisdiction Madera County					
Jurisdiction	Income Level				Total Housing Units
	Very Low	Low	Moderate	Above Moderate	
Madera	1,352	1,056	1,091	2,600	6,099
Chowchilla	253	190	204	467	1,114
Unincorporated County	1,285	984	1,015	2,398	5,682
Total County	3,040	2,135	2,314	5,406	12,895

Table 3, below, details that, as part of Governor Newsom’s “California Comeback Plan,” Fresno County is slated to have approximately 58,298 new housing units allocated to it in the next Cycle. That is an *increase* of 16,828 new housing units since the previous Cycle. BIA members will be the leading developers in the construction of these new housing units, communicating directly with PG&E to energize these homes. While no new RHNA assessment for the County of Madera has been released, a similar allocation increase is expected, with the BIA again by far leading the development of low to medium income housing.

Also passed in 2021 was Assembly Bill 215, which gave the HCD additional enforcement authority for local agency violations of specified housing laws, and increases public review for housing elements, a required component of long-range General Plans. With this additional authority, the HCD created the Housing Authority Unit (“HAU”), which in turn is able to initiate an enforcement action against a local jurisdiction for housing element noncompliance.

The reason this is so important stems from the fact that PG&E’s extreme delays in timely connecting new services to BIA residential projects effects the Counties’ ability to meet their allocations under the current (and succeeding) RHNAs. Failure of the Counties, and the smaller municipal units therein, to meet their RHNA needs, leaves them vulnerable to having legal action taken against them by the HAU and/or community organizers. The City of Clovis is currently facing just such a lawsuit. (<https://www.fresnobee.com/article249982694.html>.) While there is no guarantee this will happen, the fact the CPUC is the core reason as to why PG&E allocates its resources away from new residential projects, an issue so important to the State Legislature and Governor, will most certainly be raised as part of any ensuing litigation.

California Public Utilities Commission
 President-Commissioner Alice Busching Reynolds
 September 27, 2022
 Page 8

Table 3 <i>January 2021 Revised Allocation for</i> the 2023-2031 Regional Housing Needs Allocation by Jurisdiction Fresno County			
Jurisdiction	September Subcommittee Approved Allocation	January Updated Allocation (Revised Methodology and Final Determination)	Allocation Change: September-January
Clovis	9,179	8,759	(420)
Coalinga	583	552	(31)
Firebaugh	459	432	(27)
Fowler	348	331	(17)
Fresno	39,792	35,972	(3,820)
Huron	336	311	(25)
Kerman	1,102	1,037	(65)
Kingsburg	904	861	(43)
Mendota	668	626	(42)
Orange Cove	478	458	(20)
Parlier	767	715	(52)
Reedley	1,507	1,428	(79)
San Joaquin	1,559	1,458	(101)
Sanger	207	195	(12)
Selma	1,554	1,456	(98)
Unincorporated County	3,857	3,707	(150)
Total County	63,300	58,298	(5,002)

The California Public Utilities Commission Dictates Pacific Gas and Electric Company's Resource Allocation

When a California constitutional amendment renamed the Railroad Commission to the California Public Utilities Commission in 1946, the CPUC was given *carte blanche* regulatory authority over the public utilities within the State. Currently, the CPUC directs PG&E as to the priorities it should follow when allocating resources. The BIA is no way minimizing the need or importance of wildfire prevention and infrastructure safety upgrades. The BIA is also not disregarding the importance of pursuing renewable energy and upgrading the State's transmission grid, as new residential homes will be at the forefront of needing these resources.

The BIA, however, believes California residents in general, and residents of the Counties in particular, would be better served with new residential projects taking a higher priority in PG&E's allocation schedule. The residential housing industry in Fresno/Madera is an industry which generates over \$1 billion in annual new home sales – yet the CPUC's prioritization of PG&E's resources treats new home construction as having no higher a priority than providing

California Public Utilities Commission
President-Commissioner Alice Busching Reynolds
September 27, 2022
Page 9

power to a new fast food restaurant. The CPUC has the power, however, to expedite the reallocation of PG&E's resources to new residential projects (including, but not limited to, sourcing, delivering, and installing transformers) because the CPUC's current allocation does not allow the Counties, and the cities of Fresno and Madera, to meet the requirements under the Governor's "California Comeback Plan," resulting in the Counties' residents being kept out of desperately-needed homes.

The Reallocation of Pacific Gas and Electric Company's Resources to New Residential Projects

Since the CPUC dictates PG&E's resources, the BIA believes new residential projects should take a higher priority and the CPUC should reallocate PG&E's resources immediately. Considering that new residential projects in the Counties are part of an industry which generates over \$1 billion dollars every year, and new housing units are a critical part of the State's expressed public policy, the BIA believes the Counties' residents would be better served with more homes rather than a new warehouse or similar industrial project.

Further, the reallocation of PG&E's resources will help each County (and each City therein) achieve their RHNA allocations, thereby meeting the goals of the State Legislature and the Governor of delivering more housing units in California. Also, with PG&E prioritizing new residential projects, it will simultaneously help provide homes to the thousands of people whom have lost homes due to fires caused by PG&E's equipment. The CPUC has the authority to immediately dictate PG&E's reallocation of its resources in order to ensure that new residential projects are connected and energized in a timely and reasonable manner.

Conclusion

The delays experienced by BIA members in getting PG&E to deliver and install transformers and energize their projects are shameful. These ongoing delays adversely impact the Counties and the local residents themselves. The BIA implores the CPUC to aid the BIA's desire to help "California Comeback" and provide homes to local residents. The BIA challenges the CPUC to put the needs of the Counties' residents before more industrial development and the noble but long-term pursuit of more renewable power. Families who cannot move into their homes will not understand why the CPUC placed more emphasis on a wind farm or yet another Amazon distribution center. Frankly, but respectfully, the BIA demands the CPUC reallocate PG&E's resources to ensure that PG&E can timely provide and install transformers, and connect new service, to residential projects in the Fresno/Madera area.

This issue is critical enough to the residents of the Counties, and the BIA's members, that we have taken the deliberate step of copying this letter of complaint to the elected officials and other government representatives identified below. We invite them to share with you their frustration with PG&E and their endorsement of our request.

California Public Utilities Commission
 President-Commissioner Alice Busching Reynolds
 September 27, 2022
 Page 10

We look forward to your action in regards to this matter.

Very truly yours,

Kurt F. Vote
 WANGER JONES HELSLEY PC

KFV/kd

cc: **State of California**

Governor Gavin Newsom
 1021 "O" Street, Suite 9000
 Sacramento, CA 95814
 Via fax to (916) 558-3160

Building Industry Associations

Michael Prandini
 President & CEO
 BIA – Fresno/Madera Counties
 420 Bullard Ave., Suite 105
 Clovis, CA 93612
mikep@biafm.org

John Beckman
 Chief Executive Officer
 BIA of the Greater Valley
 1701 W. March Lane, Ste. F
 Stockton, CA 95207
johnb@biagv.org

City of Clovis

John Holt, City Manager
 City of Clovis
 1033 Fifth Street
 Clovis, CA 93612
 E-Mail: johnh@cityofclovis.com

Bob Whalen, Councilmember
 City of Clovis
 1033 Fifth Street
 Clovis, CA 93612
 E-Mail: bobw@cityofclovis.com

Drew Bessinger, Councilmember
 City of Clovis
 1033 Fifth Street
 Clovis, CA 93612
 E-Mail: drewb@cityofclovis.com

Jose Flores, Councilmember
 City of Clovis
 1033 Fifth Street
 Clovis, CA 93612
 E-Mail: jflores@cityofclovis.com

California Public Utilities Commission
 President-Commissioner Alice Busching Reynolds
 September 27, 2022
 Page 11

Lynne Ashbeck, Councilmember
 City of Clovis
 1033 Fifth Street
 Clovis, CA 93612
 E-Mail: lashbeck@cityofclovis.com

Vong Mouanoutoua, Councilmember
 City of Clovis
 1033 Fifth Street
 Clovis, CA 93612
 E-Mail: vongm@ci.clovis.ca.us

City of Fresno

Georgeanne White, City Manager
 City of Fresno
 2600 Fresno St, Room 2064
 Fresno, CA 93721
 E-Mail: georgeanne.white@fresno.gov

Esmeralda Soria
 Councilmember, District 1
 City of Fresno
 2600 Fresno Street
 Fresno, CA 93720
 E-Mail: DISTRICT1@FRESNO.GOV

Mike Karbassi
 Councilmember, District 2
 City of Fresno
 2600 Fresno Street
 Fresno, CA 93720
 E-Mail: DISTRICT2@FRESNO.GOV

Garry Bredefeld
 Councilmember, District 6
 City of Fresno
 2600 Fresno Street
 Fresno, CA 93720
 E-Mail: DISTRICT6@FRESNO.GOV

Miguel Arias
 Councilmember, District 3
 City of Fresno
 2600 Fresno Street
 Fresno, CA 93720
 E-Mail: DISTRICT3@FRESNO.GOV

Nelson Esparza
 Councilmember, District 7
 City of Fresno
 2600 Fresno Street
 Fresno, CA 93720
 E-Mail: DISTRICT7@FRESNO.GOV

Tyler Maxwell
 Councilmember, District 4
 City of Fresno
 2600 Fresno Street
 Fresno, CA 93720
 E-Mail: DISTRICT4@FRESNO.GOV

Luis Chavez
 Councilmember, District 5
 City of Fresno
 2600 Fresno Street
 Fresno, CA 93720
 E-Mail: DISTRICT5@FRESNO.GOV

California Public Utilities Commission
 President-Commissioner Alice Busching Reynolds
 September 27, 2022
 Page 12

County of Fresno

Paul Nerland
 County Administrative Officer
 County of Fresno
 2281 Tulare, Suite 304
 Fresno, CA 93721
 E-Mail: pnerland@co.fresno.ca.us

Brian Pacheco
 County of Fresno, District 1 Supervisor
 2281 Tulare, Suite 304
 Fresno, CA 93721
 E-Mail: District1@fresnocountyca.gov

Steve Brandau
 County of Fresno, District 2 Supervisor
 2281 Tulare, Suite 304
 Fresno, CA 93721
 E-Mail: District2@fresnocountyca.gov

Sal Quintero
 County of Fresno, District 3 Supervisor
 2281 Tulare, Suite 304
 Fresno, CA 93721
 E-Mail: District3@fresnocountyca.gov

Buddy Mendes
 County of Fresno, District 4 Supervisor
 2281 Tulare, Suite 304
 Fresno, CA 93721
 E-Mail: District4@fresnocountyca.gov

Nathan Magsig
 County of Fresno, District 5 Supervisor
 2281 Tulare, Suite 304
 Fresno, CA 93721
 E-Mail: District5@fresnocountyca.gov

County of Madera

Jay Varney
 County Administrative Officer
 County of Madera
 200 W. 4th Street
 Madera, CA 93638
 E-Mail: jay.varney@maderacounty.com

Brett Frazier
 County of Madera, District 1 Supervisor
 200 W. 4th Street
 Madera, CA 93638
 E-Mail: district1@maderacounty.com

David B. Rogers
 County of Madera, District 2 Supervisor
 200 W. 4th Street
 Madera, CA 93638
 E-Mail: district2@maderacounty.com

Robert L. Poythress
 County of Madera, District 3 Supervisor
 200 W. 4th Street
 Madera, CA 93638
 E-Mail: district3@maderacounty.com

Leticia Gonzalez
 County of Madera, District 4 Supervisor
 200 W. 4th Street
 Madera, CA 93638
 E-Mail: district4@maderacounty.com

Tom Wheeler
 County of Madera, District 5 Supervisor
 200 W. 4th Street
 Madera, CA 93638
 E-Mail: district5@maderacounty.com

California Public Utilities Commission
President-Commissioner Alice Busching Reynolds
September 27, 2022
Page 13

State Assembly Members

Frank Bigelow
Assemblymember, District 5
730 North I Street
Madera, CA 93637
E-Mail: assemblymember.bigelow@assembly.ca.gov

Jim Patterson
Assemblymember, District 23
6245 North Fresno Street, Suite 106
Fresno, CA 93710
E-Mail: assemblymember.patterson@assembly.ca.gov

Dr. Joaquin Arambula
Assemblymember, District 31
Hugh Burns State Building
2550 Mariposa Mall, Suite 5031
Fresno, CA 93721
E-Mail: assemblymember.arambula@assembly.ca.gov

WANGER JONES HELSLEY PC
ATTORNEYS

AGENDA ITEM NO. 11.

OLIVER W. WANGER
TIMOTHY JONES*
MICHAEL S. HELSLEY
RILEY C. WALTER
PATRICK D. TOOLE
SCOTT D. LAIRD
JOHN P. KINSEY
KURT F. VOTE
TROY T. EWELL
JAY A. CHRISTOFFERSON
MARISA L. BALCH
AMANDA G. HEBESHA**
PETER M. JONES†
MICHAEL L. WILHELM†
STEVEN M. CRASS†
JEFFREY B. PAPE†
DEBORAH K. BOYETT
STEVEN K. VOTE
NICOLAS R. CARDELLA
GIULIO A. SANCHEZ
CHRISTOPHER A. LISIESKI***
BENJAMIN C. WEST
HUNTER C. CASTRO
STEPHANIE M. HOSMAN
GARRETT R. LEATHAM††
RACHEL L. POMBO
NATHAN J. MARTIN

265 E. RIVER PARK CIRCLE, SUITE 310
FRESNO, CALIFORNIA 93720

MAILING ADDRESS
POST OFFICE BOX 28340
FRESNO, CALIFORNIA 93729

TELEPHONE
(559) 233-4800
FAX
(559) 233-9330



CLOVIS OFFICE:
642 Pollasky Avenue
Suite 100
Clovis, California 93612

OFFICE ADMINISTRATOR
LYNN M. HOFFMAN

Writer's E-Mail Address:
kvote@wjhatorneys.com

Website:
www.wjhatorneys.com

* Also admitted in Washington
** Also admitted in Idaho
*** Also admitted in Virginia
†† Also admitted in Utah
† Of Counsel

October 13, 2022

Via U.S. Mail

California Public Utilities Commission
President-Commissioner Alice Busching Reynolds
505 Van Ness Avenue
San Francisco, CA 94102

Re: **UPDATED Complaint Regarding the Reallocation
of PG&E's Resources for New Residential Projects
in the Counties of Fresno and Madera**

Dear Ms. Busching Reynolds:

I again write to you on behalf of the Building Industry Association of Fresno/Madera Counties (the "BIA"), which is composed of more than 100 companies and individuals involved in developing residential housing in the Fresno/Madera area. The purpose of this letter is to update mine of September 27, 2022 to bring to your attention that PG&E has imposed a *de facto* moratorium on new home construction in Fresno and Madera Counties by unilaterally furloughing all contract crews retained by PG&E to energize new residential subdivisions. PG&E has advised the industry that it will not be energizing any new residential homes in the Fresno/Madera area for at least 150 days, regardless of how long such "heat up" work had been previously scheduled.

The devastating impact of PG&E's unilateral decision on the homebuilding industry, and the home-buying public, cannot be overstated. Buyers of new residential homes in Fresno and Madera Counties have been waiting many months for their homes to be constructed and are relying on the timely closing of their escrows so that their mortgage interest rate locks do not expire. Many buyers have already given notice at their apartments, sold their existing homes, made moving plans, taken time off work, etc. in reliance on the purchases of their new homes closing on time. Now, with PG&E simply declaring by fiat that it will no longer energize any new residential housing in the Fresno/Madera area until 2023, these homebuyers are left with nowhere to go and nowhere to turn. Many of these buyers are first-time buyers and have young children who need a stable environment and a safe place to live. PG&E is denying these families the culmination of their hard work and dreams.

PG&E's decision to furlough its contract construction crews, which had been performing energization work in lieu of such work being performed by PG&E's General Construction crews, also has a devastating impact on local homebuilders. These builders have committed hundreds of millions of dollars of capital to acquiring land, entitling that land, navigating California's dizzying array of regulatory schemes, complying with CEQA and other state and local laws, and building homes despite supply chain problems, labor shortages, and rampant inflation. Now, after all that and as homebuilders are about to close new-home escrows, PG&E has pulled the rug out from under the industry. The inability of Fresno/Madera BIA members to close sales on their homes could not come at a worse time, as rising interest rates, inflation, and general economic uncertainty have combined to cause traffic in my clients' sales offices to drop substantially, in some cases by more than 75%.

Fresno/Madera BIA builder members offered, albeit reluctantly, to reimburse PG&E for costs PG&E would incur in continuing to utilize contract construction crews. The builder members' good faith overture was rejected out of hand by PG&E. Hiding in plain sight is a simple, straightforward solution to the energization problem. Since contract construction crews have already been vetted and certified by PG&E, why doesn't PG&E merely permit builder members to directly engage the PG&E-certified construction crews? Such an approach would meet builder members' immediate critical need for energization of new homes, and buy PG&E time to figure out how to effectively and efficiently manage its affairs with the goal of providing, in a timely manner, the services for which builder members are already paying.

As if the impact of PG&E's decision was not sufficiently dramatic, the haphazard manner in which it was communicated to the industry further exacerbates the problem. One builder's story is perfectly illustrative of this issue. A builder was looking to energize a project in Fresno that had been in the planning stages for more than 4 years. The utility plans had been approved by PG&E more than 18 months ago. PG&E had tentatively scheduled the energization for late September. Energization is, of course, required for the builder to close escrow and actually transfer the homes to the buyers. On September 12, 2022, PG&E informed the builder that the project would be energized on October 17, 2022. The builder dutifully relayed that to its customers. Then, on October 4, 2022, PG&E advised the builder that energization would be delayed and that the work had been re-scheduled for November 7, 2022. That information was also relayed to the homebuyers by the builder. The very next day, October 5, 2022, PG&E advised the builder that the November 7, 2022 date had been canceled and that no new date

could be set. PG&E further advised the builder that the soonest PG&E could likely be ready to energize the project would be 120-150 days. Homebuyers for this project now have no reasonable expectation that they will be able to move into their homes until 2023 at the earliest.

Potential buyers who cannot move into their homes because PG&E cannot energize them are having to extend leases – at record-high rents - on a month-to-month basis or find alternative, expensive short-term housing solutions. Homebuyers’ mortgage rates are only locked by lenders for a specific period of time before expiring. If a buyer’s house is delayed beyond the expiration date of the rate lock, the lock expires and the buyer has to re-apply for a new loan at present interest rates. In this environment of ever-rising rates, this forces the buyers to have to be re-qualified. Many buyers cannot qualify for the same loan at a higher rate or are uncomfortable moving forward because a higher rate means more debt and higher payments for the life of the loan. These problems also only exacerbate the housing crisis.

PG&E has also advised the industry that it has made little to no progress sourcing transformers to service new residential development. Several months ago, PG&E represented to the Fresno/Madera BIA that it was moving aggressively to find new sources of transformers and to approve alternate suppliers that could help increase the supply and delivery of transformers to projects in the Central Valley. PG&E’s lack of a sense of urgency in finding long-term solutions has turned into a total disengagement from the effort. A process which PG&E has admitted takes “months to years” just for approval by PG&E, not to mention the transformers actually being manufactured and delivered, is now also “on hold”.

We think it is important to reiterate that the foregoing problems do not exist, either at all or with nearly the degree of severity, in areas served by other utilities, such as Southern California Edison or San Diego Gas & Electric. This is not speculation. Many of our BIA members build homes in more than one location and they have personal experience when saying SCE and SDG&E do not have nearly the same level of transformer problems as PG&E. Further, SCE and SDG&E continue to energize new projects, while PG&E has simply shut down that process for the remainder of 2022 - at a minimum. One Fresno/Madera BIA member builder is actively developing single-family residential subdivisions in the City of Hanford and the City of Tulare, both of which are located in SCE’s service area. The builder member has not experienced any delays in SCE providing transformers or energizing the subdivisions.

PG&E’s decision to cease energizing new residential service in Fresno and Madera Counties further causes a disproportionate impact on people of color and those living below federally-defined poverty levels. The 2020 Census determined that 54% of those living in Fresno County were Hispanic or Latino. That figure jumps to 60% in Madera County. A recent study of the income levels in the San Joaquin Valley was similarly alarming. When measuring the poverty level among California counties, six (6) counties within the San Joaquin Valley hold the highest poverty rates in the State. Those same six (6) counties were among the 52 counties with the highest poverty rate in the United States. The San Joaquin Valley is known as the “Breadbasket of the World” and the hardworking people who live here are in large part responsible for helping feed the planet. The Fresno/Madera BIA cannot fathom why PG&E would make the punitive decision to simply “shut off” new residential energy deliveries in this critical area, despite knowing it would particularly disadvantage the poor and people of color.

California Public Utilities Commission
 President-Commissioner Alice Busching Reynolds
 October 13, 2022
 Page 4

We respectfully renew our request that the CPUC adjust PG&E's priorities to reflect the importance of providing utility service to new residential construction in the Fresno/Madera area, including (but not limited to) approving more transformer suppliers and rescinding PG&E's decision to stop energizing new residential projects for the rest of the year. If PG&E cannot return its contract crews to the field immediately, the CPUC should direct PG&E to use its General Construction crews for energizing new residential housing or allow the builders to directly retain the contract crews as was previously proposed.

This issue is critical enough to the residents of the Counties, and the BIA's members, that we have taken the deliberate step of copying this updated letter of complaint to the elected officials and other government representatives identified below. We invite them to share with you their frustration with PG&E and their endorsement of our request.

We look forward to your action in regards to this matter.

Very truly yours,



Kurt F. Votaw
 WANGER JONES HELSLEY PC

KFV/kd

cc:

California Public Utilities Commission

Clifford Rechtschaffen, Commissioner
 California Public Utilities Commission
 505 Van Ness Avenue
 San Francisco, CA 94102
 E-Mail: sean.simon@cpuc.ca.gov

Genevieve Shiroma, Commissioner
 California Public Utilities Commission
 505 Van Ness Avenue
 San Francisco, CA 94102
 E-Mail: Cheryl.wynn@cpuc.ca.gov

Darcie L. Houck, Commissioner
 California Public Utilities Commission
 505 Van Ness Avenue
 San Francisco, CA 94102
 E-Mail: Karin.sung@cpuc.ca.gov

John Reynolds, Commissioner
 California Public Utilities Commission
 505 Van Ness Avenue
 San Francisco, CA 94102
 E-Mail: Suzanne.casazza@cpuc.ca.gov

California Public Utilities Commission
 President-Commissioner Alice Busching Reynolds
 October 13, 2022
 Page 5

United States Senate

Hon. Dianne Feinstein
 2500 Tulare Street, Suite 4290
 Fresno, CA 93721
 E-Mail: chloe_koseff@feinstein.senate.gov

Hon. Alex Padilla
 2500 Tulare Street, Suite 5290
 Fresno, CA 93721
 E-Mail: fax_padilla@padilla.senate.gov

House of Representatives

Hon. Tom McClintock
 4th Congressional District of California
 2200A Douglas Blvd., Suite 240
 Roseville, CA 95661
 E-Mail: kyle.campbell@mail.house.gov

Hon. Jim Costa
 16th Congressional District of California
 855 M. Street, Suite 940
 Fresno, CA 93721
 E-Mail: costacasework@mail.house.gov

Hon. David Valadao
 21st Congressional District of California
 107 S. Douty Street
 Hanford, CA 93230
 E-Mail: holly.cecil@mail.house.gov

Hon. Connie Conway
 22nd Congressional District of California
 264 Clovis Avenue, Suite 206
 Clovis, CA 93612
 E-Mail: reconwayinquiry@mail.house.gov

Hon. Kevin McCarthy
 23rd Congressional District of California
 4100 Empire Drive, Suite 150
 Bakersfield, CA 93309
 E-Mail: austin.quinn@mail.house.gov

State of California

Hon. Gavin Newsom, Governor
 State of California
 1021 "O" Street, Suite 9000
 Sacramento, CA 95814
 Via fax to (916) 558-3160

State Senate Members

Hon. Andreas Borgeas
 California State Senator, District 8
 1021 O Street, Ste. 7240
 Sacramento, CA 95814-4900
 E-Mail: julie.sauls@sen.ca.gov

California Public Utilities Commission
 President-Commissioner Alice Busching Reynolds
 October 13, 2022
 Page 6

Hon. Anna M. Caballero
 California State Senator, District 12
 1021 O Street, Ste. 7620
 Sacramento, CA 95814-4900
 E-Mail: senator.caballero@sen.ca.gov
Michele.canales@sen.ca.gov

Hon. Melissa Hurtado
 California State Senator, District 14
 1021 O Street, Ste. 7310
 Sacramento, CA 95814-4900
 E-Mail: senator.hurtado@sen.ca.gov

State Assembly Members

Hon. Frank Bigelow
 Assemblymember, District 5
 730 North I Street
 Madera, CA 93637
 E-Mail:
assemblymember.bigelow@assembly.ca.gov

Hon. Jim Patterson
 Assemblymember, District 23
 6245 North Fresno Street, Suite 106
 Fresno, CA 93710
 E-Mail:
assemblymember.patterson@assembly.ca.gov

Hon. Joaquin Arambula
 Assemblymember, District 31
 Hugh Burns State Building
 2550 Mariposa Mall, Suite 5031
 Fresno, CA 93721
 E-Mail: assemblymember.arambula@assembly.ca.gov

County of Fresno

Hon. Brian Pacheco, Supervisor
 County of Fresno, District 1
 2281 Tulare, Suite 304
 Fresno, CA 93721
 E-Mail: District1@fresnocountyca.gov

Hon. Steve Brandau, Supervisor
 County of Fresno, District 2
 2281 Tulare, Suite 304
 Fresno, CA 93721
 E-Mail: District2@fresnocountyca.gov

Hon. Sal Quintero, Supervisor
 County of Fresno, District 3
 2281 Tulare, Suite 304
 Fresno, CA 93721
 E-Mail: District3@fresnocountyca.gov

Hon. Buddy Mendes, Supervisor
 County of Fresno, District 4
 2281 Tulare, Suite 304
 Fresno, CA 93721
 E-Mail: District4@fresnocountyca.gov

Hon. Nathan Magsig, Supervisor
 County of Fresno, District 5
 2281 Tulare, Suite 304
 Fresno, CA 93721
 E-Mail: District5@fresnocountyca.gov

Paul Nerland
 Fresno County Administrative Officer
 2281 Tulare, Suite 304
 Fresno, CA 93721
 E-Mail: naortiz@fresnocountyca.gov

California Public Utilities Commission
 President-Commissioner Alice Busching Reynolds
 October 13, 2022
 Page 7

County of Madera

Hon. Brett Frazier
 Supervisor/Chair Pro Tem
 County of Madera, District 1
 200 W. 4th Street
 Madera, CA 93638
 E-Mail: brett.frazier@maderacounty.com

Hon. David B. Rogers, Supervisor
 County of Madera, District 2
 200 W. 4th Street
 Madera, CA 93638
 E-Mail: david.rogers@maderacounty.com

Hon. Robert L. Poythress, Supervisor
 County of Madera, District 3
 200 W. 4th Street
 Madera, CA 93638
 E-Mail:
Robert.poythress@maderacounty.com

Hon. Leticia Gonzalez, Supervisor
 County of Madera, District 4
 200 W. 4th Street
 Madera, CA 93638
 E-Mail:
Leticia.gonzalez@maderacounty.com

Hon. Tom Wheeler, Supervisor/Chair
 County of Madera, District 5
 200 W. 4th Street
 Madera, CA 93638
 E-Mail: tom.wheeler@madera-county.com

Jay Varney
 County Administrative Officer
 County of Madera
 200 W. 4th Street
 Madera, CA 93638
 E-Mail: jay.varney@maderacounty.com

City of Fresno

Hon. Jerry P. Dyer, Mayor
 City of Fresno
 2600 Fresno Street, Rm. 2075
 Fresno, CA 93721
 E-Mail: sarah.boren@fresno.gov

Hon. Nelson Esparza, President
 Councilmember, District 7
 City of Fresno
 2600 Fresno Street
 Fresno, CA 93721
 E-Mail: DISTRICT7@FRESNO.GOV

Hon. Tyler Maxwell, Vice-President
 Councilmember, District 4
 City of Fresno
 2600 Fresno Street
 Fresno, CA 93721
 E-Mail: DISTRICT4@FRESNO.GOV

California Public Utilities Commission
 President-Commissioner Alice Busching Reynolds
 October 13, 2022
 Page 8

Hon. Esmeralda Soria
 Councilmember, District 1
 City of Fresno
 2600 Fresno Street
 Fresno, CA 93721
 E-Mail: DISTRICT1@FRESNO.GOV

Hon. Mike Karbassi
 Councilmember, District 2
 City of Fresno
 2600 Fresno Street
 Fresno, CA 93721
 E-Mail: DISTRICT2@FRESNO.GOV

Hon. Miguel Arias
 Councilmember, District 3
 City of Fresno
 2600 Fresno Street
 Fresno, CA 93721
 E-Mail: DISTRICT3@FRESNO.GOV

Hon. Luis Chavez
 Councilmember, District 5
 City of Fresno
 2600 Fresno Street
 Fresno, CA 93721
 E-Mail: DISTRICT5@FRESNO.GOV

Hon. Garry Bredefeld
 Councilmember, District 6
 City of Fresno
 2600 Fresno Street
 Fresno, CA 93721
 E-Mail: DISTRICT6@FRESNO.GOV

Georgeanne White, City Manager
 City of Fresno
 2600 Fresno St, Room 2064
 Fresno, CA 93721
 E-Mail: georgeanne.white@fresno.gov

City of Clovis

Hon. Jose Flores, Mayor
 City of Clovis
 1033 Fifth Street
 Clovis, CA 93612
 E-Mail: jflores@cityofclovis.com

Hon. Lynn Ashbeck, Mayor Pro Tem
 City of Clovis
 1033 Fifth Street
 Clovis, CA 93612
 E-Mail: lashbeck@cityofclovis.com

Hon. Drew Bessinger, Councilmember
 City of Clovis
 1033 Fifth Street
 Clovis, CA 93612
 E-Mail: drewb@cityofclovis.com

Hon. Vong Mouanoutoa
 City of Clovis
 1033 Fifth Street
 Clovis, CA 93612
 E-Mail: vmouanoutoa@cityofclovis.com

California Public Utilities Commission
 President-Commissioner Alice Busching Reynolds
 October 13, 2022
 Page 9

Hon. Bob Whalen, Councilmember
 City of Clovis
 1033 Fifth Street
 Clovis, CA 93612
 E-Mail: bwhalen@cityofclovis.com

John Holt, City Manager
 City of Clovis
 1033 Fifth Street
 Clovis, CA 93612
 E-Mail: jholt@cityofclovis.com

City of Madera

Hon. Santos Garcia, Mayor
 City of Madera
 205 W. Fourth Street
 Madera, CA 93637
 E-Mail: sgarcia@madera.gov

Hon. Anita Evans, Mayor Pro Tem
 City of Madera Council Member, District 4
 205 W. Fourth Street
 Madera, CA 93637
 E-Mail: aevans@madera.gov

Hon. Cecelia (Cece) Gallegos
 City of Madera Council Member, District 1
 205 W. Fourth Street
 Madera, CA 93637
 E-Mail: cgallegos@madera.gov

Hon. Jose Rodriguez
 City of Madera Council Member, District 2
 205 W. Fourth Street
 Madera, CA 93637
 E-Mail: jrodriguez@madera.gov

Hon. Steve Montes
 City of Madera Council Member, District 3
 205 W. Fourth Street
 Madera, CA 93637
 E-Mail: smontes@madera.gov

Hon. Elsa Mejia
 City of Madera Council Member, District 5
 205 W. Fourth Street
 Madera, CA 93637
 E-Mail: emejia@madera.gov

Hon. Artemio Villegas
 City of Madera Council Member, District 6
 205 W. Fourth Street
 Madera, CA 93637
 E-Mail: avillegas@madera.gov

Arnoldo Rodriguez, City Manager
 City of Madera
 205 W. Fourth Street
 Madera, CA 93637
 E-Mail: aprakash@madera.gov

Building Industry Association

Michael Prandini
 President & CEO
 BIA – Fresno/Madera Counties
 420 Bullard Ave., Suite 105
 Clovis, CA 93612
 E-Mail: mikep@biafm.org

May 2020

COMMUNITY CHOICE AGGREGATION

The Solsmart Issue Brief was written by The Cadmus Group and edited by The Solar Foundation

What is Community Choice Aggregation (CCA)?

A community choice aggregation is a local governmental entity, enabled by state legislation, that provides municipalities greater control over their energy supply. The structure of a CCA will vary by electricity market context, but, as detailed below, a CCA generally enables a local government to pool the electricity demand of customers within its jurisdiction to procure power from an alternative supplier, while the electric utility continues to provide transmission and distribution services.^{1,2} This allows a community to benefit from cost efficiencies that are a result of bulk purchasing and local control, while avoiding the financially challenging task of purchasing and maintaining utility infrastructure.³

The most common reason for establishing a CCA is the possibility of obtaining more competitive electricity rates. However, a growing number of local governments are establishing CCAs as a way to increase the percentage of their electricity supplied by solar and other renewable energy sources. Therefore, CCAs can be an important tool for local governments that seek to make solar, battery storage, wind, and related technologies a greater part of the energy mix.



Source: Ka

99



Source: Shutterstock

The SolSmart program can provide no-cost consultations and technical assistance to help local governments learn more about considerations for CCA formation and how to pursue this option. Learn more at [SolSmart.org](https://www.sol-smart.org).

How Community Choice Aggregation Works

A CCA effectively "aggregates" the electricity demand of many customers (residential and non-residential) in order to produce electricity from an alternative supplier.

CCA customers "switch" from an incumbent investor-owned utility to a local government supplier with a green power product. The CCA purchases electricity and RECs from an alternative supplier. The investor-owned utility remains responsible for transmission and distribution.

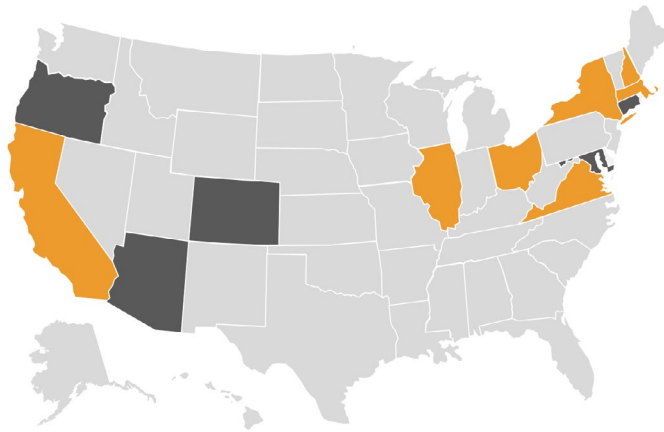


Specific program structures may vary. Source: Eric O'Shaughnessy, Jenny Heeter, Jeff Cook, and Christina Volpi, "Status and Trends in the U.S. Voluntary Green Power Market (2017 Data)," National Renewable Energy Laboratory, October 2018. <https://www.nrel.gov/docs/fy19osti/72204.pdf>.

Enabling CCAs

As of December 2019, CCAs have been authorized via state-level enabling legislation in nine states and are being investigated in an additional five states, as outlined below.^{4,5}

Where CCAs have been Enabled



- CCA Enabled**
 - California
 - Illinois
 - Massachusetts
 - New Jersey
 - New York
 - Ohio
 - Rhode Island
 - Virginia

- Investigating CCA**
 - Arizona
 - Colorado
 - Connecticut
 - Maryland
 - Oregon

The structure and role of a CCA will largely depend on whether it is operating in a regulated or deregulated market context. CCAs are more common in states with deregulated electricity markets since utilities have already divested ownership in generation activities, and their role as a transmission and distribution company is well established. In states with regulated markets, utilities are permitted to maintain jurisdiction over all grid functions, including generation, transmission, and distribution within the power market. Retail customers do not have a choice of providers and are only able to purchase electricity from the local utility. In this market context, CCAs act more like competitors to the utilities.⁶ Currently, all states with enabling legislation have deregulated electricity markets, with the exception of Virginia and California.⁷ Virginia has a regulated electricity market; however, it does not yet have any active CCAs, and California is unique in that it has a partially deregulated electricity market.

For more information on the enabling legislation in each state, please see the table below:

STATE	ENABLING STATUTE
CALIFORNIA	<u>Assembly Bill 117</u> and <u>Senate Bill 790</u>
ILLINOIS	Electric Service Customer Choice and Rate Relief Law of 1997 <u>House Bill 362</u>
MASSACHUSETTS	Utility Restructuring Act of 1997 <u>Acts 1997, Chapter 164</u>
NEW JERSEY	Government Energy Aggregation Act of 2003 <u>Assembly Bill 2165</u>
NEW YORK	Implementation of a pilot program approved by the Public Service Commission in <u>2014</u> .
OHIO	Ohio Restructuring Act of 1999 <u>Senate Bill 3</u>
RHODE ISLAND	Utility Restructuring Act of 1996 <u>House Bill 7786</u>
VIRGINIA	<u>House Bill 1590</u>
NEW HAMPSHIRE	<u>SB 286</u>

Adapted from: "Program Details," Environmental Protection Agency, Accessed January 2020. <https://www.epa.gov/greenpower/community-choice-aggregation>

HOW UTILITIES WORK

The traditional functions of a utility are typically divided into three categories:

1. **Generation** – Owning and operating facilities to generate electricity.
2. **Transmission** – Owning and operating the power lines and other infrastructure (poles, transformers, etc.) to carry electricity across long distances.
3. **Distribution** – Owning and operating similar infrastructure to distribute electricity to end-use customers.

The transmission and distribution (T&D) system is a natural monopoly, meaning it does not make economic sense for more than one company to build and maintain the expensive T&D network. As a result, public utility commissions regulate utility prices and service for T&D in all states. With regard to generation, however, there are two types of markets in the U.S. — regulated and deregulated.

In regulated, or “vertically-integrated” electricity markets, utilities are permitted to maintain jurisdiction over all grid functions. A vertically-integrated utility can own power plants, but does not necessarily generate all the power that it sells — it may contract with other generators. The utility will still be the sole option for where retail energy customers can purchase electricity.

In states with deregulated electricity markets, or “retail competition” states, utilities are not permitted to invest in electricity generation assets and as a result, mostly function as “transmission and distribution companies.” In these states, energy customers may select an energy provider other than the utility (this is known as “retail choice”). In cases where the electricity customer does not select a retail electricity provider, they will receive “default service” or “basic service” from the utility, which is typically purchased from the wholesale market. CCAs allow for a community to go out into the market and procure an alternative supplier on behalf of all residents.

Adapted from: “Pathways to 100”. Cadmus Pathways to 100: An Energy Transformation Primer for U.S. Cities,
<https://cadmusgroup.com/papers-reports/pathways-to-100-an-energy-supply-transformation-primer-for-u-s-cities/>



Source: Chris Collins

Process for Establishing

Local governments are key to implementing community choice aggregation programs once enabling legislation is passed. While the process may vary from state to state, generally a local jurisdiction will take some or all of the following steps:

<p>1. CONDUCT RESEARCH</p>	<p>The process often starts with initial research, conducted by municipal staff, to learn about CCA and its potential role. This may include a feasibility study, independent research, and meetings with energy supply companies for guidance.⁸ Local governments can also consult the SolSmart technical assistance team for resources and additional support.</p>
<p>2. LOCAL APPROVAL</p>	<p>A city or county must gain local approval to authorize the CCA. Local approval requirements vary from state to state and can include referenda, simple majority vote of elected bodies, or other local decision-making bodies. Additionally, if multiple municipalities pursue a joint CCA, they must each individually authorize the CCA by majority vote.⁹</p>
<p>3. ENGAGE A BROKER</p>	<p>A local government may choose to issue an RFP for an energy broker to assist in the design, implementation, and monitoring of the aggregation plan. The energy broker will act as an intermediary between energy suppliers and the CCA to arrange contracts between the two.¹⁰ The energy brokers are compensated once a supplier has been selected, as they are often paid by the supplier through a small fee per kWh consumed.¹¹ A local government may also retain an energy consultant to advise, manage, and vet responses from energy suppliers and brokers, and support community stakeholder engagement and strategic planning.</p>
<p>4. CREATE A PLAN</p>	<p>The municipality and energy broker will develop a CCA plan that demonstrates how the CCA will be reliable and how it will provide universal, equitable access to all users. To fully describe how the CCA will develop and operate, this plan will outline key topics, such as the organizational structure, financial plan, rate setting process, the load forecast and resource plan, customer rights and responsibilities, and the procurement process.¹²</p>
<p>5. PLAN APPROVAL</p>	<p>The CCA plan must be affirmatively voted on at a city council or town meeting. Additionally, the plan must be submitted to the Department of Public Utilities or equivalent relevant body for review and approval before proceeding.¹³</p>
<p>6. SELECT SUPPLIERS</p>	<p>The municipality or energy broker will issue an RFP for energy suppliers asking for different supply and term options. The competitive environment created by the RFP may lead to more favorable rates.¹⁴ The CCA will then enter a power purchase agreement (PPA) with one or multiple energy suppliers. PPAs may be long or short term, although contracts with longer terms may offer more price stability.¹⁵ Either way, the best practice is to build a diverse energy portfolio to minimize risk.¹⁶</p>
<p>7. NOTIFY CUSTOMERS</p>	<p>Once contractors have been selected and contracted, all affected customers are notified of the supply change and must be offered the opportunity to opt out before enrollment in the CCA begins.¹⁷</p>
<p>8. ENROLLMENT</p>	<p>Customers who do not opt out will automatically be enrolled in the CCA after a chosen timeframe. The electricity will be distributed and billed through the original utility. The delivery charges will be paid to the utility while the power charges are paid to the supplier.¹⁸</p>

CCA Models

CCA program models may vary in a number of ways. Some common points of differentiation include enrollment, renewable energy supply mix, and supply selections.

Enrollment: Participation in a CCA is always voluntary, but depending on the state statute, enrollment may occur on an opt-in or opt-out basis. Most CCAs have opt-out provisions, which means customers are automatically enrolled and given the opportunity to opt out of the CCA and remain with the utility. Although it is uncommon, some CCAs have opt-in provisions, which places the responsibility for enrollment on the customer and, for this reason, often results in lower participation rates.¹⁹

Renewable Energy Power Mix: CCA programs will often provide several power supply mix options that vary in renewable energy content and price.²⁰ In some cases, the CCA product will be cleaner, and possibly cheaper than the utility mix. For example, Somerville Community Choice Electricity (Somerville CCE) offers a standard product that contains 10% more renewable energy than the Massachusetts Renewable Portfolio Standard at a lower cost than the local utility (Eversource). The program also offers a 100% local renewable energy product, which is

comprised of MA Class 1 Renewable Energy Certificates equal to 100% of a customer’s electricity consumption. At the time of this writing, the price of this offer is 13.2 cents/kWh, which results in a customer paying an additional \$10 per month on average for the 100% Local Green product as compared to the standard product.²¹ A comparison of Somerville CCE program rates and Eversource’s 2020 Basic Service rates can be seen below:



Source: Mia Behm

SOMERVILLE CCE PROGRAM RATES AND COMPARISON WITH EVERSOURCE

PROGRAM	Somerville CCE Program			Eversource
	Somerville Local Green	Somerville 100% Local Green	Somerville Basic	Current Eversource Utility Basic Service (Supply Services Only)
% RENEWABLE ENERGY	Extra 10% MA Class I	Extra 100% MA Class I	No extra renewable energy	No extra renewable energy
RESIDENTIAL	\$0.105/kWh	\$0.132/kWh	\$0.102/kWh	\$0.124/kWh
SMALL BUSINESS	\$0.105/kWh	\$0.132/kWh	\$0.102/kWh	\$0.119/kWh
LARGE BUSINESS	\$0.105/kWh	\$0.132/kWh	\$0.102/kWh	\$0.133/kWh NEMA
DURATION	January 2020 through November 2020			Residential and Small Businesses: January 2020 through June 2020 Large Businesses: January 2020-March 2020

Adapted from: "Electricity Rates". Somerville CCE, Accessed January 2020. <https://cce.somervillema.gov/electricity-rates/>

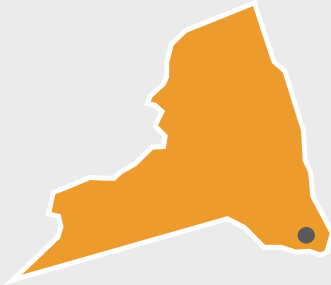
How to Use CCA to Increase Solar Deployment

Like community solar and utility-sponsored green power programs, CCA is a mechanism that enables increased access to solar and other renewable energy for residents and businesses that may not have had access otherwise.²²

Through a CCA, a municipality can increase solar deployment

through a variety of methods, including procurement practices, incentives offered for solar installations, and the purchase of solar renewable energy certificates (RECs). A few of these approaches are highlighted in the examples below:

Sustainable Westchester, New York



In February 2015, the New York State Public Service Commission (PSC) selected Sustainable Westchester, a consortium of Westchester County local governments, to launch New York State's pilot CCA program. The program, which serves 20 participating municipalities, offers customers the choice between a basic supply and a 100% renewable energy supply, both of which are lower cost than the average basic supply from default utilities. Of the 20 participating municipalities, 14 have selected the 100% renewable energy supply as their default supply.

More recently, in March 2018, the PSC decided to allow CCA and community solar to be offered as a single program in New York State. As a result, Westchester Power is now offering a new Solar For All program, which allows customers to subscribe to a portion of electricity produced by a solar installation. The installation will generate electricity that is delivered to the local grid, resulting in the generation of bill credits that customers will use to offset their electricity bills. The combination of CCA and community solar present in this and future programs supports the deployment of solar, decreasing the costs of customer acquisition and making solar development projects more financially viable.

MCE (formerly known as Marin Clean Energy), California



Launched in May 2010, MCE procures electricity on behalf of member communities located in Contra Costa, Marin, Napa, and Solano counties. While Pacific Gas and Electric (PG&E) offers a 39% renewable energy product, MCE currently offers customers three different service options, including the Light Green 60% Renewable Energy service, the Deep Green 100% Renewable Energy service, and the Local Sol 100% Locally-Produced Solar Energy service.²³

To incentivize solar installations and other renewable energy projects within the service area, MCE developed the Feed-In Tariff (0-1 MW)²⁴ and FIT Plus (>1-5 MW) programs. These programs have resulted in several successful projects coming online, including the 1 MW Novato Cooley Quarry community solar farm, which will help supply Local Sol customers with 100% solar energy.²⁵

Additional incentives for solar include a \$900 solar rebate for residential customers who qualify for the Single-Family Affordable Solar Home (SASH) program, as well as solar discounts available through SunShares, a group purchasing program that makes solar more affordable for residents in the Bay Area.²⁶

Cambridge Community Electricity Program, Massachusetts



The Cambridge Community Electricity program, established in 2017, is a city-run aggregation program that offers Cambridge residents and businesses the opportunity to purchase greater amounts of renewable energy and potentially achieve cost savings. The program offers two options, including a Standard Green product containing the minimum amount of renewable energy required by the state, and a 100% Green Plus option.²⁷

To support the development of local solar, the program has added a small \$0.002/kWh charge to both options, which will contribute to the development of a new solar project in the City of Cambridge. Once this project is developed, it is anticipated that the renewable energy generated by the array will feed into the CCA.

Benefits and Challenges

Benefits

Implementing a CCA can provide several benefits to communities, both in terms of renewable deployment and realized economic benefits.

- **Competitive and Stable Rates:** The most popular reason for establishing a CCA is that rates may be more competitive than basic services rates offered by the utility.²⁸ Additionally, the selection of longer-term PPAs can provide customers with price stability.²⁹
- **Cleaner Energy Supply:** CCAs give local communities more control over their energy supply, which gives them the power to increase the percentage of their electricity supplied by solar and other renewable energy.³⁰ For communities located in states with a renewable portfolio standard, it provides the opportunity to purchase energy with a higher renewable content than the state RPS, or to match 100% of the supply with renewable energy certificates.³¹
- **Local Control:** CCAs allow communities to be directly involved in energy-related decisions and set their own priorities.³² A tangential benefit of local control is greater consumer protection, because the model allows the local government to vet suppliers on behalf of residents.³³
- **Economic Benefits:** Aside from the transmission and distribution charges that continue to be paid to the utility, ratepayer revenue generated from the CCA remains within the community, rather than being disbursed throughout the utility's service area. These revenues can be utilized to develop local renewable energy projects, which provide many benefits to the community, including job creation.³⁴

Challenges

- **Utility Rate Uncertainty:** While competitive rates are one of the most attractive reasons for establishing a CCA, it is possible that after the contract has been executed, the utility's basic service rates drop below that of the CCA.³⁵ This was a major issue in Illinois, where CCA is referred to as Municipal Electricity Aggregation (MEA). MEA was popular from 2011-2013, when it could provide lower rates to customers compared to the incumbent utilities.³⁶ However, many MEAs shut down in 2014 and 2015 when the competing utility contracts expired, and the price advantage declined or even turned into a disadvantage. This resulted in about 100 MEAs returning customers to utility "default" or "basic" service.³⁷
- **Renewable Energy Procurement:** Procuring greater amounts of renewable energy has become a key driver for many municipalities interested in establishing a CCA. However, the ability to do so will vary across states and electricity market contexts. In deregulated states, CCAs procure electricity via a short-term contract with a supplier, which limits the ability to procure local renewables that typically require longer-term contracts. As such, CCAs in deregulated states have largely relied on purchasing unbundled RECs to achieve greater amounts of renewable energy.³⁸
- **Negative Public Response:** It is possible that some residents and/or businesses may not support the creation of a CCA. Common arguments against the CCA model are that it is a form of government overreach or a poor use of public resources.³⁹
- **Administrative Costs:** Although the energy broker, which is paid by the supplier, handles much of the administrative responsibilities associated with a CCA, local government staff will still need to put resources toward monitoring the supplier and handling the public response.⁴⁰



Source: Lucia Bourgeois

For information on how to address these challenges and implement a successful CCA program, please see the recommended resources listed below.

Exit Fees in California

California’s electricity market was briefly deregulated in the 1990s but returned to a regulated market after the California electricity crisis of 2000-2001 resulted in blackouts and the financial collapse of the state’s largest investor-owned utilities (IOUs). Now, CCAs are the only alternative to buying electricity from the utility.⁴¹ California’s first CCA was established in 2010. Since that time, the load served by CCAs has grown rapidly, and is expected to continue growing. This has resulted in legal and operational issues with the state’s IOUs.⁴² One major issue associated with CCAs is how the utility will pay for the power they procured to serve these customers prior to their departure to the CCA.⁴³ The Power Charge Indifference Adjustment (PCIA) is an exit fee that “permits an IOU to charge a customer the cost of buying energy on the customer’s behalf when that customer ends service.”⁴⁴ PCIA’s are supposed to prevent the costs of procuring power for customers who have left the utility from shifting to customers who remain with the utility. In October 2018, the California PUC voted to adopt a new methodology for calculating exit fees that will result in higher costs for CCA customers.⁴⁵

Achieving SolSmart Designation with Community Choice Aggregation

Establishing a community choice aggregation can help communities achieve designation under the SolSmart program, which has recognized over 350 communities for making it faster, easier, and more affordable to go solar. CCA formation can support achievement of SolSmart designation under the following credits:

- U-6: Provide residents with community choice aggregation/energy that includes solar PV as a power generation source.

For more information about how the SolSmart program can help communities meet their solar and CCA objectives, visit SolSmart.org.



Recommended Resources

- [LEAN Energy US — Local Energy Aggregation Network](#)

This website, sponsored by the nonprofit Local Energy Aggregation Network, gives an overview of CCAs, as well as a breakdown of how they function in each state. Those interested in bringing CCAs to their state or community can learn more about what has already been done in places across the country.

- [Community Choice Aggregation: Challenges, Opportunities, and Impacts on Renewable Energy Markets — National Renewable Energy Laboratory](#)

This report from NREL outlines the opportunities and challenges associated with CCA, and provides an overview of the current CCA market status and the impact of CCAs on renewable energy markets. Those interested in leveraging CCA to achieve renewable energy goals can learn more about how CCAs in different contexts can procure greater amounts of renewable energy than the state renewable energy portfolio standard.

- [Institutional Renewable Energy Procurement: Guidance for Purchasing and Making Associated Environmental Impact Claims — The Boston Green Ribbon Commission](#)

This guidebook, produced by the Boston Green Ribbon Commission, gives municipalities and other stakeholders guidance for purchasing renewable energy and making the associated environmental impact claims. Those interested in CCAs and their interaction with renewable energy can use this guidebook to learn about renewable energy certificates.

- [Community Choice Aggregation Landing Page — New York State Energy Research and Development Authority](#)

This website gives municipalities and other interested parties access to documents that can be used in the process of implementing a CCA. This includes templates for legislation, inter-municipality agreements, and opt-out forms. While this information is specific to New York State, it can serve as a useful starting point for communities outside of New York.

- [Start a Community Choice Aggregation Program — Metropolitan Area Planning Council](#)

This document, developed by the Metropolitan Area Planning Council, outlines the steps a municipality would take to implement CCA, as well as details regarding the overall timeline and key implementers. While this information is specific to Massachusetts, it can provide a foundational understanding of the process for communities outside of Massachusetts.



Notes

1. LEAN Energy, “What is CCA,” accessed January 2020, <http://www.leanenergyus.org/what-is-cca/>.
2. Eric O’Shaughnessy et al., *Community Choice Aggregation: Challenges, Opportunities, and Impacts on Renewable Energy Markets*, National Renewable Energy Laboratory, February 2020. <https://www.nrel.gov/docs/fy19osti/72195.pdf>.
3. LEAN Energy, “What is CCA,” accessed January 2020, <http://www.leanenergyus.org/what-is-cca/>.
4. As of February 2019, CCAs are active in all enabled states other than Virginia.
5. LEAN Energy, “CCA by State,” accessed January 2020, <https://leanenergyus.org/cca-by-state/>.
6. LEAN Energy, “What is CCA,” accessed January 2020, <http://www.leanenergyus.org/what-is-cca/>.
7. Benjamin Mow. “Community Choice Aggregation (CCA) Helping Communities Reach Renewable Energy Goals,” National Renewable Energy Laboratory, September 2017, <https://www.nrel.gov/technical-assistance/blog/posts/community-choice-aggregation-cca-helping-communities-reach-renewable-energy-goals.html>.
8. Metropolitan Area Planning Council, “Start a Community Choice Aggregation Program,” 2014, <http://www.mapc.org/wp-content/uploads/2017/11/Start-a-Community-Choice-Aggregation-Program.pdf>.
9. SolSmart, “Community Solar,” in *Solar Energy: SolSmart’s Toolkit for Local Governments*, accessed May 2020, <https://www.solsmart.org/solar-energy-a-toolkit-for-local-governments/>.
10. Pulse Business Energy, “Why should businesses use an energy broker?,” February 2013, <https://pulsebusinessenergy.co.uk/why-should-businesses-use-an-energy-supplier/>.
11. “Community Solar (Forthcoming).” *Solar Energy: SolSmart’s Toolkit for Local Governments*. SolSmart. Accessed January 10, 2020. <https://www.solsmart.org/solar-energy-a-toolkit-for-local-governments/>.
12. Good Energy L.P., “CCA Implementation Plan,” 2017, <https://riversidecountyca.ig2.com/Citizens/FileOpen.aspx?Type=4&ID=9971&MeetingID=1623>.
13. SolSmart, “Community Solar,” in *Solar Energy: SolSmart’s Toolkit for Local Governments*, accessed May 2020, <https://www.solsmart.org/solar-energy-a-toolkit-for-local-governments/>.
14. Ibid.
15. Ibid.
16. LEAN Energy, “Frequently Asked Questions,” <http://www.leanenergyus.org/wp-content/uploads/2015/05/CCA-FAQ.CA.May.FINAL3.pdf>.
17. SolSmart, “Community Solar,” in *Solar Energy: SolSmart’s Toolkit for Local Governments*, accessed May 2020, <https://www.solsmart.org/solar-energy-a-toolkit-for-local-governments/>.
18. Ibid.
19. Environmental Protection Agency, “What is a Community Choice Aggregation (CCA)?”, accessed January 2020, <https://www.epa.gov/greenpower/community-choice-aggregation>.



20. New York State Energy Research Development Authority (NYSERDA), “CCA Frequently Asked Questions,” accessed January 2020, <https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Communities/Clean-Energy-Communities-Program-High-Impact-Action-Toolkits/Community-Choice-Aggregation>.
21. Somerville Community Choice Electricity, “Electricity Rates,” <https://cce.somervillema.gov/electricity-rates/>.
22. SolSmart, “Community Solar,” in *Solar Energy: SolSmart's Toolkit for Local Governments*, accessed May 2020, <https://www.solsmart.org/solar-energy-a-toolkit-for-local-governments/>.
23. MCE Community Choice Energy, “Your Energy Choices,” accessed January 2020, <https://www.mcecleanenergy.org/your-energy-choices/>.
24. U.S. Energy Information Administration, “Feed-in tariff: A policy tool encouraging deployment of renewable electricity technologies,” May 2013 <https://www.eia.gov/todayinenergy/detail.php?id=11471>.
25. MCE Community Choice Energy, “Feed-in Tariff,” accessed January 2020, <https://www.mcecleanenergy.org/feed-in-tariff/>.
26. MCE Community Choice Energy, “Going Solar & Rebates,” accessed January 2020, <https://www.mcecleanenergy.org/solar-rebates/>.
27. Cambridge Community Electricity Program, “Options & Pricing,” accessed January 2020, <https://masspowerchoice.com/cambridge/options-pricing>.
28. Metropolitan Area Planning Council, “Start a Community Choice Aggregation Program,” 2014, <http://www.mapc.org/wp-content/uploads/2017/11/Start-a-Community-Choice-Aggregation-Program.pdf>.
29. Ibid.
30. Stephen J Gunther, *Challenging the System: The Role of Community Choice Aggregation in California’s Transition to a Renewable Energy Future*, Oregon State University, June 2018, https://ir.library.oregonstate.edu/concern/graduate_projects/1831cq717.
31. Metropolitan Area Planning Council, “Start a Community Choice Aggregation Program,” 2014, <http://www.mapc.org/wp-content/uploads/2017/11/Start-a-Community-Choice-Aggregation-Program.pdf>.
32. Stephen J Gunther, *Challenging the System: The Role of Community Choice Aggregation in California’s Transition to a Renewable Energy Future*, Oregon State University, June 2018, https://ir.library.oregonstate.edu/concern/graduate_projects/1831cq717.
33. Ibid.
34. LEAN Energy, “Frequently Asked Questions,” accessed January 2020, <http://www.leanenergyus.org/wp-content/uploads/2015/05/CCA-FAQ.CA.May.FINAL3.pdf>.
35. Metropolitan Area Planning Council, “Start a Community Choice Aggregation Program,” 2014, <http://www.mapc.org/wp-content/uploads/2017/11/Start-a-Community-Choice-Aggregation-Program.pdf>.
36. Bentham Paulos, “Should Investor-Owned Utilities Be Worried about Community Choice Aggregation?,” *POWER*, May 2017, <https://www.powermag.com/should-investor-owned-utilities-be-worried-about-community-choice-aggregation/>.
37. LEAN Energy, “CCA by state: Illinois, July 2019, <http://www.leanenergyus.org/cca-by-state/illinois/>.



38. Eric O’Shaughnessy et al., *Community Choice Aggregation: Challenges, Opportunities, and Impacts on Renewable Energy Markets*, National Renewable Energy Laboratory, February 2019.
39. Stephen J Gunther, *Challenging the System: The Role of Community Choice Aggregation in California’s Transition to a Renewable Energy Future*, Oregon State University, June 2018, https://ir.library.oregonstate.edu/concern/graduate_projects/1831cq717.
40. Metropolitan Area Planning Council, “Start a Community Choice Aggregation Program,” 2014, <http://www.mapc.org/wp-content/uploads/2017/11/Start-a-Community-Choice-Aggregation-Program.pdf>.
41. LEAN Energy, “CCA by state: California,” July 2019, <http://www.leanenergyus.org/cca-by-state/california/>.
42. Ibid.
43. Herman K. Trabish, “Exit fee: Deciding the fate of California’s utilities and customer choice movement,” *Utility Dive*, August 2018, <https://www.utilitydive.com/news/exit-fee-deciding-the-fate-of-californias-utilities-and-customer-choice-m/529894/>.
44. Ibid.
45. Robert Walton, “California decision means higher costs for community choice programs,” *Utility Dive*, October 2018, <https://www.utilitydive.com/news/california-decision-means-higher-costs-for-community-choice-programs/539552/>.





Forming a Public Power Utility

Public power has survived and thrived in America for well over a century. Citizen-owned public power utilities first appeared more than 130 years ago when communities created electric utilities to provide light and power to their citizens. The number of public power utilities has grown from fewer than a dozen in 1890 to more than 2,000 today.

The path to forming a new utility takes grit and determination. The process can be long, complicated and costly, and fraught with legal challenges. But the benefits of public ownership and local control are many, so communities around the country continue to investigate the public power option.

Before launching a campaign to form a new public power utility, it is useful to understand the community's rights and responsibilities in choosing its electric service provider; the steps involved in the process; and how the incumbent utility may respond.

Rights and Responsibilities

It has long been an established principle that communities have the right to form a new public power utility if they are not satisfied with the service they are receiving from a private utility. Nineteen new public power utilities have begun operation so far in the 21st century. Several more communities are waging high-profile campaigns to bring public power to their citizens.

In most states, citizens have the right to determine whether to own and operate their own public power utility or to grant an electric franchise to a private utility. This is a local rights issue. A community is within its rights to determine which public services it will provide to its citizens, whether those services include electric, water, wastewater, gas, sewer, cable or internet services.

It is the responsibility of city officials to examine the performance of the utility providing electric service to the community. An expiring franchise is a prime opportunity for the municipality to evaluate viable electric service options to promote the community's priorities, interests and economic health.



"I therefore lay down the following principle: That where a community—a city or county or district—is not satisfied with the service rendered or the rates charged by the private utility, it has the undeniable basic right, as one of its functions of government, one of its functions of home rule, to set up, after a fair referendum to its voters has been had, its own governmentally owned and operated service."

Franklin D. Roosevelt, September 21, 1932.

Steps in Forming a New Utility

Forming a new public power utility is not a quick and easy process. It takes time and money, and requires the commitment of the community and its elected officials. It requires a long-term view of solving problems, and a commitment to see it through. The process can take several years. But most communities that have gone through the process and have taken control of their electric utility agree it is worth it: they are reaping the benefits of public power every day.

There are many steps in forming a new public power utility; the number of steps and their order vary based on each community's situation, the relationship with the incumbent

private utility, state and local law, and the public’s interest in the issue. Several of these steps—like the feasibility and legal analysis—are likely to proceed concurrently. Meanwhile, educating the community is likely to be an ongoing process, starting early and continuing to evolve throughout the process.

The incumbent utility serving the community is likely to feel threatened by any discussion of or attempt at creating a public power utility, and will likely invest substantial resources in a campaign to discredit public power and discourage the community from establishing a public power utility.

1. Start with a Leader

Most campaigns to form a new public power utility start with a leader—an individual or group to spearhead the effort. The leader’s first step will be to start building support within the community, since the entire process will be a community-driven effort.

The person or group leading the effort should communicate the benefits of public power, and the reasons why the community should consider public power. Often, this discussion will start by focusing on the reasons the community is dissatisfied with the incumbent utility, as well as how forming a public power utility could improve the situation.

Those leading the public power initiative in your community should also be prepared to fight the misinformation about public power: the incumbent utility may attack the concept of public ownership even before the city begins the feasibility study.

2. Feasibility Study

One of the first steps in forming a new public power utility is to determine if the new utility is likely to be economically viable and has community support. Feasibility studies are designed to answer the initial question: is forming a public power utility economically feasible?

Typically, a city council (or other municipal governing body) will approve funding to hire a qualified firm to conduct the feasibility study. The study will examine the capital and operating costs for the new utility, and will factor in various alternatives for power supply. The study should also identify a range of expected savings, benefits, risks, and recommended next steps.

Often a community may conduct a preliminary feasibility study; if it shows savings, a more detailed study will follow. The second phase may also estimate property value, determine the general condition of the facilities to be acquired, and the costs of separating the new system’s facilities from the remaining parts of the incumbent’s system. It may also identify legal requirements to be fulfilled, and methods for valuing the utility property to be acquired.

3. Legal Analysis

Early on, there should be a review of state statutes pertaining to the formation of a public power utility to ensure there are no insurmountable legal impediments, such as a statutory ban on municipal buyouts.

State laws may vary broadly on the issue of whether and how municipalities can come to acquire, own and operate an electric utility. For example, Alaska has passed laws making the process known as municipalization easier through the quick condemnation of certain private property; while there is a legal moratorium on condemnation of an electric plant in other states, such as Oklahoma.²² There may also be a requirement to hold a citizen referendum or petition the state public service commission on establishing a public power utility.

State laws may also determine the price that a municipality must pay to acquire an electric plant. Some states have legislated what constitutes “just compensation;” others leave it to the courts, and still others let the local public utilities commission make the determination.

There should also be a review of the city or county’s franchise with the incumbent utility, if one exists, to determine if an exclusive long-term franchise agreement exists (legal, valid and enforceable) that may preclude the municipality from forming a new utility, or any specific language pertaining to the acquisition of distribution facilities that serve the community.

4. Valuation

A study must be conducted to estimate the value of the electric distribution system. This valuation may already be included in a thorough feasibility study; if not, a separate follow-up study should be conducted. Any valuation should incorporate legal input as to applicable valuation methods.

As with any type of appraisal, several methodologies may be used to determine the value of the electric distribution

²² “Survey of State Municipalization Laws,” Duncan & Allen, May 2012.

system facilities and property that would be acquired. The main approaches to valuing a system are:

- **Original cost less depreciation (OCLD) or “Book value”**—Value of the system is equal to the original cost of building the current system, less the accumulated depreciation of those assets. This is the valuation method used in utility ratemaking.
- **Reproduction cost less depreciation (RCLD)**—Value of the system if it were built today, using the same specifications as when it was originally constructed. Uses the original cost of the system as a base, adjusted up based on increases in the cost of utility facilities, less the accumulated depreciation of those assets. Reproduction costs include both the actual costs of building the infrastructure, as well as related essential costs including legal and engineering fees, executive and management costs and overhead.
- **Replacement cost new less depreciation (RCNLD)**—Similar to RCLD, but this approach assumes that the system were built today, it may be a better, or more efficient, system.
- **Going concern**—This income-based approach attempts to value the electric system based on estimated future earnings that would be lost if the utility were sold. “Going concern” may also be used to refer to assets of a business, such as property records, customer information records, operating records, etc. This approach may be used instead of or in addition to the other valuation methods.²³

A qualified consulting firm performing a valuation study will include a legal assessment to assess the suitability of each method and determine which is most appropriate for your community.

The valuation study will help identify the most economical option for creating a new public power utility: whether to buy or build. The city has the option of purchasing the existing electric distribution system (through voluntary agreement or condemnation), or to construct a new system. The final report should provide a range of values for the system to be acquired.

An incumbent utility will argue for the valuation method that results in the highest possible estimate, which may include not only the value of the system, but also going concern, goodwill and lost future profits (including a share

of its most expensive generating plant). This cost may be higher than the cost of building a new electric system, which is why building duplicate facilities is sometimes considered.

5. Community Education

It is vital to keep citizens informed about the proposed utility, and the benefits of public power, throughout the process. This will help you gauge the support of citizens, local officials and business leaders, and counter strong opposition from the incumbent utility.

The individual or group spearheading the effort should disseminate information about the process of forming the utility, and the benefits the community will realize if the effort is successful. Any misinformation that may be spread by the incumbent utility should not be allowed to go unchallenged.

Local officials should keep citizens involved in the process. Some communities appoint a “blue ribbon” committee of prominent citizens to guide the public power evaluation. This can be very helpful in the process as long as the task force remains public and unbiased. The committee—or any group representing or leading the initiative to form a new utility—should remain mindful of citizen needs and bring their concerns and recommendations back to the local officials.

Because the local business community plays an important role in the success or failure of a municipalization effort, involving businesses early in the process can help build support and avoid misunderstandings.

Similarly, local media should be kept informed of the issues, decisions and the process because of their important role in educating citizens.

Expect public scrutiny of the effort to increase after feasibility and other studies are completed and the campaign begins to gain traction.

6. Referendum

A referendum may be required by law to authorize the establishment of a public power utility.

If there is a preference to establish an independent board to govern the utility instead of the city council (or other local government entity), the ballot issue may be “double-barreled,” asking:

²³ “Legal Issues in Forming a Municipal System: Condemnation, Valuation, and Ouster of Existing System,” Clint Vince, Esq., and Cathy Fogel, Esq., Sullivan & Worcester, LLP, 1993.

1. Should the city (county) be authorized to establish a municipal utility?
2. Should the utility be governed by an independent utility board?

Leading up to the referendum, local officials will present findings and facts on the issue of forming a public power utility. A volunteer community group may be organized to push for the approval of the ballot issue separately.

Depending on the local issues and timing, the city council or county commission may choose to take the initiative to the ballot even if it is not required by law. The council may follow the will of the people, as expressed in the vote, in deciding whether or not to pursue forming a public power utility.

If the community votes favorably to establish a public power utility, it may enhance the marketability and value of revenue bonds.

Some communities may set an early election, after a preliminary study, to test the level of public support based on estimates of costs and benefits, before the community incurs the costs associated with completing a full feasibility study and other studies. If the early referendum passes, the city is not obligated to proceed if the completed study does not warrant it.

7. Price Negotiation and Condemnation

After the feasibility, legal and valuation studies are conducted, and after any referendum is held, the city or county should develop a negotiating strategy to make a purchase offer to the incumbent utility for the relevant parts of its facilities.

The incumbent utility will often demand an exorbitant price for its facilities, far in excess of the consultant's valuation, and will typically criticize the consultant's study as faulty, overly optimistic or biased. To counter these arguments, some cities hire two independent consulting firms to value the facilities and then compare their results.

For example, in the early 1990s, the city of Las Cruces, New Mexico, commissioned two independent valuation studies when it looked at purchasing its local electric system. The incumbent investor-owned utility was demanding \$176 to \$250 million for the system. Las Cruces commissioned two independent studies; both consulting firms told the city the system was worth about \$38 million.

If the private utility is willing to negotiate, it may be possible to get a more reasonable purchase price, and save the time and expense of a protracted legal fight. In another example, through a negotiation process in the early 1980s, an incumbent investor-owned utility agreed to sell its facilities for \$26 million to the newly formed Emerald People's Utility District. Five years earlier a feasibility study had estimated the value of the system at \$23 million.

If the incumbent refuses to sell, or insists on an unduly inflated price, the city may consider condemnation action under the municipality's right of eminent domain.

8. Public Service Commission Proceedings

In some states, the state public service commission has the authority to determine if the formation of the public power utility is in the public interest, and the price that is to be paid for the incumbent's facilities and for reintegrating the remaining system.

9. Evaluation of Financing Alternatives

As an investment, a new public power utility has tremendous payback potential, but it does take the commitment of considerable funds to acquire or establish the system and begin operations.

Local governments typically issue electric revenue bonds when they buy an electric distribution system. Bonds are repaid from future electric utility revenues over a long period (e.g., 30 years). The bonds are evaluated by a bond rating service, based on the projected net revenues of the electric system.

Unlike general obligation bonds, revenue bonds are not backed by the city or local government's ability to impose property taxes. The new electric revenue bonds should have no impact on other municipal projects and borrowing.

Municipalities are prohibited by federal tax law from using tax-exempt financing to purchase the output facilities of investor-owned utilities, unless they obtain a portion of their state's volume cap for such financing.

However, there is no such limitation on the use of tax-exempt financing for the building of a new system or for improvements to the distribution facilities once they are purchased from the private utility. The public power utility is likely to have a strong credit rating, and new capital

²² "Survey of State Municipalization Laws," Duncan & Allen, May 2012.

expenditures may be funded at a much lower cost of capital than if the system were privately owned.

The debt required for the acquisition of utility assets can be substantial, but that does not mean it is not a good investment, especially considering the benefits the utility will provide the community for many decades to come.

10. Prepare to Begin Operations

The final steps in forming a public power utility include issuing bonds for the purchase and/or construction of facilities; completing power supply and transmission arrangements; planning for the severance of the system from the incumbent utility; developing an organizational plan; setting up the new governing body and recruiting a utility manager; planning for materials, equipment, and supplies; and commencing operations.

The city may decide to contract out some of these functions to a firm experienced in electric utility operations to do the job in the short-run until the new utility is ready to run independently. The contracted electricity provider is accountable to city officials for its performance.

Incumbent Utility Responses

A for-profit electric utility will take extreme measures to stop the formation of a new public power utility, even in very small communities. The incumbent utility fears a domino effect—if one community establishes a public power utility, others may follow. This means a loss of electric load and revenue for the incumbent utility.

When you begin the process of evaluating the public power option for your community, the incumbent utility may offer deals to make the discussion go away quickly. The further you travel down the road toward public power, though, the more you can expect the incumbent utility to spread myths and misinformation, and engage in other anti-municipalization strategies.

Concessions

Faced with the possible loss of the municipal district from their customer base, the incumbent utility often responds to the competitive pressure and offers valuable concessions to the community. These may include lower rates, improved service, performance standards for reliability, investment in the community or a settlement fee.

In many cases, the concessions offered by the incumbent utility are sufficient to persuade the community to abandon efforts to form a public power utility.

Sponsored Studies

Private utilities may offer to pay for the community's feasibility study, or to conduct the study themselves.

The community should be very skeptical if the incumbent private utility offers to provide or conduct a study at little or no cost to the city. Studies sponsored by the private utility will not produce objective results; in fact, their primary purpose is to dissuade a city from forming a new public utility.

When the city, county or municipal district pays for the study, the study will be fair. Unlike the incumbent, the city does not have a vested interest in the study findings. The community is served only by learning the truth, whether or not the study shows that forming a public power utility is economically feasible. Only an unbiased study will determine what is truly in the community's best interest.

Lawsuits

You should expect the incumbent utility to take the city to court. There will be a cost in time, money and perhaps political will.

When a private utility talks about a costly legal challenge to forming a public power utility, it is really part of a public relations battle to stop the initiative. The incumbent's goal is not necessarily to win, but to exhaust city funds or intimidate city officials and civic leaders into abandoning the idea of municipalization.

If the feasibility study has been thorough and actions have been based on legal authority, the city will probably prevail. Cities often win the lawsuits, either because there is no merit to the incumbent's claim or because the utility decides to settle at the last minute rather than risk a result that sets an undesirable precedent.

Political Challenges

Once a community begins to evaluate the public power option, politics almost certainly will play a role. The pros and cons of municipalization may become the focus of political campaigns.

The incumbent utility may thrust the issue into elections by putting up candidates to run against local policymakers who support evaluating or pursuing the public power option.

Private utilities may also try to thwart the democratic process by lobbying for state or local laws or sponsoring ballot initiatives designed to stop the formation of a new public power utility.

For example, Pacific Gas & Electric Co. (PG&E) sponsored a California ballot initiative in 2010 that would have required a two-thirds majority vote before a local government could establish or expand electric delivery service or establish a Community Choice Aggregation program. The *Los Angeles Times* endorsed a “no” vote on the initiative:

“The so-called Taxpayers Right to Vote Act is really a ploy by [PG&E] to block ratepayers from forming cooperatives to purchase and distribute electricity at reduced rates. PG&E is spending its customers’ money to tell those same customers that they have to protect themselves against an imaginary power grab by local government. It is PG&E, in fact, that is trying to protect its market share by requiring a two-thirds vote to establish a new local power system.”²⁴

The initiative was defeated, with the largest percentage of “no” votes occurring in areas served by PG&E.

Public Relations Attacks

The incumbent utility will wage a major public relations battle to stop the community from forming a public power utility. The utility will use its considerable economic and political clout to sway public opinion against the formation of the new public power utility.

The incumbent may use mailers, bill stuffers, newspaper editorials, television, radio, internet ads and videos, and presentations by company officials filled with messages aimed at confusing the issues, creating fear, and spreading misinformation. They may hire a professional PR firm and give it a large budget. Incumbent utilities will strive to create doubt about the formation of a public power utility—whether it can be done and how successful it will be.

Responding to attacks

To respond effectively to these tactics, local officials, citizens, and business leaders who support public power need a well-coordinated public education campaign to set the record straight.

Local officials are most successful when they pay attention to citizens’ concerns, document the legal and economic feasibility, and explain the advantages clearly and succinctly.

The educational campaign is strengthened by encouraging support from community groups, speaking at community events, and keeping the local media well informed.

Citizen education is vital throughout the process of establishing a public power utility. Local leaders should start early and explain why the city is considering public power in a way that has meaning for local residents and businesses.

Although there will be times when it is necessary to respond to the incumbent’s attacks on the public power proposal, it is best to stay with positive messages about the formation of the new utility. In other words, do not let the private utility take the fight to its hill. Stay on message.

City officials, rather than outside hired guns, have more credibility with citizens because they have the community’s best interest at heart. Local elected and appointed officials, as well as local business leaders, should be prepared to respond to false charges against public power.

Citizen support groups can help, particularly if the city is prohibited from doing more than presenting findings and facts. Local citizens may form a committee to actively promote a ballot initiative and help educate the community on the benefits of public power. Citizen groups like “Pull the Plug” in Las Cruces, New Mexico, “CLUB” (Coalition for Lower Utility Bills) in San Francisco and “Citizens for Power Options,” in Casselberry, Florida, made sure fellow citizens were well informed about the public power option.

Keep the media informed on your goals and the process. Sit down with editorial boards of local newspapers to explain what you are trying to do and answer questions. The private utility is likely to step up its advertising in the local newspaper. If allowed by state and local law, the city should counter by placing educational ads in local newspapers. Social media can also be a powerful tool for countering attacks by well-heeled investor-owned utility seeking to derail an effort to form a public power utility.



“PG&E [Pacific Gas & Electric] spent more than \$10 million to defeat the ballot initiative [to allow the Sacramento Municipal Utility District to serve customers in Yolo County]. The utility had estimated that it could lose about \$43 million annually in gross profit margin if the measure succeeded.”

“Voters Nix SMUD Takeover of Yolo County Customers,”
Dow Jones Newswires, November 8, 2006.

²⁴ “On June 8,” Editorial, *Los Angeles Times*, June 6, 2010.



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: November 7, 2022

SUBJECT: Consider Introduction – Ord. 22-___, an Ordinance of the City Council of the City of Clovis Amending Sections 8.1.02, 8.2.101, 8.5.101, 8.6.101, 8.15.101, 8.16.101, 8.17.101 of Title 8 of The Clovis Municipal Code Pertaining to Adoption of 2022 California Building, Electrical, Mechanical, Plumbing, Residential, Energy and Green Building Standards Codes.

Staff: Jesse D. Newton, Deputy Building Official
Recommendation: Approve

ATTACHMENTS: 1. Ordinance 22-___

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to approve the introduction of Ordinance 22-___, adopting the 2022 California Building, Electrical, Mechanical, Plumbing, Residential, Energy, and Green Building Standards Codes with the existing local amendments.

EXECUTIVE SUMMARY

Every three years, the California Building Standards Commission ("Commission") reviews and modifies the California Building Codes, which consist of the California Building, Electrical, Mechanical, Plumbing, Residential, Energy, and Green Building Standards Codes. The 2022 editions were published July 1, 2022, and local jurisdictions have 180 days in which to adopt the 2022 edition of the Codes. The City of Clovis Municipal Code, Chapters 8.1, 8.2, 8.5, 8.6, 8.15, 8.16, and 8.17 contain these Codes, which are adopted or modified with local amendments as necessary to ensure the community's safety.

The Building Department is proposing no new local amendments.

BACKGROUND

The 2022 California Building Standards Code adopts the 2022 Codes, which incorporate by reference necessary California amendments to the 2021 International Building Code, 2020 National Electrical Code, 2020 Uniform Mechanical Code, 2020 Uniform Plumbing Code, and 2021 International Residential Code. The 2022 California Building Standards Code becomes effective on January 1, 2023, and is mandated by the California Building Standards Commission for statewide adoption and enforcement. The City of Clovis has the authority to make necessary modifications to the Codes. Modifications that are administrative in nature do not require express findings. However, non-administrative modifications to the Codes must be based upon express findings of necessity relating to local climatic, geological, or topographical conditions. Findings supporting the basis for local amendments were outlined in 2014 when the City adopted the 2013 editions of the California Building Code. Since then, no new local substantive amendments have been considered, and no new findings are being made. The findings from 2014 are incorporated herein for the adoption of the 2022 California Building Standards Code and briefly summarized below, and the previously adopted local amendments will continue in effect without further amendments.

Findings Regarding Local Climatic, Geological, and Topographical Conditions

Climatic Conditions (Extreme Temperatures)

Geological Conditions (Limited Water Supply)

Climatic/Topographical (Poor Air Quality)

Topographical (Development Pattern) (Low-Density Growth Pattern)

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

Adopting the 2022 California Building Codes ensures compliance with existing standards adopted by the State. Local amendments are limited to those determined to be essential to administer responsibilities in daily operations effectively and to maintain previous amendments approved by Council.

ACTIONS FOLLOWING APPROVAL

The Ordinance will return for a second reading and adoption at the next City Council meeting. If necessary, the City Clerk and Building Official will cause the local amendments and findings to be refiled with the California Building Standards Commission. Copies of the California Building Codes will be kept on file with the City Clerk and Building Official.

Prepared by: Jesse D. Newton, Deputy Building Official

Reviewed by: City Manager *JH*

ORDINANCE 22-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING SECTIONS 8.1.02, 8.2.101, 8.5.101, 8.6.101, 8.15.101, 8.16.101, 8.17.101 OF TITLE 8 OF THE CLOVIS MUNICIPAL CODE RELATING TO THE ADOPTION OF THE 2022 CALIFORNIA BUILDING, ELECTRICAL, MECHANICAL, PLUMBING, RESIDENTIAL, ENERGY AND GREEN BUILDING STANDARDS CODES

The City Council of the City of Clovis does ordain as follows:

Section 1. Amendment of the California Building, Electrical, Mechanical, Plumbing, Residential, Energy, and Green Building Standards Codes of Title 8 of the Clovis Municipal Code. Section 8.1.02 of Chapter 8.1, Section 8.2.101 of Chapter 8.2, Section 8.5.101 of Chapter 8.5, Section 8.6.101 of Chapter 8.6, Section 8.15.101 of Chapter 8.15, Section 8.16.101 of Chapter 8.16, and Section 8.17.101 of Chapter 8.17 of Title 8 of the Clovis Municipal Code are amended to read as follows:

8.1.02 Adoption of California Building Code

For the purpose of regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings and structures in the City, the 2022 California Building Code (CBC), excluding Chapter 29 Plumbing systems, and including Appendices J Grading, as promulgated by the California Building Standards Commission which incorporates the 2021 edition of the International Building Code with California amendments, is hereby adopted by reference thereto as if fully set forth in this Chapter, save and except such portions as are deleted, modified, or amended by the provisions of this Chapter. Copies of the 2022 California Building Code are on file in the office of the City Clerk and Building Official. Any changes made by the California Building Standards Commission applicable to the City, including new editions, shall be deemed incorporated herein. If any conflicts between this Code and any other City, State or Federal Code should arise, the most restrictive Code providing the highest level of safety as determined by the Building Official shall prevail.

8.2.101 Adoption of California Electrical Code.

For the purpose of regulating electrical systems, the 2022 California Electrical Code (CEC) promulgated by the California Building Standards Commission, which incorporates the adoption of the 2020 edition of the National Electrical Code, is hereby adopted by reference thereto as if fully set forth in this Chapter, save and except such portions as are deleted, modified, or amended by the provisions of this Chapter. Copies of the 2022 California Electrical Code are on file in the office of the City Clerk and Building Official. Any changes made by the California Building Standards Commission applicable to the City, including new editions, shall be deemed incorporated herein. If any conflicts between this Code and any other City, State or Federal Code should arise, the most restrictive Code providing the highest level of safety as determined by the Building Official shall prevail.

8.5.101 Adoption of California Mechanical Code.

For the purpose of regulating mechanical systems, the 2022 California Mechanical Code (CMC) promulgated by the California Building Standards Commission, which incorporates the adoption of the 2021 edition of the Uniform Mechanical Code, excluding Table 104.5, is hereby adopted by reference thereto as if fully set forth in this Chapter, save and except for portions as are deleted, modified, or amended by the provisions of this Chapter. Copies of the 2022 California Mechanical Code are on file in the office of the City Clerk and Building Official. Any changes made by the California Building Standards Commission applicable to the City, including new editions, shall be deemed incorporated herein. If any conflicts between this Code and any other City, State or Federal Code should arise, the most restrictive Code providing the highest level of safety as determined by the Building Official shall prevail.

8.6.101 Adoption of the California Plumbing Code.

For the purpose of regulating plumbing systems, the 2022 California Plumbing Code (CPC) promulgated by the California Building Standards Commission, which incorporates the adoption of the 2021 edition of the Uniform Plumbing Code, excluding Table 104.5, is hereby adopted by reference thereto as if fully set forth in this Chapter, save and except for portions as are deleted, modified, or amended by the provisions of this Chapter. Copies of the 2022 California Plumbing Code are on file in the office of the City Clerk and Building Official. Any changes made by the California Building Standards Commission applicable to the City, including new editions, shall be deemed incorporated herein. If any conflicts between this Code and any other City, State or Federal Code should arise, the most restrictive Code providing the highest level of safety as determined by the Building Official shall prevail.

8.15.101 Adoption of the California Residential Code.

For the purpose of regulating one and two-family dwellings, the 2022 California Residential Code (CRC) promulgated by the California Building Standards Commission, which incorporates the adoption of the 2021 edition of the International Residential Code, is hereby adopted by reference thereto as if fully set forth in this Chapter. Copies of the 2022 California Residential Code are on file in the office of the City Clerk and Building Official. Any changes made by the California Building Standards Commission applicable to the City, including new editions, shall be deemed incorporated herein. If any conflicts between this Code and any other City, State or Federal Code should arise, the most restrictive Code providing the highest level of safety as determined by the Building Official shall prevail.

8.16.101 Adoption of the California Energy Code.

For the purpose of regulating energy conservation standards for all residential and non-residential buildings, the 2022 California Energy Code promulgated by the California Building Standards Commission is hereby adopted by reference thereto as if fully set forth in this Chapter. Copies of the 2022 California Energy Code are on file in the office of the City Clerk and Building Official. Any changes made by the California Building Standards Commission applicable to the City, including new editions, shall be deemed incorporated herein. If any conflicts between this Code and any other City, State or Federal Code should arise, the most restrictive Code providing the highest level of safety as determined by the Building Official shall prevail.

8.17.101 Adoption of the California Green Building Standards Code.

For the purpose of regulating residential and non-residential buildings, the 2022 California Green Building Standards Code (CALGreenCode) promulgated by the California Building Standards Commission is hereby adopted by reference thereto as if fully set forth in this Chapter. Copies of the 2022 California Green Building Standards Code are on file in the office of the City Clerk and Building Official. Any changes made by the California Building Standards Commission applicable to the City, including new editions, shall be deemed incorporated herein. If any conflicts between this Code and any other City, State or Federal Code should arise, the most restrictive Code providing the highest level of safety as determined by the Building Official shall prevail.

Section 2. Severability Clause.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Clovis hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact any one or more sections, subsections, clauses, or phrases be declared invalid.

Section 3. Notification to California Building Standards Commission of Local Amendments.

The City Clerk is hereby directed to file a copy of this Ordinance with the California Building Standards Commission of the State of California.

Section 4. Effective Date.

This Ordinance shall take effect and be in full force and effect from and after thirty (30) days after its final passage and adoption. Within fifteen (15) days after its adoption, the Ordinance, or a summary of the Ordinance, shall be published once in a newspaper of general circulation.

APPROVED: November 7, 2022

Mayor

City Clerk

* * * * *

The foregoing Ordinance was introduced and read at a regular meeting of the City Council held on November 7, 2022, and was adopted at a regular meeting of said Council held on _____, 2022, 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: Fire Department

DATE: November 7, 2022

SUBJECT: Consider Approval – Res. 22-___, Making and adopting express findings to the 2022 California Fire Code Reasonably Required Based on Local Climatic, Geological, and Topographical Conditions; and Consider Introduction – Ord. 22-___, Amending Various Sections of Title 4, Chapter 4.4, Article 1 of the Clovis Municipal Code Relating to the California Fire Code.

Staff: Chad Fitzgerald, Life Safety Enforcement Manager and Rick Fultz, Fire and Life Safety Specialist

Recommendation: Approve

ATTACHMENTS: 1. Resolution 22-___
2. Ordinance 22-___

CONFLICT OF INTEREST

None.

RECOMMENDATION

1. For the City Council to approve a resolution adopting findings necessary for local amendments to the 2022 California Fire Code; and
2. For the City Council to approve the introduction of Ordinance 22-___, amending Title 4 of the Clovis Municipal Code relating to the adoption of the 2022 California Fire Code.

EXECUTIVE SUMMARY

Every three years, the California Fire Code is reviewed and modified where applicable and adopted by the California Building Standards Commission. The California State Fire Marshal's Office has adopted the 2022 California Fire Code. Local jurisdictions have 180 days to adopt the 2022 Fire Code. The City of Clovis Municipal Code, at Sections 4.4.101 and 4.4.102, contains these standards, which are adopted or modified as necessary to ensure the safety of the community.

The Fire Department is proposing the adoption of the 2022 California Fire Code with local amendments, and to do so, the City Council must make express findings that such modifications are reasonably necessary because of local climatic, geological, or topographical conditions. The attached Resolution contains the necessary findings to be made to support the proposed local amendments, and if the Resolution is approved, the attached Ordinance can be approved for introduction and be considered for adoption on November 14, 2022.

BACKGROUND

The City of Clovis has the authority to make necessary modifications to the California Fire Code. Modifications that are administrative in nature do not require express findings, and a summary of proposed administrative amendments to the 2022 California Fire Code is attached for reference. However, non-administrative modifications to the California Fire Code must be based upon express findings of necessity relating to local climatic, geological, or topographical conditions.

Findings Regarding Local Climatic, Geological, and Topographical Conditions

The express findings relating to local climatic, geological, or topographical conditions, including an analysis of the modifications, may be found in the proposed Resolution and Ordinance. The following is a summary of the local climatic, geological, or topographical conditions which make the local amendments to the California Fire Code reasonably necessary, including extreme temperatures, water supply, poor air quality, and population density facilitated by local topography.

Climatic Conditions (Extreme Temperatures) – As documented in the 2019 Local Hazard Mitigation Plan, Clovis has an average annual temperature of 63.2°F and receives 10.2 inches of rain. While the average is relatively temperate, summer and winter months bring unique weather patterns to the region. During the winter, high temperatures hover around 55°F. Combined with the regional geography and precipitation during this time, Clovis experiences numerous days with dense fog, which has its greatest impact on transportation (i.e., accident rates jump 50 percent on foggy days).

During the summer months, the region has extended periods where temperatures exceed 100°F. While the average temperature is 90°F during the summer, these extended heat waves impact the medically fragile, elderly and animal populations. In addition to heat waves, the Fresno County Region continues to suffer regular drought due to lower than normal snowpack in the Sierra Nevada which supplies water for agricultural use and replenishes the groundwater supply.

Due to the extreme heat Clovis experiences during the summer months, Clovis firefighters responding to fires and other incidents requiring evacuation of a building are regularly exposed to temperatures more than 105 degrees. This exposure can lead to heat exhaustion and possibly heat stroke due to prolonged or repeated exposure.

Geological Conditions (Limited Water Supply) – As documented in the 2019 Local Hazard Mitigation Plan, 45 California counties experienced water shortages that adversely affected about 30% of the State's population, much of the dry farmed agriculture, and over 40% of the

irrigated agriculture. Fish and wildlife resources suffered, recreational use of lakes and rivers decreased, forestry losses and fires increased, and hydroelectric power production decreased. Clovis has experienced a State declaration for drought within Fresno County and a U.S. Department of Agriculture declaration for crop losses associated with drought.

As a local jurisdiction within Fresno County, between ten (10) and twelve (12) inches of precipitation can be received annually. Furthermore, Clovis relies heavily on groundwater for its municipal water supply. While Clovis complies with its annual allotment from the underground aquifer, it is estimated that annually, 10,000-acre feet per year are lost from over drafting by other jurisdictions or entities.

Climatic/Topographical (Poor Air Quality) – As a result of the San Joaquin Valley's climate and topography, the San Joaquin Valley Air Basin (SJVAB) is predisposed to poor air quality. High mountain ranges surrounding the Valley frequently create air layer inversions, which prevent mixing of air masses and the large number of sunny days per year and high temperatures in the summer favor the formation of ozone. The area is so sunny that the Fresno/Clovis area has a 79% annual average of possible sunshine for more than a 40-year period according to the National Climatic Data Center (NCDC). In the winter, this same inversion layer traps particulate matter which causes respiratory complications for sensitive groups according to the San Joaquin Valley Air Pollution Control District (SJVAPCD).

The Federal EPA and California Air Resources Board have classified the San Joaquin Valley Air Basin as severe non-attainment for ozone and serious non-attainment (Federal) non-attainment (State) for PM10. Ozone is formed by a complex series of chemical reactions between reactive organic gases (ROG), oxides of nitrogen and sunlight. PM10 is suspended particulate matter that is less than ten (10) microns in size. Given its small size, PM10 can remain airborne for long periods and can be inhaled, pass through the respiratory system and lodge in the lungs. In general, non-attainment means the Federal standard has been exceeded more than twice per year. Smoke is composed primarily of carbon dioxide, water vapor, carbon monoxide, particulate matter, hydrocarbons, and other organic chemicals, nitrogen oxides, trace minerals and several thousand other compounds. Particulate matter is the principal pollutant of concern from some for the relatively short-term exposures (hours to weeks) typically experienced by the public. Particulate matter in wood smoke has a size range near the wavelength of visible light (.4-.7 micrometers). Because these particles can be inhaled into the deepest recesses of the lungs, they are thought to represent a greater health concern than larger particles. Another pollutant of concern during some events is carbon monoxide. The San Joaquin Valley Air Pollution Control District states: "Emissions from burning include fine particulate, hydrocarbons, oxides of nitrogen, oxides of sulfur, carbon monoxide, and toxic air contaminants that contribute to our air quality problems."

Topographical (Development Pattern) – Due to the relatively low-density growth pattern in Clovis, six (6) fire stations are spaced approximately 3 – 4 miles apart resulting in an average of a two-mile running distance for the designated first-in company. This average two-mile distance increases the response time to fires, which result in an increase in the size and intensity of fires.

Findings Regarding the Reasonable Necessity of the Proposed Amendments to the California Fire Code Given Local Climatic, Geological and Topographical Conditions

As set forth in detail in the attached proposed Resolution and Ordinance, each of the amendments requiring express findings of necessity to the California Fire Code are reasonably necessary because of these local climatic, topographical, and geological conditions. The amendments may be generally characterized as relating to:

1. Access/Fire Lanes
2. Addressing Identification
3. Fire Sprinklers
4. Cost Recovery

Access/Street Width – Access and fire lanes are essential to effectively respond to a medical or fire emergency. Without proper access, operations are hindered creating longer response times due to congestion or paths of travel that are blocked. Changes to higher density housing on the edge of City limits and within in-fill developments necessitates minimum paths be established. By establishing a minimum path with parking on both sides and minimum width with “no parking” marked on one or both sides, response time objectives are maintained regardless of density.

Addressing Identification – Visible addressing greatly assists response personnel in identifying and accessing buildings when individuals have an emergency need. In the evening and during periods of extended foggy weather, visible address markers consistently placed are essential for arriving crews experiencing reduced visibility.

Fire Sprinkler Systems - Fire sprinkler systems have proven effective in suppressing fires long enough to allow for evacuation and reduction in property loss. Furthermore, because the fire sprinklers will limit the size and duration of fires, fewer fire personnel will be required for the duration of the response. This reduces the number of fire personnel who would be exposed to the health risks associated with sustained exposure to high temperatures and also addresses extended run time due to the topography-related low density growth pattern in Clovis. The modifications proposed in this category maintain expand existing amendments approved by Council in 2011, to include:

1. New commercial buildings 2,500 square feet or larger.
2. Existing commercial buildings with a change of occupancy to a more hazardous use as determined by the Building Official or Fire Official.

Cost Recovery – Cost recovery is an essential element for deterring responses associated with illegal activity and to recoup costs where resources were allocated to an incident resulting from gross negligence or misconduct.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

Adoption of the 2022 California Fire Code with Local Amendments ensures compliance with existing standards adopted by the State. Local amendments are limited to those felt essential to effectively administer responsibilities in daily operations and to maintain previous amendments approved by Council relating to fire and life safety.

ACTIONS FOLLOWING APPROVAL

Should the Council approve this initiation request, staff will proceed with the preparation of the draft ordinance amendment and will schedule this item for City Council consideration.

Prepared by: Chad Fitzgerald, Life Safety Enforcement Manager

Reviewed by: City Manager *CF*

RESOLUTION 22-__

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
APPROVING AND ADOPTING EXPRESS FINDINGS THAT MODIFICATIONS OR
CHANGES TO THE CALIFORNIA FIRE CODE ARE REASONABLY NECESSARY DUE TO
LOCAL CLIMATIC, GEOLOGICAL, AND TOPOGRAPHICAL CONDITIONS**

WHEREAS, the State of California has adopted the 2022 Edition of the International Fire Code, with amendments, which has entitled the 2019 California Fire Code. The 2022 California Fire Code has been incorporated into Title 24, Part 9 of the California Code of Regulations and will take effect on January 1, 2023; and

WHEREAS, California Health & Safety Code Sections 17958.5 and 17958.7 authorize the City, by ordinance, to make changes or modifications to the requirements contained in the provisions of the California Fire Code and other regulations adopted pursuant to California Health & Safety Code Section 17921(a) that result in more stringent local requirements; and

WHEREAS, California Health & Safety Code Sections 17958, 17958.5, and 17958.7 require more stringent local requirements be supported by express findings made by a city that such modifications or changes are “reasonably necessary because of local climatic, geological, or topographical conditions”; and

WHEREAS, the City Council of the City of Clovis intends this resolution to fulfill the requirements of applicable sections of the California Health & Safety Code regarding modifications or changes to the California Fire Code, including express findings of reasonable necessity because of local climatic, geological, or topographical conditions noted below, and as detailed in the associated staff report of November 7, 2022, and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Clovis finds that the following amendments to the 2022 California Fire Code are reasonably necessary because of local climatic, geological, and topographical conditions as follows:

1. Climatic Conditions – Extreme Temperatures,
2. Geological Conditions – Limited Water Supply,
3. Climatic/Topographical Conditions – Poor Air Quality,
4. Topographical Conditions – Development Pattern.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on _____, 2022 by the following vote, to wit.

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED:

Mayor

City Clerk

ORDINANCE 22-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING SECTIONS 4.4.101 AND 4.4.102 OF CHAPTER 4.4 OF TITLE 4 OF THE CLOVIS MUNICIPAL CODE RELATING TO FIRE PREVENTION REGULATIONS

The City Council of the City of Clovis does ordain as follows:

Section 1 Section 4.4.101 and Section 4.4.102 of Chapter 4.4 of Title 4 of the Clovis Municipal Code are hereby amended to read as follows:

4.4.101 Adoption of California Fire Code.

For the purposes of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the 2022 California Fire Code (CFC), including Chapter 1, as promulgated by the California Building Standards Commission, which incorporates the adoption of the 2021 edition of the International Fire Code with California amendments, including Appendix Chapters D, E and F, is hereby adopted by reference thereto as is fully set forth in this Chapter, save and except such portions as are deleted, modified, or amended by the provisions of this Chapter. Copies of the 2022 California Fire Code are on file in the office of the City Clerk and Fire Code Official. Any changes made by the California Building Standards Commission applicable to the City, including new editions, shall be deemed incorporated herein. If any conflicts between this Code and any other City, State or Federal Code should arise, the most restrictive code providing the highest level of safety as determined by the Fire Code Official shall prevail.

4.4.102 Amendments to Fire Code.

- (a) Add/Amend CFC Section 102.6, Historic Buildings.

Section 102.6 Historic buildings. The provisions of this Code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings and structures shall be provided in accordance with an approved fire protection plan as required in Section 1103.1.1.

- (b) Add/Amend CFC Section 103.1, General.

Section 103.1 General. The department of fire prevention is established within the jurisdiction under the direction of the fire code official. The function of the department shall be the implementation, administration, and enforcement of the provisions of this Code.

- (c) Add/Amend CFC Section 105.5, Required Operational Permits.

Section 105.5, Operational permits. The fire code official is authorized to issue operational permits for the operations set forth in Sections 105.5.2 through 105.5.52. Permits required by

these sections will be issued only for those operations that have an associated fee that has been adopted in the City of Clovis Master Fee Schedule.

Section 105.5.15 Exhibits, special events and trade shows. An operational permit is required to operate exhibits, special events, and trade shows.

105.5.15

Section 105.5.17 Fire hydrants and valves. An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes which are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public. Such permit shall be obtained from the Water Division of the Department of Public Utilities of the City of Clovis, or from a person responsible for the provision of water to such fire hydrants or water systems within a waterworks district.

Exception: A permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves.

Section 105.5.49 Temporary membrane structure and tents. An operational permit is required to operate an air-supported temporary membrane structure, a temporary special event structure or a tent having an area more than 400 square feet.

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Tents open on all sides, which comply with all the following:
 - 2.1. Individual tents having a maximum size of 700 square feet.
 - 2.2. The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet shall not exceed 700 square feet.
 - 2.3 A minimum of 12 feet of clearance to structures and other tents shall be provided.

(d) Add/Amend CFC Section 105.6, Required Construction Permits.

Section 105.6 Required construction permits. The fire code official is authorized to issue construction permits for work as set forth in CFC Sections 105.6.1 through 105.6.24. Permits required by these sections will be issued only for those operations that have an associated fee that has been adopted in the City of Clovis Master Fee Schedule.

(e) Add/Amend CFC Section 111, Means of Appeals.

Section 111.1 Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The fire code official shall serve as clerk to the board.

Section 111.3 Membership and qualifications. The board of appeals shall consist of three members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems, and are not employees of the city.

Section 111.Administration. The board of appeals shall follow the procedures for the conduct of appeals set forth in Chapter 5.28, Abatement, Appeals, and Administrative Hearings, of the Municipal Code.

(f) Add/Amend CFC Section 112 Violation Penalties.

Section 112.4 Violation penalties. Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under provisions of this Code, shall be guilty of a misdemeanor. Each day that a violation continues shall be deemed a separate offense. The Fire Code Official or his/her designee may commence any or all the following proceedings in accordance with the Clovis Municipal Code:

(1) Issue an administrative citation in accordance with the provisions of Chapter 1.7 of Title 1 of the Clovis Municipal Code and related written policies.

(2) Issue a court citation (Notice to Appear) in accordance with the provisions of Chapter 1.2 of Title 1, and Article 9 of Chapter 2.2 of Title 2, of the Clovis Municipal Code and related written policies.

(3) Request the City Attorney to institute legal action.

(g) Add/Amend CFC Section 112.5 Cost Recovery.

Section 112.5 Cost recovery. The fire code official may seek cost recovery as outlined in this section for the cost of providing service from the Clovis Fire Department and any other public agencies deemed necessary to mitigate a hazard. The fire code official may seek cost recovery for hazardous materials response, fire suppression, and protection of the public from fire and life safety hazards.

The recovery of such cost is authorized in the following statutes:

Health and Safety Code Sections 13007-13009.1
Government Code Section 53150

1. Any person who causes or allows the existence of a hazard, as defined by this Code, shall be liable for all costs associated with mitigation as determined to have been caused by such hazard, or is a major contributor of said hazard, and such expense shall be a charge against the person. Cost Recovery shall be in accordance with the Clovis Municipal Code and City policy.

2. Any person who is under the influence of an alcoholic beverage or any drug, whose negligent actions caused by that influence proximately causes any incident resulting in an appropriate emergency response, and any person whose intentionally wrongful conduct proximately causes any incident resulting in an appropriate emergency response, is liable for the expense of an emergency response by a public agency to the incident. Cost Recovery shall be in accordance with the Clovis Municipal Code and City policy.
3. Any person that is involved in an action that requires the police department to utilize the fire department in response to illegal activities is liable for the expense by the fire department response to the incident. Recovery shall be in accordance with the Clovis Municipal Code and City policy.
4. Utility company's equipment or distribution network which causes an emergency response from a public agency for an incident is liable for the expense of an emergency response by a public agency to the incident. Cost Recovery shall be in accordance with the Clovis Municipal Code and City policy.
5. Any person who causes a fire, sets a fire, allows a fire to be set, or allows a fire kindled or attended by him or her to escape onto any public or private property is liable for the expense of an emergency response by a public agency to the incident. Cost Recovery shall be in accordance with the Clovis Municipal Code and City policy.
6. Any person who releases a hazardous material, allows a hazardous material to be released, causes, or allows a hazardous material attended by him or her to escape onto any public or private property, is liable for the expense of an emergency response by a public agency to the incident. Cost Recovery shall be in accordance with the Clovis Municipal Code and City policy.
7. After responding to three (3) false alarms at the same facility in any consecutive twelve (12) month period, the Fire Code Official is authorized to charge the property owner for the cost of response. The cost of response will be billed at a minimum rate of one-half hour for all responding apparatus and personnel, or actual time spent on the alarm event, whichever is greater.

(h) Add/Amend CFC Section 307.1.1 Prohibited Open Burning.

Section 307.1.1 Prohibited open burning. Open burning shall be prohibited in any incinerator, can, barrel, pit, outdoor fireplace or similar container or enclosure. All other open burning shall be in compliance with Clovis Fire Department Standard 5.3. or a permit for agricultural burning shall be obtained from the San Joaquin Valley Air Pollution District.

(i) Add/Amend CFC Section 503.2.1 Dimensions.

Section 503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of 20 feet measured from the base of curb to base of curb and an unobstructed vertical clearance

of not less than 14 feet. Access roads shall be installed and maintained per Clovis Fire Department Standard 1.1 Standard for Fire Apparatus Access.

(j) Add/Amend CFC Section 505.1 Address Notification.

Section 505.1 Address notification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch for single family homes, a minimum of 5 inches high with a minimum stroke width of 0.5 inch for multi-family residential buildings, and a minimum of 12 inches high with a minimum stroke width of 1.5 inch for commercial buildings. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained.

(k) Add/Amend CFC Section 510.1 Emergency Responder Radio Coverage in New Buildings.

Section 510.1 Emergency responder radio coverage in new buildings. Approved in-building, two-way emergency responder communication coverage for emergency responders shall be provided in all new buildings. In-building, two-way emergency responder coverage within the building shall be based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

Exceptions:

1. Where approved by the building official and the fire code official, a wired communication system in accordance with Section 907.2.13.2 shall be permitted to be installed or maintained instead of an approved radio coverage system.
2. Where it is determined by the fire code official that the radio coverage system is not needed.
3. In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of that facility, the fire code official shall have the authority to accept an automatically activated emergency responder radio coverage system.
4. One- and two-family dwelling units as defined in the California Residential Code.
5. Open parking garages with no parking below the lowest level of fire apparatus access.

6. Buildings of any construction type permitted by the California Building Code that are 50,000 square feet or less, and are less than 30' feet in height, with no storage or parking below the lowest level of fire apparatus access.
7. Buildings where a pre-construction emergency communications study, and a final field emergency communications study, both validate and provide confirmation that the required City of Clovis radio strengths are available. The pre-construction emergency communications study and the final field emergency communications study shall be provided where required by the fire code official.

(I) Add/Amend CFC Section 903.1 Automatic Sprinklers.

Section 903.1 Automatic sprinklers. Automatic sprinkler systems shall comply with this section. Area separation walls, fire walls, fire barrier walls, occupancy separation walls or parapets shall not be used to create separate buildings on the same property to exclude required Automatic Sprinkler Systems when the square footage exceeds 2,500 square feet.

Exceptions:

1. Fire walls without openings installed in accordance with the California Building Code, Section 706.
2. When such areas have any eaves or overhang exceeding a distance of four feet (4') from the wall or support, the gross roof area shall include, but not be limited to, covered walkways, patios, porches, or any architectural feature attached to the structure.

Section 903.1.2 Area increases in existing buildings. Existing buildings that are greater than 2,500 square feet in area where an automatic sprinkler system does not exist, and the floor area is increased by greater than 25% of the existing building and the total proposed building area exceeds 2,500 square feet an automatic sprinkler system shall be installed. The 25% threshold for the installation of fire sprinklers shall be cumulative over the life of the building.

Section 903.1.3 Changes in occupancy or use. When a change in the character or use of an occupancy is made as defined by the Building Code to a more hazardous use as determined by the Building Official or Fire Official in existing buildings that are greater than 2,500 square feet in area where an automatic sprinkler system does not exist, an automatic sprinkler system shall be installed in the following manner:

1. If the area in the building where the change of occupancy occurs is in less than 50% of the overall building, only the area of the change of occupancy shall be required to be equipped with fire sprinklers. The sprinkler system in this area shall be sized to accommodate expansion into the entire building.
2. If the area in the building where the change of occupancy occurs is greater than 50% of the overall building, the entire building shall be required to be equipped with fire sprinklers. If additional changes of occupancy to a more hazardous occupancy occur in

the building and the total of the changes is greater than 50% of the building, the entire building shall be required to be equipped with fire sprinklers. The 50% threshold for the installation of fire sprinklers shall be cumulative over the life of the building.

Section 903.1.4 Fire damage repairs. An automatic fire sprinkler system shall be installed in an existing building after a fire has damaged the building and the building permit repair costs exceed 50% of the current building valuation. Building valuation costs shall be based on the ICC Building Valuation Tables in use by the Building Department at the time of the issuance of the fire damage repair permit.

(k) Add/Amend CFC Section 903.2, Where required.

Section 903.2, Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.10.

Section 903.2.1 Group A. An automatic sprinkler system shall be provided throughout buildings and portions thereof used as Group A occupancies as provided in this section. For Group A-1, A-2, A-3 and A-4 occupancies, the automatic sprinkler system shall be provided throughout the story where the fire area containing the Group A-1, A-2, A-3 or A-4 occupancy is located, and throughout all stories from the Group A occupancy to, and including, the levels of exit discharge serving the Group A occupancy. For Group A-5 occupancies, the automatic sprinkler system shall be provided in the spaces indicated in Section 903.2.1.5.

Section 903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for Group A-1 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 2,500 square feet (232 m²).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multi-theater complex.

Section 903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for Group A-2 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 2,500 square feet (232 m²).
2. The fire area has an occupant load of 100 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

4. The structure exceeds 2,500 square feet (232 m²), contains more than one fire area containing a Group A-2 occupancy, and is separated into two or more buildings by fire walls of less than 4-hour fire-resistance rating without openings.

Section 903.2.1.3 Group A-3. An automatic sprinkler system shall be provided for Group A-3 occupancies where one of the following conditions exists:

1. The fire area exceeds 2,500 square feet (232 m²).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Section 903.2.1.4 Group A-4. An automatic sprinkler system shall be provided for Group A-4 occupancies where one of the following conditions exists:

1. The fire area exceeds 2,500 square feet (232 m²).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Section 903.2.2.1 Group B. An automatic sprinkler system shall be provided for Group B occupancies as follows:

1. Throughout all Group B fire areas greater than 2,500 square feet (232 m²).

Section 903.2.3 Group E. An automatic sprinkler system shall be provided for Group E occupancies where one of the following conditions exists:

1. Throughout all Group E fire areas greater than 2,500 square feet (232 m²).
2. Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.
3. The fire area has an occupant load of 300 or more.
4. In rooms or areas with special hazards such as laboratories, vocational shops and other such areas where hazardous materials in quantities not exceeding the maximum allowable quantity are used or stored.
5. Throughout any Group E structure greater than 2,500 square feet (232 m²) in area, which contains more than one fire area, and which is separated into two or

more buildings by fire walls of less than 4-hour fire-resistance rating without openings.

6. For public school state-funded construction projects see Section 903.2.19.
7. For public school campuses K-12 see Section 903.2.20.

Section 903.2.4 Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

1. A Group F-1 fire area exceeds 2,500 square feet (232 m²).
2. A Group F-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 2,500 square feet (232 m²).
4. A Group F-1 occupancy used for the manufacture of upholstered furniture or mattresses exceeds 2,500 square feet (232 m²).

Section 903.2.4.4 Group F-2. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-2 occupancy where the fire area exceeds 2,500 square feet (232 m²).

Section 903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M fire area exceeds 2,500 square feet (232 m²).
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 2,500 square feet (232 m²).
4. A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 2,500 square feet (232 m²).

Section 903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exceptions:

1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies not housing bedridden clients, not housing non-ambulatory clients above the first floor, and not housing clients above the second floor.

2. Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with Section 435.8.3.3 of the California Building code.
3. Pursuant to Health and Safety Code, Section 13113, occupancies housing ambulatory children only, none of whom are mentally ill children or children with intellectual disabilities, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and buildings or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.
4. Pursuant to Health and Safety Code, Section 13143.6, occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).

When not used in accordance with area or height increases for automatic fire sprinklers allowed in the California Building code, an automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be allowed in Group R-2.1 occupancies.

An automatic sprinkler system designed in accordance with Section 903.3.1.3 shall not be utilized in Group R-2.1 or R-4 occupancies.

5. Accessory dwelling units as defined in Government Code Section 65852.2 with a floor area of 1200 square feet or less. All enclosed floor areas shall be included in the square footage when determining the area. The floor area shall include, but not be limited to the following: living areas, attached garages, storage rooms, and shop areas.

Section 903.2.9 Group S-I. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-I occupancy where one of the following conditions exists:

1. A Group S-I fire area exceeds 2,500 square feet (232 m²).
2. A Group S-I fire area is located more than three stories above grade plane.
3. The combined area of all Group S-I fire areas on all floors, including any mezzanines, exceeds 2,500 square feet (232 m²).
4. A Group S-1 fire area used for the storage of commercial trucks or buses where the fire area exceeds 2,500 square feet (232 m²).
5. A Group S-I occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet (232 m²).

Section 903.2.10 Group S-2 enclosed parking garages. An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.6 of the California Building Code as follows:

1. Where the fire area exceeds 2,500 square feet (232 m²); or
2. Where the enclosed parking garage is located beneath other groups.

Add/Amend Appendix Where Required.

Appendix D—Fire Apparatus Access Roads.

SECTION D101 GENERAL

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the California Fire Code.

SECTION D102 REQUIRED ACCESS

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing up to 80,000 pounds.

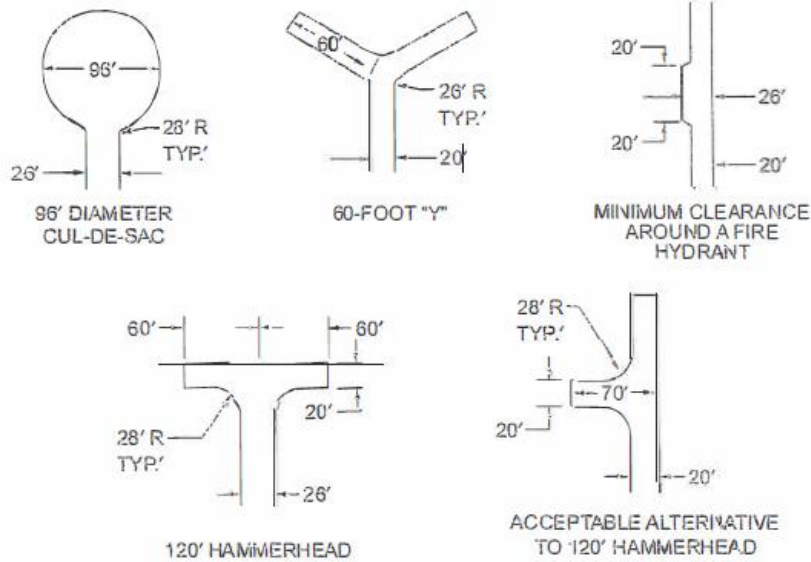
D102.2. Fire apparatus access roads. All required fire apparatus access roads shall be constructed per City of Clovis streets standards and completed prior to any occupancy of any building(s) on a site.

SECTION D103 MINIMUM SPECIFICATIONS

MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders.

D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.



For SI: 1 foot = 304.8 mm.

FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

**FIGURE D103.1
DEAD-END APPARATUS ACCESS ROAD TURNAROUND**

D103.3 Turning radius. The minimum turning radius shall be determined by the fire code official.

D103.4. Dead ends. Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4.

Table D103.4

REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 90-foot diameter cul-de-sac

D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. Where a single gate is provided, the gate width shall be not less than 20 feet. Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 14 feet.
2. Gates shall be of the horizontal swing, horizontal slide, vertical lift or vertical pivot type.
3. Construction of gates shall be of materials that allow manual operation by one person.

4. Gate components shall be always maintained in an operative condition and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
6. Methods of locking shall be submitted for approval by the fire code official.
7. Electric gate operators, where provided, shall be listed in accordance with UL 325.
8. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.
9. Gates shall be installed per the City of Clovis Fire Department Standard #1.5. Electric gates require plans be submitted and approved prior to the installation of the gate. Prior to occupancy, the electric gate shall be inspected and approved by the City of Clovis Fire Department.

D103.6 Signs. Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING – FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

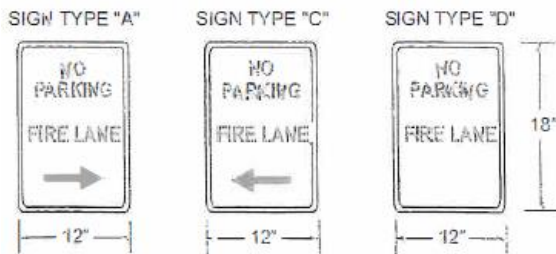


FIGURE D103.6
FIRE LANE SIGNS

FIGURE D103.6 FIRE LANE SIGNS

D103.6.1.1. Single Family Residential Developments. Roads 32 feet in width to less than 36 feet in width with houses on one side of the street only. Fire lane signs as specified in section 103.6 shall be posted on the side of fire apparatus access roads with no houses. All other fire apparatus access roads shall be a minimum of 36 feet in width.

D103.6.2.1 Multiple-Family Residential and Commercial Developments. Roads 26 feet in width to less than 32 feet in width. Fire lane signs as specified in section 103.6 shall be posted on both sides of fire apparatus access roads that are 26 feet in width to less than 36 feet in width.

D103.6.3.1 Commercial Developments With Areas Subject to Loading and Unloading With Truck Traffic. Commercial developments with areas subject to loading and unloading with truck traffic with roads 30 feet in width to less than 36 feet in width. Fire lane signs as specified in section 103.6 shall be posted on both sides of fire apparatus access roads that are 30 feet in width to less than 36 feet in width.

D103.6.3.2 Commercial developments with areas subject to loading and unloading with truck traffic with roads 36 feet in width to less than 42 feet in width. Fire lane signs as specified in section 103.6 shall be posted on one side of fire apparatus access roads that are 36 feet in width to less than 42 feet in width.

SECTION D104 COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

D104.1 Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet or three stories in height shall have not fewer than two means of fire apparatus access for each structure.

D104.2 Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet shall be provided with two separate and approved fire apparatus access roads.

Exception: Projects having a gross building area of up to 124,000 square feet that have a single approved fire apparatus access road where all buildings are equipped throughout with approved automatic sprinkler systems.

D104.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses. The fire code official shall have the authority to modify the required separation while still providing adequate access to the development.

D104.4 Emergency vehicle access. Emergency vehicle access may only be used for two adjacent parcels for a commercial or industrial development when no other means is available to provide a required second point of access for fire apparatus. Gates shall be installed per the City of Clovis Fire Department Standard #1.5. A reciprocal access agreement shall be provided for all emergency vehicle access prior to approval.

SECTION D105 AERIAL FIRE APPARATUS ACCESS ROADS

D105.1 Where required. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

D105.2 Width. Aerial fire apparatus roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

D105.3 Proximity to building. One or more of the required access routes meeting this condition shall be located not less than 15 feet and not greater than 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

SECTION D106 MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

D106.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. The fire code official shall have the authority to modify the required separation while still providing adequate access to the development.

SECTION D107 ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS

D107.1 One- or Two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.

D107.2 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. The fire code official shall have the authority to modify the required separation while still providing adequate access to the development.

SECTION D108 REFERENCED STANDARDS

D108.2 **General** See table D108.1 for standards that are referenced in various sections of this appendix. Standards are listed by the standard identification with the effective date, standard title, and the sections of this appendix that reference the standard.

TABLE D108.1

REFERENCED STANDARDS

STANDARD ACRONYM	STANDARD NAME	SECTIONS HEREIN REFERENCED
ASTM F2200-14	<i>Standard Specification for Automated Vehicular Gate Construction</i>	D103.5
UL 325-02	Door, Drapery, Gate, Louver, And Window Operators and Systems, with Revisions Through May 2015	D103.5

SECTION D109 Maximum Travel Distance to a Residence on Local Streets from an Expressway, Arterial, or Collector Street:

D109 In order to provide first due emergency response and effective response force (ERF), the Fire Department adopted response times include 4:00 minutes for travel. It takes approximately 3 minutes to drive 1.9 miles based on the average speeds of arterial and collector streets. It then takes an additional 1 minute to drive 2,000 feet on a local street based on reduced speed of 25mph. Once fire department apparatus has entered a local street from an arterial or a collector street, the maximum travel distance to a residence shall be 2,000 feet. This distance is based on travel times for apparatus covering a 2 ½ mile by 2 ½ mile area of the city which is the standard insurance service organization (ISO) individual station response area.

Section 2 Findings for Local Amendments

Findings supporting the basis for local amendments were set forth in 2016 when the Council adopted the 2016 Fire Code. Those findings are restated in the staff report, which is incorporated herein by reference, and serve as the basis for local amendments to the 2022 California Fire Code. The following is a summary of the findings:

Climatic Conditions (Extreme Temperatures, Low Rainfall, Fog, Winds)

Geological Conditions (Limited Water Supply, Water Pressure)

Climatic/Topographical Conditions (Poor Air Quality, Smoke, Low Density Growth Pattern)

Section 3 Severability Clause

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Clovis hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact any one or more sections, subsections, clauses, or phrases be declared invalid.

Section 4 Notification to California Building Standards Commission of Local Amendments.

The City Clerk is hereby directed to file a copy of this Ordinance with the California Building Standards Commission of the State of California.

Section 5 Effective Date.

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

APPROVED:

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

The foregoing Ordinance was introduced and read at a regular meeting of the City Council held on _____, 2022, and was adopted at a regular meeting of said Council held on _____, 2022, 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: November 7, 2022

SUBJECT: Consider Approval – Res. 22-____, Approving the City’s Updated Master Administrative Fee Schedule.

Staff: Andrew Haussler, Assistant City Manager
Recommendation: Approve

ATTACHMENTS: 1. Resolution 22-____
 2. Master Fee Schedule with Proposed Changes

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to approve a resolution approving amendments to the City’s Master Administrative Fee Schedule to allow for changes in labor costs and other increases.

EXECUTIVE SUMMARY

The current administrative fee schedule was last updated in 2020. Since that time, changes in labor cost and regulations require changes to some of the fees. Staff is recommending fee changes (Attachment 2) to achieve actual cost recovery from the Public Utilities Department, General Services Department, Planning & Development Services Department, the Police Department, and the Fire Department. The bulk of the changes are for the Police Department and Fire Department. Other Departments are reviewing fee schedules, and staff may recommend further changes when those results are available.

BACKGROUND

The current administrative fee schedule was last updated in 2020 to eliminate transit fares. However, not all the fees were updated in 2020. Some of the fees have not been adjusted in over 20 years. Since that time, rising labor costs and changes in regulations require changes to some of the fees. Staff is recommending fee changes to achieve actual cost recovery from the Planning & Development Services Department, Public Utilities Department, General Services Department, the Police Department, and the Fire Department (See Attachment 2). The bulk of the changes are for the Police and Fire Departments. Other Departments are reviewing the fee

schedule and staff may recommend further changes when those results are available with a goal of cost recovery as appropriate.

Planning & Development Services Proposed Fee Changes

Large Format Maps (Page 1 of Fee Schedule)

Increase the costs for large format maps from \$45.00 to \$90.00. The current fee was set over 20 years ago. The proposed fee represents estimated staff costs and materials and is still less than graphic companies charge in our local area. Other fees are proposed to be removed as they have become outdated products/services that are no longer provided by the City.

Public Utility Proposed Fee Changes

Hydrant Water Metered (Page 1 of Fee Schedule)

The monthly rental and water usage fees for “Hydrant Water Metered” need to be updated to be consistent with the Clovis Municipal Code (CMC) 6.5.103. A new line item, or fee, for usage of over 11,500 gallons is also added to be consistent with the CMC. These fees are subject to the 3% rate increases as stated in CMC 6.5.103(f). The “Late Return Charge” remains unchanged and the “Lost or Stolen meter” fee is revised to reflect the current cost for a fire hydrant meter.

General Services Proposed Fee Changes

Senior Services (Page 2 of Fee Schedule)

Staff is requesting a change to the current Master Administrative Fee Schedule which provides pricing constraints to classes and activities at the Clovis Senior Activity Center. The current fee schedule has become outdated due to the escalation in supply costs and the impact of the minimum wage on labor costs. While most of the classes and programs at the senior center remain free or low cost, the fee schedule prohibits the addition of popular programs like a one-day ‘make and take’ craft class which may call for the use of specialized art supplies. Staff will continue to price classes as reasonably as possible, and the senior center maintains a cache of donated gift certificates for those students who are of limited means.

Recreation (Page 2 of Fee Schedule)

Batting range fees were last adjusted in 2017 from \$1.25 - \$2.00 per 25 pitches to the current range of \$2.00 - \$3.00 per 25 pitches. Since that time, minimum wage has gone up from \$10.50/hour to the current \$15.00/hour. The batting range is scheduled to close for winter in mid-November. Staff plans to increase the price range of 25 pitches to \$2.00 - \$5.00 when the batting range opens back up in early 2023.

Police Department Proposed Fee Changes

Staff is requesting some changes to the current master fee schedule for several services the Police Department provides to the community (Pages 2 - 5 of Fee Schedule). The last fee study and adjustments, for most fees, was completed in 2010 by a third-party vendor. Earlier this year, Council established a Citizen’s Advisory Committee to review and evaluate the Police Department budget and the funding to support the services provided by the police department. One of the topics that resonated with staff was the need to accurately establish protocols to support the growth of the city while including the funding needed to provide police services. The proposed changes are in line with the Consumer Price Index from 2010 to 2022. The purpose

of these proposed changes is to recover costs associated with the increase in labor and benefit costs to provide these services to the public.

Fire Department Proposed Fee Changes

Fee changes recommended by the Fire Department are being made due to increases in labor costs or an increased time commitment for inspections (Pages 6 - 8 of Fee Schedule). Most categories only saw an increase due to cost increases, as the Fire Department fees have not been updated for five years, in 2017. The other major change is in the annual inspection fees for State-Mandated inspections in schools and apartments (R2.1). These fees were adjusted to make the annual fees manageable for the property owners with fewer apartment units and for the smaller schools. The Fire Department's goal with these fees is not to make a profit but merely recoup the cost of the time and resources utilized during the inspection.

The Emergency Response and False Alarm fees (Page 8 of Fee Schedule) were adjusted to a flat rate per call instead of an hourly fee to avoid confusion and make the billing process simpler for administrative staff and the Finance Department.

FISCAL IMPACT

Adjusting the fees charged will help to recover the estimated costs associated with providing the service requested and reduce the impacts of providing these services on the City as a whole.

REASON FOR RECOMMENDATION

The fees in the updated master fee schedule accurately reflect the estimated cost to the City of providing the services, and adopting the updated Fee Schedule will provide for more accurate cost recovery for the current services provided.

ACTIONS FOLLOWING APPROVAL

If approved, staff will revise the Master Administrative Fee Schedule and advise customers of the adopted changes with implementation in FY 22/23. The updated fees will become effective beginning on January 1, 2023.

Prepared by: Andrew Haussler, Assistant City Manager

Reviewed by: City Manager JA

RESOLUTION 22-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
APPROVING AMENDMENTS TO THE MASTER ADMINISTRATIVE FEE SCHEDULE

WHEREAS, on November 7, 2022, the City Council conducted a duly noticed public hearing to consider amendments to the City’s Master Administrative Fee Schedule; and

WHEREAS, the Council has determined that:

1. The Clovis Planning & Development Services Department, Public Utilities Department, General Services Department, Police Department, and Fire Department have reviewed the respective fees and conducted fee analyses to evaluate the administrative costs to provide requested services; and
2. The fees set forth in the Master Administrative Fee Schedule attached hereto reflect the estimated costs to the City of providing the services and activities, and the fees to be charged are necessary for the City to raise revenue to help recover and offset the estimated costs associated with providing the services and activities.

NOW, THEREFORE, BE IT RESOLVED, that the City of Clovis approves and adopts the amended Master Administrative Fee Schedule attached hereto, and all fees set forth in said Fee Schedule shall be effective beginning on January 1, 2023.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on _____, 2022 by the following vote, to wit.

AYES:
NOES:
ABSENT:
ABSTAIN:

DATED:

Mayor

City Clerk

MASTER ADMINISTRATIVE FEE SCHEDULE
Effective Date: ~~October 5, 2020~~ January 1, 2023

AGENDA ITEM NO. 14.

Description	Fee
Standard Photocopying for Black and White (per page – standard 8 ½ x 11)	\$.10
Standard Photocopying for Color (per page– standard 8 ½ x 11)	\$.15
Blue Line Map	
24x36	\$4.00
30 x 48	\$5.00
Each successive sheet	\$2.50
Large Format Map	\$90.00
Standard Specifications (per set)	\$20.00
Research Fee (1/2 hr. minimum)	\$45.00/hr
Facility Use Permit	(minimum) \$100.00
Lobbyist Registration (annual)	\$25.00
Amendment to Lobbyist Registration	\$10.00
Annual Financial Report	\$20.00
Annual Budget	\$20.00
Copy of Clovis Municipal Code (full copy)	\$125.00
Copy of Clovis Municipal Code Supplements	\$20.00
Video Tape Copy	\$25.00
Reproduction of Photographs	\$40.00
Administrative Charge pertaining to Administrative Citations	\$50.00
Park Facility Reservation Fees	
	Half day rate
	Full day rate
Picnic sites with 4 or fewer tables	\$41.00
Picnic sites with 5 or more tables	\$53.00
Hydrant Water Metered	
First 30 days, plus 5,000 gallons Monthly Rental (subject to rate increase per CMC 6.5.103)	\$20.00
	\$37.12
Per 1,000 gallons over 5,000 gallons up to 11,500 (subject to rate increase per CMC 6.5.103)	\$1.00
	\$1.03
Per 1,000 gallons over 11,500 gallons (subject to rate increase per CMC 6.5.103)	\$1.40
	\$1.40
Late Return Charge - Per day	\$15.00
Lost or stolen meter	\$500.00
	\$850.00
General Services Department	
Community Services Division	
Transit Section	
Stageline Service	
General Public (age 6-64) (per one-way trip)	Free
Seniors age 65 and over with I.D. (per one-way trip)	Free
Persons with disability with proof of disability (per one-way trip)	Free
Attendant to assist a person with a disability (one attendant per disabled person)	Free
Children under age 6 with fare paying adult (up to 4 children)	Free
Roundup Service (Disabled residents of Clovis)	
Disabled Passenger Trip	Free

MASTER ADMINISTRATIVE FEE SCHEDULE

Effective Date: ~~October 5, 2020~~ **January 1, 2023**

AGENDA ITEM NO. 14.

Trolley Fee Schedule	
Non Holiday Hourly Rate (minimum of two hours)	\$125.00
Holiday Hourly Rate (all holidays recognized by the City of Clovis, minimum of two hours)	\$140.00
Reduced hourly rate after four hours at full rate	\$75.00
Wait time (vehicle not in motion) after two hours at full rate	\$50.00
Clean-up of any bodily fluid spills on a per incident basis	\$100.00
Senior Services Section	
Banquet Hall Rental	\$900.00 for first 5 hours; \$100.00 each additional hour
Banquet Hall Rental (non-profit rate)	\$100.00 per hour
Classroom Rental	\$375.00 for first 5 hours; \$50.00 each additional hour
Classroom Rental (non-profit rate)	\$50.00 per hour
Senior Center Classes	\$1.00 - \$5.00 \$50.00 per day per activity
Senior Center Class Registration	Free - \$35.00 \$65.00 per 8-week session
Ceramic Firing Fee (one class)	\$15.00 per month
Ceramic Firing Fee (two or more classes)	\$20.00 per month
Senior Trips and Tours	\$5.00 administrative fee plus actual activity cost
Notary Public Service	\$5.00
Event Table Sponsorship	\$75.00 to \$150.00
Recreation Section	
Batting Range Fees	\$2.00 - \$3.00 \$5.00 for 25 pitches, exclusive of special promotions
Youth Program Fees	Fee Range: Free to \$90.00 per program
Youth Leagues and Tournaments...	Fee Range: \$85.00 to \$150.00
Adult Program Fees	Fee Range: \$5.00 to \$150.00 per program
Adult Leagues and Tournaments	Fee Range: \$50.00 to \$500.00
Special Events and Camps...	Fee Range: Free to \$250.00 per event/camp
Recreation Facility Reservations (north portion of building)	Fee Range: \$50.00 to \$100.00
Recreation Facility Reservations (south portion of building)	Fee Range: \$50.00 to \$100.00
Sponsorship Banners...	\$150.00 to \$2,000.00
Softball/baseball/soccer field at Bicentennial Park: Clovis Resident	\$25.00 per hour per field
Softball/baseball/soccer field at Bicentennial Park: Non-Clovis Resident	\$35.00 per hour per field
Field lighting	\$15.00 per hour
Snack bar rental (in conjunction with other park facility rental)	\$100.00
Police Department Fees	
Entertainment Permit Fees	
Application Fee (<i>first time only</i>)	\$500.00 \$700.00
Annual Permits	
Heavy Use	\$1,000.00 \$1,400.00 per year
Medium Use	\$500.00 \$700.00 per year
Light Use	\$250.00 \$350.00 per year
Single Event Permit	\$250.00 \$350.00

MASTER ADMINISTRATIVE FEE SCHEDULE
Effective Date: ~~October 5, 2020~~ January 1, 2023

AGENDA ITEM NO. 14.

Appeal Fees	
Heavy Use (per appeal)	\$250.00 \$350.00 per appeal
Medium Use (per appeal)	\$125.00 \$175.00 per appeal
Light Use (per appeal)	\$60.00 \$85.00 per appeal
Other Fees	
Copy of Police Report/ C-CAD Calls	\$5.00 \$7.00
Fingerprinting (Clovis residents or works in Clovis only), per card	\$10.00 \$15.00
ABC License Review.	\$200.00 \$280.00
ABC Permit - Special Event Alcohol Permit: Profit	\$22.00 \$50.00
ABC Permit - Special Event Alcohol Permit: Profit > 1 Day	\$50.00 \$50.00
ABC Permit - Special Event Alcohol Permit: Non-Profit	No Charge
Local Background Check	\$40.00 \$55.00
Audio / Video Dispatch Recording (with case # and time of call)	\$39.00 \$55.00
Audio/ Video Dispatch Recording (with name only) single camera view and time increment	\$68.00 \$95.00
Audio / Video Dispatch Recording (involving staff time up to 1.5 hrs)	\$247.00 \$350.00
Audio / Video Dispatch Recording (involving staff time of 1.5 hrs+)	\$425.00 \$600.00
Card Room Permit (includes fingerprinting)	\$258.00 \$360.00
Card Room Permit Renewal (includes fingerprinting)	\$228.00 \$320.00
Production of Records - Video Tapes , CD's, DVD's	\$54.00 \$75.00
Reproduction of Photographs (Digital)	\$40.00 \$55.00
Reproduction of Photographs (35 mm)	\$142.00 \$200.00
Report - Discovery (Reports or Audio or Video)	\$170.00 \$240.00
Second-Hand Dealer License	\$44.00 \$60.00
Vehicle Impound Release	\$206.00 \$280.00
Per Tow Administration Fee	\$40.00 \$60.00
Gun Storage - Clovis Resident	\$55.00 \$80.00 First Gun \$35 \$40.00 Each Additional Gun
Gun Storage - Non-Clovis Resident	\$55.00 \$100.00 First Gun \$35 \$40.00 Each Additional Gun

MASTER ADMINISTRATIVE FEE SCHEDULE
Effective Date: ~~October 5, 2020~~ January 1, 2023

AGENDA ITEM NO. 14.

	Massage Therapist Permit Application Fee	\$250.00 \$350.00		
	Shopping Cart Pick Up Fee	\$25.00 \$35.00		
	Shopping Cart Daily Storage Fee	\$5.00 \$7.00		
	Block Party Permit	No Charge		
	Local Citation Sign-Off	No Charge		
	Sex Offender, Narcotic, Gang & Arson Registration	No Charge		
	False Alarms			
	False Alarms, first 2 alarms	No Charge		
	False Alarms, 3 – 5 alarms	\$100.00 \$250.00 each		
	False Alarms, 6 or more	\$250.00 \$500.00 each		
	Animal Services Fees			
	Dog License (Unaltered)			
	One year	\$25.00 \$35.00		
	2 years	\$50.00 \$70.00		
	3 years	\$75.00 \$105.00		
	Replacement Tag	\$1.00 \$2.00		
	Dog and Vietnamese pot bellied pig License (Spayed or neutered or owned by Senior Citizen)			
	One year	\$5.00		
	2 years	\$10.00		
	3 years	\$15.00		
	Additional Animal Fees			
	Impound Fees			
	Type	1st Time	2nd Time	3rd & Subsequent
	Altered dog with license	Free*	\$35.00 \$50.00*	\$65.00 \$90.00*
	Unaltered dog with license	Free \$50.00* & \$35 State	\$60.00 \$70.00* & \$50 State	\$85.00 \$140.00* & \$100 State
	Altered dog – no license	\$35.00 \$50.00*	\$60.00 \$85.00*	\$85.00 \$120.00*
	Unaltered dog – no license	\$35.00 \$50.00* & \$35 State	\$60.00 \$85.00* & \$50 State	\$85.00 \$140.00* & \$100 State
	Altered Cat	Free *	\$30.00 \$40.00*	\$30 \$60.00*
	Unaltered Cat	Free \$50.00* & \$35 State	\$60.00 \$70.00* & \$50 State	\$35.00 \$140.00* & \$100 State
	Other animals	Free*	\$30.00*	\$55.00*
	Animal returned to owner by Field Officer	\$65.00 \$90.00*	\$65.00 \$90.00*	\$65.00 \$90.00*
	<i>*plus \$15.00 \$20.00 per day board</i>			

MASTER ADMINISTRATIVE FEE SCHEDULE
Effective Date: ~~October 5, 2020~~ January 1, 2023

AGENDA ITEM NO. 14.

Other Animal Shelter Fees	
Cat trap	\$60.00 \$80.00 deposit + \$25.00 Fee
Skunk trap	\$60.00 \$100.00 deposit + \$25.00 Fee
Large Animal Trap Deposit	\$60.00 \$300.00 deposit + \$25.00 Fee
Owner surrendered altered dog	\$20.00 \$30.00
Owner surrendered unaltered dog	\$30.00 \$40.00
Owner surrendered altered cat	\$15.00
Owner surrendered unaltered cat	\$20.00
Owner surrendered litter	\$25.00 \$35.00
Owner surrendered Pocket Pets (hamster, mice guinea pig, etc)	\$5.00 \$7.00
Dog/cat euthanasia	\$100.00 \$140.00
Dead animal disposal (under 10 pounds)	\$10.00 \$15.00
Dead animal disposal (over 10 pounds)	\$20.00 \$30.00
Pick-up fee (surrender fee separate)	\$65.00 \$90.00
Dog Adoption	\$150.00 \$200.00
Transfer Dog License	\$5.00 \$7.00
Dog License Late Fee	\$10.00 \$15.00
Cat Adoption	\$75.00 \$100.00
Daily Boarding Fee During Impoundment	\$25.00 \$20.00
Quarantined Animals – Daily board at shelter	\$25.00 \$35.00
After Hour Service	\$50.00 \$70.00
Microchip Implant	\$25.00
Dangerous and Vicious Animal Registration	\$100.00 \$150.00
Spay and Neuter Deposit	\$100.00
Obedience Training Deposit	\$100.00

MASTER ADMINISTRATIVE FEE SCHEDULE
Effective Date: ~~October 5, 2020~~ January 1, 2023

Fire Department Fees		Rate
Front Counter Fees		
Fire Investigation Report and Photos (62000-46310)		\$159 \$190
Construction Permits (62000-46001)		Rate
Underground – Per Connection to Main		\$496 \$571
Overhead (Up to 20 heads)		\$199 \$190
Overhead (21 – 50 heads)		\$347 \$380
Overhead (each additional 50 heads after 51+)		\$264 \$380
Fire Pump		\$562 \$571
Fire Standpipes (per standpipe)		\$363 \$475
Fire Alarm (Base Fee for 25 devise)		\$325 \$380
Fire Alarm (Per Device over 25)		\$7 \$2
Fire Sprinkler System Alarms		\$165 \$190
5yr Sprinkler System Certification (Compliant)		\$0
5yr Sprinkler System Certification (non-Compliant)		\$363 \$475
Fire Suppression Hood System/Clean Agent System		\$363 \$475
LP Gas		\$231 \$285
Above Ground Tank Installation		\$297 \$380
Electronic Gate		\$363 \$380
Plan Review Re-submittal (Ea. Additional ½ 1 hour)		\$66 \$95
Re- Inspection Fee (Ea. Additional ¼ 1 hour)		\$99 \$95
Expedited Plan Review (per hour)		\$132 \$190
Penalty Fee for Work Started Without a Permit		\$661 \$761
Operational Permits		Rate
<i>Fireworks, Special Events, Tents & Canopies, Beer Gardens, Pumpkin Patches, and Christmas Tree Lots.</i>		
Fireworks Booth (62000-42602)		\$300 \$380
Fireworks Shoot/Display (Permit, 1 Prevention Unit; 3-hour minimum) (62000-42602)		\$594 \$699
Events, Tents & Canopies, Seasonal Permit (Permit, 1 hour of plan review, 1 inspection) (62000-42604)		\$215 \$190
Fireworks Base Fee for 1/2 hour Plan Review, One (1) Inspection and Permit		\$132
Each Additional Plan Review Per 1/2 hour		\$66
Each Additional Inspection Per 1/2 hour		\$66
Annual Occupancy Fire and Life Safety Inspections (3rd Visit Non-Compliant)		Rate
<i>Annual Inspection - (Occupancy type: B, F, M, S) Factory/Industrial, Retail, Business/Office, except for combustibile dust producing operations and repair garages. (62000-46040)</i>		
Up to 5,000 sq. ft.		\$496 \$583
5,001 - 40,000 sq. ft.		\$535 \$629
40,001 sq. ft. and above		\$958 \$1,126
Annual Occupancy Fire and Life Safety Inspections (3rd Visit Non-Compliant)		Rate
<i>Annual Inspection - (Occupancy type: A, E) Assembly (Theatre, Churches, Auditorium, Restaurant), Excessive Hazardous Material - Welding, Open - flame, High Hazard Storage. (62000-46040)</i>		
Up to 5,000 sq. ft.		\$377 \$433
5,001 - 20,000 sq. ft.		\$727 \$855

MASTER ADMINISTRATIVE FEE SCHEDULE
Effective Date: ~~October 5, 2020~~ January 1, 2023

AGENDA ITEM NO. 14.

20,001 sq. ft. and above	\$1,190 \$1,399
Annual Occupancy Fire and Life Safety Inspections (Schools 1st Visit)	
Annual Inspection - (Occupancy type: E) Education (Schools). (62000-46040)	
20,000 sq. ft. or less	\$235
20,001 - 70,000 sq. ft.	\$443
70,001 – 180,000 sq. ft.	\$855
180,001 sq. ft. and above	\$1,399
Annual Occupancy Fire and Life Safety Inspection (3rd Visit Non-Compliant)	
Annual Inspection - (Occupancy type: H) Excessive Hazardous Material - Welding, Open - flame, High Hazard Storage. (62000-46040)	
Up to 5,000 sq. ft.	\$297 \$349
5,001+.	\$694 \$816
Annual Occupancy Fire and Life Safety Inspections (1st Visit)	
Annual Inspection - (Occupancy type: I) Hospitals, nursing homes with medical care, prisons and mental facilities. (62000-46040)	
Hospitals	\$3,998 \$4,701
R2.1 Occupancies	\$430 \$506
Fire Clearances, 850, Licensed Facilities	\$231 \$272
Annual Occupancy Fire and Life Safety Inspections (1st Visit)	
Annual Inspection / each per year - Occupancy type R-1 (Hotels/Motels) (62000-46040)	
3 – 19 units	\$297 \$349
20 – 49 units	\$430 \$506
50+ units	\$562 \$661
Annual Occupancy Fire and Life Safety Inspections (1st Visit)	
Annual Inspection / each per year - Occupancy type R-2 (Apartments) (62000-46041)	
3 – 19 - 7 units or less	\$231 \$143
20 8 – 49 19 units	\$363 \$190
50+ 20 - 29 units	\$430 \$238
30+ units	\$380
Residential Care Facilities Pre-Inspection (62000-46041)	
6 or less clients	\$363 \$475
7 - 8 clients	\$694 \$761
9-14 clients	\$475
Large Family Day Care Facilities Pre-Inspection (62000-46041)	
9-14 clients	\$363 \$475
Fire Suppression Hood System – Existing (3rd Visit of Non-Compliance) (62000-46040)	
Compliant	\$0
Non-Compliant	\$231 \$95

MASTER ADMINISTRATIVE FEE SCHEDULE
Effective Date: ~~October 5, 2020~~ January 1, 2023

Operational Permits (1-Day Event) (62000-46001)	Rate
Base Fee for 1/2 hour Plan Review and One (1) Inspection	\$215
Each Additional Plan Review Per 1/2 hour	\$66
Each Additional Inspection Per 1/2 hour	\$66
False Alarm Response	
<i>Each address point is allotted 3 false alarm calls in a 6-month period, any call over 3 will be charged to the property owner. (62000-46339)</i>	
Prevention (1 Unit) – Per Call	\$165 \$190
Suppression (1 unit – Engine, Truck or BC) – Per Call	\$316 \$372
Plan Review (62000-46001)	
Plan Review per	\$66
Inspection	\$66
Emergency Response Fees	
Engine (Per hour on-scene (1 Firefighter, 1 Engineer, 1 Captain) (62000-46339)	\$219 \$257
Battalion Chief – Per hour (62000-46339)	\$66 \$78
Administrative Fee – Each Emergency Response (62000-46339)	\$45 \$95
Firefighter Standby Fee (62000-46337)	\$586



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: November 7, 2022

SUBJECT: Consider Adoption – **Ord. 22-09**, An Ordinance of the City Council of the City of Clovis amending Article 5 Department of Public Utilities, Sections 2.2.501 and 2.2.502, and adding sections 2.2.503 and 2.2.504 of Chapter 2.2 (Officers and Employees) of the Clovis Municipal Code Pertaining to the Department of Public Utilities and the Position of Public Utilities Director. (Vote: 4-0-1 with Councilmember Ashbeck absent)

Staff: Karey Cha, City Clerk
Recommendation: Adopt

ATTACHMENTS: 1. 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.