



CITY *of* CLOVIS

AGENDA • CITY COUNCIL MEETING

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

May 9, 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 Bessinger

ROLL CALL

PRESENTATIONS/PROCLAMATIONS

1. Presentation of Proclamation Declaring May 9-15, 2022, as National Salvation Army Week.
2. Presentation of Certificates of Appreciation to the Citizens' Advisory Committee.

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.

3. Administration - Approval - Minutes from the May 2, 2022, Council Meeting.
4. Planning and Development Services – Approval – Bid Award for CIP 21-12, Nees Avenue Widening – Rule 20B; and Authorize the City Manager to execute the contract on behalf of the City.
5. Planning and Development Services - Approval - Res. 22-____, A Resolution Declaring the Intention to levy and collect assessments for Fiscal Year 2022-23, Authorizing the City of Clovis Engineering Department to conduct a property owner Proposition 218 proceeding, Approving the Fiscal Year 2022-23 Preliminary Engineer's Report, and setting a Public Hearing for July 5, 2022, or at such time thereafter for Benefit Assessment District No. 95-1 (Blackhorse Estates).
6. Police - Approval - Res. 22-____, Amending the 2021-2022 Police Department Budget to reflect the award of the CalRecycle Disposal Site Abatement Grant Program in the amount of \$228,140.
7. Public Utilities – Approval – Waive Formal Bidding Requirements and Authorize the Purchase of an Aerial Truck from Altec Industries, Inc. Using the Sourcewell Purchasing Contract.

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

8. Workshop – For the City Council to consider options addressing the findings and recommendations provided by the Citizens Advisory Committee regarding the Police Department staffing and funding.

Staff: John Holt, City Manager

Recommendation: Consider and Provide Policy Direction

9. Receive and File - Information Related to analysis of 2020 Census data and March 2, 2021, election data.

Staff: Karey Cha, City Clerk

Recommendation: Receive and File

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.

10. Consider Approval – Res. 22-____, Adoption of the City of Clovis 2022-2023 Annual Action Plan for the expenditure of Community Development Block Grant Funds.

Staff: Claudia Cazares, Management Analyst

Recommendation: Approve

11. Consider Introduction – Ord. 22-____, An ordinance adding section 1.9.03 (Electronic Filing) to Title 1 Chapter 9 of the Clovis Municipal Code relating to Campaign Contribution Limits to provide for electronic filing of campaign statements and Statements of Economic Interests (Form 700).

Staff: Karey Cha, City Clerk

Recommendation: Approve

CITY MANAGER COMMENTS

COUNCIL COMMENTS

CLOSED SESSION - A “closed door” (not public) City Council meeting, allowed by State law, for consideration of pending legal matters and certain matters related to personnel and real estate transactions.

12. Government Code Section 54957.6
CONFERENCE WITH LABOR NEGOTIATORS
Agency Designated Representatives: John Holt, Andrew Haussler, Jeffrey Blanks, Curt Fleming , Shonna Halterman, Lori Shively, Scott G. Cross
Employee Organization: Clovis Police Officers Association, Clovis Firefighters Association, Clovis Employees Association, Clovis Public Works Employees Association, Clovis Public Safety Employees Association, Clovis Professional and Technical Employees Association, Clovis Transit Employees Bargaining Unit, Clovis Technical and Financial Professionals Association, and Unrepresented Employee: Management Employees

ADJOURNMENT

MEETINGS AND KEY ISSUES

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

May 16, 2022 (Mon.) Budget Introduction

June 6, 2022 (Mon.)

June 13, 2022 (Mon.) Budget Adoption

June 20, 2022 (Mon.)

CITY of CLOVIS
PROCLAMATION

**Declaring May 9-15, 2022, as
National Salvation Army Week**

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

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

WHEREAS, The Salvation Army is celebrating the 68th annual National Salvation Army Week, which was first declared by President Dwight D. Eisenhower in 1954 as a time to honor the organization's work; and

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

WHEREAS, The Salvation Army serves more than 40 million Americans in need each year, with 83 cents of every dollar raised going directly to support services, and 100 percent of funds raised for emergency disasters going directly to the disaster; and

WHEREAS, The Salvation Army has been a service agency in the City of Clovis for over 30 years providing help to our community by providing meals, food pantry, shelter, clothing, financial, emergency services, and other necessary assistance with over 56,000 annual individual interactions with citizens; and

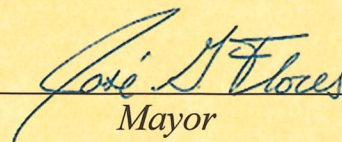
WHEREAS, The Salvation Army is continually expanding programs to the community including the Pathway of Hope program to end the cycle of poverty; and

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

NOW, THEREFORE BE IT RESOLVED, that the City of Clovis does hereby declare May 9-15, 2022, as

National Salvation Army Week

IN WITNESS THEREFORE, I hereunto set my hand and cause the official seal of the City of Clovis to be affixed the 9th day of May, 2022.



Mayor

CLOVIS CITY COUNCIL MEETING

May 2, 2022

6:00 P.M.

Council Chamber

Meeting called to order by Mayor Pro Tem Ashbeck at 6:03
Flag Salute led by Councilmember Whalen

Roll Call: Present: Councilmembers Ashbeck, Mouanoutoua, Whalen

Absent: Councilmember Bessinger, Mayor Flores

PRESENTATION – 6:03

6:06 - ITEM 1 - PRESENTATION OF PROCLAMATION RECOGNIZING WILMA TOM HASHIMOTO AS MOTHER OF THE YEAR.

The City Council presented a proclamation recognizing Wilma Tom Hashimoto as Fresno County Mother of the Year and proclaimed this Mother’s Day, May 8, 2022, as Wilma Hashimoto Day.

Wilma Hashimoto, expressed her gratitude for the honor given by the Clovis City Council and provided information on the youth services efforts of CASA of Fresno & Madera Counties.

6:19 - ITEM 2 - PRESENTATION OF PLAQUES TO OUTGOING PERSONNEL COMMISSIONERS KARI MERCER AND DARREN ROSE FOR THEIR YEARS OF SERVICE.

The City Council presented a proclamation recognizing Kari Mercer and Darren Rose for their service on the Personnel Commission.

Kari Mercer and Darren Rose, expressed their gratitude for this opportunity to serve the community and the City of Clovis.

6:23 - ITEM 3 - PRESENTATION OF PROCLAMATION DECLARING MAY 1ST - MAY 7TH, 2022, AS TEACHER APPRECIATION WEEK.

The City Council presented a proclamation honoring the first week of May as Teacher Appreciation Week.

6:25 - ITEM 4 - PRESENTATION OF PROCLAMATION DECLARING MAY AS MENTAL HEALTH MATTERS MONTH.

The City Council presented a proclamation recognizing the month of May as Mental Health Matters Month.

PUBLIC COMMENTS – 6:27

Tom Keetan, resident, commented on neighbors constantly dumping trash in the street. He has already reported the issue to the Solid Waste division and the the Police Department. The neighbor has been cited already but the problem continues.

CONSENT CALENDAR – 6:31

Motion by Councilmember Whalen, seconded by Councilmember Mouanoutoua, that the items on the Consent Calendar be approved, including the waiver of the reading of the ordinance. Motion carried 3-0-2, with Councilmember Bessinger and Mayor Flores absent.

5. Administration - Approved - Minutes from the April 18, 2022, Council Meeting.
6. Administration - Adopted - Ord. 22-03, A request to adopt a Military Equipment Use Policy Pursuant to Assembly Bill 481. Approval of Policy 706 and the adopted ordinance will allow the Clovis Police Department to continue to use its existing military equipment in accordance with the new law requirements. (Vote: 5-0)
7. Administration - Received and Filed – Business Organization of Old Town (BOOT) Third Quarter Report, January through March 2022.
8. Administration - Received and Filed – Economic Development Corporation Serving Fresno County Quarterly Report, January - March 2022.
9. Finance – Received and Filed – Investment Report for the Month of January 2022.
10. Finance – Received and Filed – Treasurer’s Report for the Month of January 2022.
11. Planning and Development Services - Approved - Bid Award for CIP 20-10 Barstow Avenue Street Improvements; and Authorize the City Manager to execute the contract on behalf of the City.
12. Police - Approved - **Res. 22-35**, Amending the Police Department budget for FY 2021-2022 to reflect the California Department of Justice Tobacco grant award of \$97,640.
13. Police - Approved – **Res. 22-36**, Amending the 2021-2022 Police Department Budget to reflect the award of the Edward Byrne Memorial Justice Assistance Grants (JAG) Program in the amount of \$17,709.

ADMINISTRATIVE ITEMS – 6:33

6:33 – ITEM 14 - RECEIVED AND FILED – UPDATE ON 325 POLLASKY AVENUE (CLOVIS CHAMBER OF COMMERCE BUILDING).

Sayre Miller, resident, commented on the Chamber’s efforts in making the building ADA compliant.

Paul Halajian, architect and business owner, volunteered pro bono services and came up with a conceptual plan that demonstrated the building can be preserved for about \$2-3 million.

Beth Christensen, representative from the Historical Society, commented on the Historical Society's desire to preserve the building.

Tom Wright, resident, commented on the Chamber's commitment to the Fresno County historical society and to the City Council to preserve the building for the City of Clovis and its residents. A petition will be presented to the City Council. There is an agency in town that is interested in purchasing the building.

Bill Smittcamp, resident, commented on the support in the effort to preserve the building the opportunity to open up a dialogue between the supporters and the Clovis Chamber of Commerce.

Sayre Miller, resident, fundraising for the building will not be that challenging.

It was the consensus of the Council to Receive and File an update on 325 Pollasky Avenue.

7:18 – ITEM 15 – DENIED – Res. 22-XX, A Request to adopt a resolution APPROVING THE INITIATION OF AN APPLICATION TO AMEND THE GENERAL PLAN AND LOMA VISTA SPECIFIC PLAN WITH REGARD TO STREET ALIGNMENTS, LAND USE PATTERNS, AND MASTER PLAN BOUNDARIES FOR THE AREA DESIGNATED AS THE EASTERN VILLAGE WITHIN THE LOMA VISTA SPECIFIC PLAN.

Sayre Miller, resident, commented on concerns regarding the transparency of the process. Commented on the planning of Sanger Unified School District and the opportunity to do great things for the area.

Darius Assemi, developer, commented on issues and challenges regarding developing around curvilinear streets.

Motion for denial by Councilmember Whalen seconded by Councilmember Ashbeck. Motion carried 2-1-2, with Councilmember Mouanoutoua voting no and Councilmember Bessinger and Mayor Flores absent.

8:28 – ITEM 16 - APPROVED – **RES. 22-37**, A REQUEST AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSULTANT AGREEMENT BETWEEN THE CITY OF CLOVIS AND DE NOVO PLANNING GROUP (DE NOVO) FOR SERVICES RELATED TO PREPARATION OF THE 2014 CLOVIS GENERAL PLAN REVIEW AND GUIDANCE DOCUMENT.

Sayre Miller, resident, shared her experience serving on the previous General Plan update committee and expressed concerns regarding consultants who may not be familiar with the values of the Clovis community.

Motion for approval by Councilmember Whalen, seconded by Councilmember Mouanoutoua. Motion carried 3-0-2, with Councilmember Bessinger and Mayor Flores absent.

CITY MANAGER COMMENTS – 8:57

COUNCIL COMMENTS – 8:59

CLOSED SESSION – 9:03

ITEM 17 - GOVERNMENT CODE SECTION 54956.9(D)(2)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION SIGNIFICANT EXPOSURE TO LITIGATION TWO POTENTIAL CASES

Councilmember Whalen recused himself from the discussion and left the Council Chamber.

ITEM 18 - GOVERNMENT CODE SECTION 54956.8

CONFERENCE WITH REAL PROPERTY NEGOTIATORS PROPERTY: 2791 SERENA AVE. AGENCY NEGOTIATORS: JOHN HOLT, MIKE HARRISON, ANDREW HAUSSLER NEGOTIATING PARTIES: LEGACY BUILDING COMPANY, BY WATHEN UNDER NEGOTIATION: PRICE & TERMS

Mayor Pro Tem Ashbeck adjourned the meeting of the Council to May 9, 2022

Meeting adjourned: 9:50 p.m.

Mayor Pro Tem

City Clerk



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: May 9, 2022

SUBJECT: Planning and Development Services – Approval – Bid Award for CIP 21-12, Nees Avenue Widening – Rule 20B; and Authorize the City Manager to execute the contract on behalf of the City.

ATTACHMENTS: 1. Vicinity Map

CONFLICT OF INTEREST

None.

RECOMMENDATION

1. For the City Council to award a contract for CIP 21-12, Nees Avenue Widening – Rule 20B to Westech Systems, LLC, in the amount of \$594,650; and
2. For the City Council to authorize the City Manager to execute the contract on behalf of the City.

EXECUTIVE SUMMARY

Staff is recommending that City Council authorize the City Manager to award and execute the contract to Westech Systems, LLC, who was the lowest responsible bidder from a bid opening that took place on April 19, 2022.

The work to be performed includes conduit and substructure installation for the PG&E Rule 20B, which involves the undergrounding of the existing overhead PG&E utility lines and removal of existing PG&E utility poles along the north side of Nees Avenue from Minnewawa to Clovis Avenue. This work is in conjunction with the Nees Avenue Widening project that will begin construction following the completion of this project. The Nees Avenue Widening project is dependent on the completion of the Rule 20B project for it to begin.

Staff utilized project specific cost estimates provided by PG&E to generate the cost estimate for this project, which are typically higher than current market prices. Due to the large discrepancy between the low bid and the engineer's estimate, staff contacted the bidding contractors for potential reasons of the high bid prices. According to the contractors, the prices of electrical construction material have significantly increased (about five times) in the last two years due to

supply chain issues. In addition, boring operations (a construction method used for installing conduit in lieu of open cut trench) has increased greatly as well. These increased costs combined with limited availability of contractors in the area has increased the construction prices more than anticipated. Staff has taken note of the information provided and will update the construction costs accordingly for future projects.

BACKGROUND

The following is a summary of the bid results of April 19, 2022:

BIDDERS	BASE BIDS
Westech Systems, LLC	\$ 594,650.00
Power Design Electric	\$ 831,320.00
ENGINEER'S ESTIMATE	\$ 238,000.00

All bids were examined, and the bidder’s submittals were found to be in order. Westech Systems, LLC is the lowest responsible bidder. Staff has validated the lowest bidder contractor’s license status and bid bond.

FISCAL IMPACT

This project was budgeted in the 2021-2022 Community Investment Program. The project is funded by Development Impact fees for undergrounding of overhead facilities.

REASON FOR RECOMMENDATION

Westech Systems, LLC, Inc. is the lowest responsible bidder. There are sufficient funds available for the anticipated cost of this project.

ACTIONS FOLLOWING APPROVAL

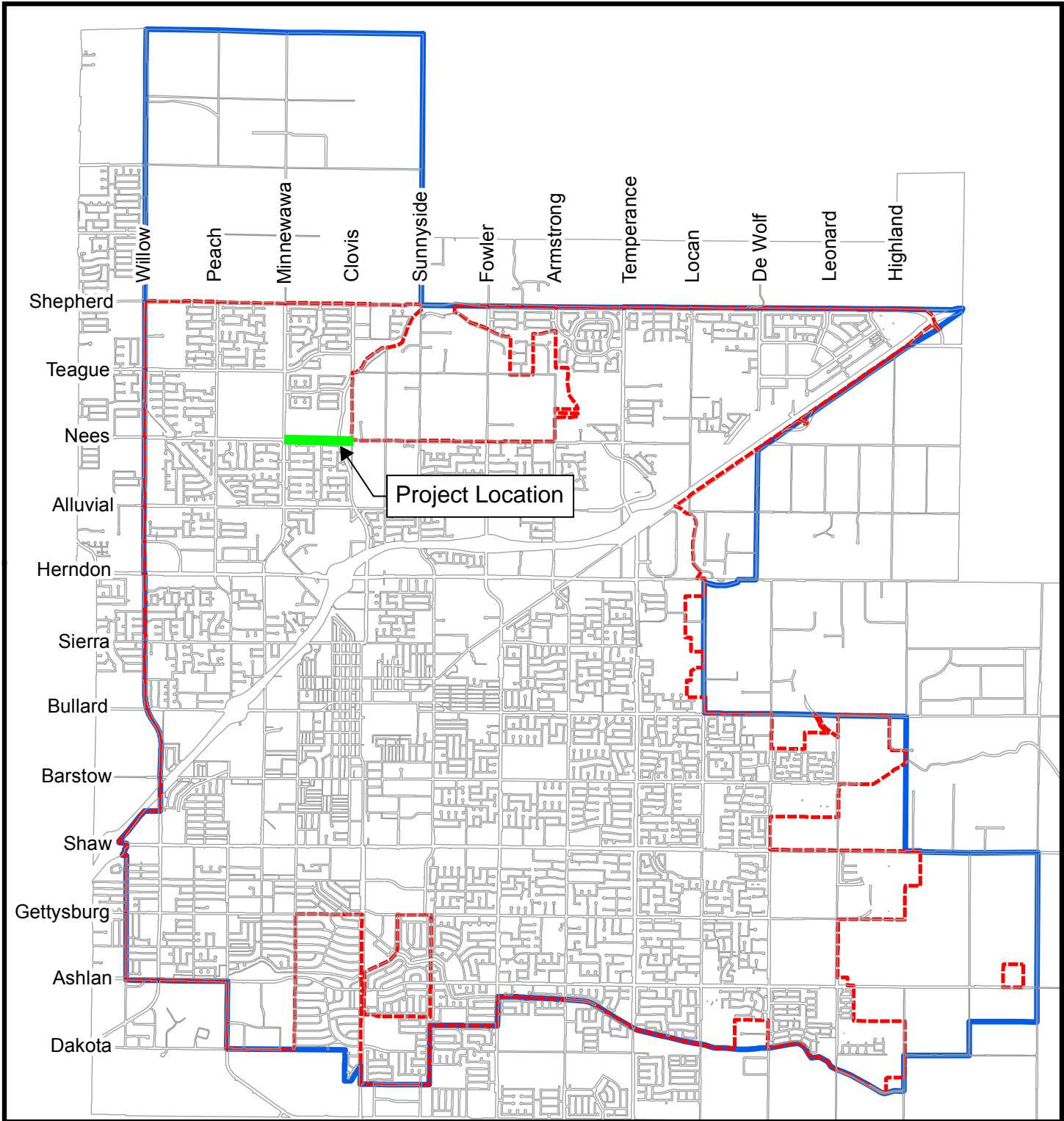
1. The contract will be prepared and executed, subject to the Contractor providing performance security that is satisfactory to the City.
2. Construction shall begin approximately one (1) week after contract execution and be completed in thirty (30) working days thereafter.

Prepared by: John Armendariz, Civil Engineer

Reviewed by: City Manager AA

VICINITY MAP

CIP 21-12 Nees Avenue Widening - Rule 20B



ATTACHMENT 1



CITY LIMITS
 SPHERE OF INFLUENCE



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: May 9, 2022

SUBJECT: Planning and Development Services - Approval - Res. 22-____, A Resolution Declaring the Intention to levy and collect assessments for Fiscal Year 2022-23, Authorizing the City of Clovis Engineering Department to conduct a property owner Proposition 218 proceeding, Approving the Fiscal Year 2022-23 Preliminary Engineer's Report, and setting a Public Hearing for July 5, 2022, or at such time thereafter for Benefit Assessment District No. 95-1 (Blackhorse Estates).

ATTACHMENTS:

1. Vicinity Map
2. Resolution 22-____
3. FY 2022-23 Preliminary Engineer's Report

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to approve Resolution 22-__, which will:

- 1) Declare the intention to levy and collect assessments for Fiscal Year 2022-23; and
- 2) Authorize the City of Clovis Engineering Department to conduct a property owner Proposition 218 proceeding; and
- 3) Approve the Fiscal Year 2022-23 Preliminary Engineer's Report; and
- 4) Set a Public Hearing for July 5, 2022, or at such time thereafter for Benefit Assessment District No. 95-1 (Blackhorse Estates).

EXECUTIVE SUMMARY

Benefit Assessment District No. 95-1 (the "District") is divided into Benefit Area 1, which consists of 45 homes and is known as the Renaissance neighborhood, and Benefit Area 2, which consists of 81 homes and is known as the Country View neighborhood, for a total of 126 homes. Each area is a gated community where each home is assessed annually to pay for maintenance of

the street and landscaping facilities, including sidewalks, curbs and gutters, pavement, valley gutters, entrance control gates, median island landscaping, drainage inlets and streetlights benefitting the homes within the District.

On July 12, 2021, City Council approved the latest annual Engineer's Report for the District. At that time, City staff brought to Council's attention that assessment rates would need to increase to fund large capital projects, including a slurry seal which has yet to be done since District formation over 26 years ago. A Proposition 218 election was conducted and passed for Benefit Area 1 but did not pass for Benefit Area 2. After a review of the funds available for both areas for the upcoming budget for FY 2022-23, it was determined that Benefit Area 2 does not have a financially sustainable budget. Staff is requesting authorization to conduct a property owner Proposition 218 proceeding to request an annual assessment increase for Benefit Area 2. In addition, staff is requesting the other actions necessary for the annual levy and collection of assessments.

BACKGROUND

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

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

The City and Regency Property Management identified in FY 2020-21 that both benefit areas are in need of a slurry seal to preserve and prolong the life of the street pavement. There has been no preventative maintenance performed on these streets since they were constructed, and it will be performed for both Benefit Areas in Summer 2022 in conjunction with a City contract to perform street sealing on various City streets.

Last year a Proposition 218 vote was held for both benefit areas. The property owners within Benefit Area 1 passed the increased assessment but the property owners within Benefit Area 2 did not. Because the expenses within Benefit Area 2 exceed the revenues, staff is recommending that a Proposition 218 proceeding again be conducted this year. If the property owners vote for the annual assessment increase of \$129.00 per home per year, the annual revenues will be sufficient to continue to perform the needed maintenance and build a reserve for future larger maintenance activities such as a slurry seal.

The current financial reserves in both benefit areas will be used to complete the street maintenance work in Summer 2022. Benefit Area 1 has a positive cash flow that will need to be reevaluated in upcoming years. Benefit Area 2 does not have a sustainable budget, but with the

increase in annual assessments, reserves for the next street maintenance project would be able to be built back up in a reasonable amount of time.

If a Proposition 218 vote to increase the annual assessments for Benefit Area 2 is not successful, staff would work with Francisco & Associates as well as Regency Property Management to determine the best course of action to cut costs. In this scenario, the level of services and maintenance provided is likely to be noticeably reduced.

FISCAL IMPACT

There is no fiscal impact to the City as long as the District remains solvent. If the District is not able to sustain and perform routine maintenance, the ultimate eventuality is that the streets would revert back to the City and the City would be responsible for their maintenance. Should the Proposition 218 proceeding pass, assessment rates will increase by \$129.00 per home per year in Benefit Area 2 (Country View neighborhood).

For Benefit Area 1, the Slurry Seal project coupled with the annual maintenance will deplete the fund to almost zero. While the annual revenue does exceed the annual expenses, it would take a few years to build a comfortable reserve. Staff is working with Regency on cost cutting measures.

REASON FOR RECOMMENDATION

After the completion of the street maintenance work in Summer 2022, the fund balance for Benefit Area 1 will be depleted but will have a positive cash flow. Benefit Area 2 will not have a sustainable budget without an increase in assessments that would provide the cash flow necessary for future capital projects.

ACTIONS FOLLOWING APPROVAL

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

- 1) May 11, 2022 - Mail notices and ballots to affected property owners within Benefit Area 2 (minimum of 45 days prior to Public Hearing).
- 2) July 5, 2022 – City Council Meeting
 - Conduct Public Hearing and Deadline for property owners to submit ballots.
 - Ballot Tabulation conducted at City Council chambers at the start of the item being heard.
 - Declare Results of Ballot Tabulation and approve Final Engineer's Report by the end of the item being heard.

Prepared by: Sean Smith, Supervising Civil Engineer

Reviewed by: City Manager AA

RESOLUTION 22-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS DECLARING THE INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2022-23, AUTHORIZING THE CITY OF CLOVIS ENGINEERING DEPARTMENT TO CONDUCT A PROPERTY OWNER PROPOSITION 218 PROCEEDING, APPROVING THE FISCAL YEAR 2022-23 PRELIMINARY ENGINEER'S REPORT, AND SETTING A PUBLIC HEARING FOR JULY 5, 2022, OR AT SUCH TIME THEREAFTER FOR BENEFIT ASSESSMENT DISTRICT NO. 95-1 (BLACKHORSE ESTATES)

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

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

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

WHEREAS, the Preliminary Engineer's Report for Fiscal Year 2022-23 has been presented to the City Council; and

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

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

1. Intention: The City Council hereby declares that it is its intention to seek the annual levy and collection of assessments of the District pursuant to the Act, over and including the land within the District boundary, and to levy and collect assessments on all such land to pay the annual costs associated with the District improvements. The City Council finds that the public's best interest requires such levy and collection.
2. District Boundaries: The boundaries of the District are described as the boundaries previously defined in the formation documents of the original District.
3. District Improvements: The public improvements include sidewalks, curbs and gutters, pavement, valley gutters, entrance control gates, median islands and landscaping in the median islands, drainage inlet structures, and street lights located within the boundaries of the District.
4. Proposed Assessment Amounts: The proposed Fiscal Year 2022-23 assessments for the parcels within the District are outlined in the Engineer's Report which details the proposed annual assessments for Benefit Area 1 (Renaissance neighborhood) and the proposed increases in annual assessments for Benefit Area 2 (Country View neighborhood).
5. Public Hearing(s): The City Council hereby declares its intention to conduct a Public Hearing concerning the levy of assessments for the District on **Monday, July 5, 2022, at 6:00 p.m.** or as soon thereafter as feasible at Clovis City Council Chambers, 1033 Fifth Street, Clovis, California.
6. Notice: The City shall give notice of the time and place of the Public Hearing to all affected property owners within Benefit Area 2 of the District in accordance with the requirements of Proposition 218 and by causing the publishing of this Resolution once in the local newspaper not less than ten (10) days before the date of the Public Hearing. Any interested person may file a written protest with the City Clerk prior to the conclusion of the Public Hearing, or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection and a protest by a property owner shall contain a description sufficient to identify the property owned by such property owner. At the Public Hearing, all interested persons shall be afforded the opportunity to hear and be heard.

* * * * *

The foregoing resolution of intent was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 9, 2022, by the following vote, to wit.

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: May 9, 2022

Mayor

City Clerk



CITY OF CLOVIS BENEFIT ASSESSMENT DISTRICT NO. 95-1



Fiscal Year 2022-23 Preliminary Engineer's Report

May 9, 2022

ATTACHMENT 3

Prepared by:

Francisco & Associates

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San Ramon, CA 94583

(925) 867-20

	Page No.
Agency Directory.....	ii
Certificates.....	iii
SECTION I Introduction	1
SECTION II Engineer’s Report.....	3
Part A - Plans and Specifications.....	5
Part B - Estimate of Cost	6
Table 1 – Cost Estimate Benefit Area I (Renaissance)	7
Table 2 – Cost Estimate Benefit Area II (Country View).....	8
Part C - Assessment District Diagram	9
Part D - Method of Apportionment of Assessment	11
Part E - Property List and Assessment Roll.....	14
Appendix A - Detailed Statement of Costs for Benefit Area I (Renaissance)	
Appendix B - Detailed Statement of Costs for Benefit Area II (Country View)	
Appendix C - Assessment Roll	

CITY OF CLOVIS
CITY COUNCIL MEMBERS AND CITY STAFF

FISCAL YEAR 2022-23

City Council Members

Jose Flores
Mayor

Lynne Ashbeck
Mayor Pro-Tem

Drew Bessinger
Council Member

Bob Whalen
Council Member

Vong Mouanoutoua
Council Member

City Staff Members

John Holt
City Manager

Scott Cross
City Attorney

Karey Cha
City Clerk

Jay Schengel
Finance Director

Mike Harrison
City Engineer

Sean Smith
Supervising Civil Engineer

Francisco & Associates
Assessment Engineer


ENGINEER'S REPORT

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

Fiscal Year 2022-23

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

Dated: April 25, 2022

By: 
Eduardo Espinoza, P.E.
RCE # 40688

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment Roll and Assessment Diagram, thereto attached, was filed with me on the _____ day of _____, 2022.

Karey Cha, City Clerk
City of Clovis
Fresno County, California

By: _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment Roll and Assessment Diagram, thereto attached, was approved and confirmed by the Council of the City of Clovis, Fresno County, California, on the _____ day of _____, 2022, by adoption of Resolution No. _____.

Karey Cha, City Clerk
City of Clovis
Fresno County, California

By: _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment Roll and Assessment Diagram, thereto attached, was filed in my office in the County of Fresno, on the _____ day of _____, 2022.

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

By: _____

SECTION I

INTRODUCTION
ENGINEER'S REPORT

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

Fiscal Year 2022-23

Background Information

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

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

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

Current Annual Administration

As required by the Benefit Assessment Act of 1982, this Report includes for the ensuing fiscal year: (1) a general description of the improvements to be constructed, operated, maintained and serviced by the District, (2) an estimated budget to construct, operate, maintain and service the improvements, (3) the method used to distribute the costs to the benefiting property owners within the District, (4) a diagram of the District and associated benefit areas, and (5) listing of the proposed Fiscal Year 2022-23 assessments to be levied upon each assessable lot or parcel within the District.

For FY 2022-23, the City Council proposes to increase the maximum annual assessment rate for parcels located within Benefit Area II (Country View). The purpose of the proposed assessment rate increase is to keep up with significant increases in maintenance costs and accumulate funds to perform future slurry seal maintenance.

The proposed increase in the assessment rate requires the City to conduct Proposition 218 property owner proceedings. The City will mail notices and ballots to the property owners within Benefit Area II (Country View) a minimum of 45 days prior to the Public Hearing set for July 5, 2022. At the Public Hearing, the City will provide an opportunity for any interested person to provide testimony. After the public hearing input portion, the City Council will ask if there are any remaining ballots to be turned in or if anyone wants to change their vote. The ballots will then be tabulated. If a majority of the ballots received are in favor of the assessment increase, then the assessment increase may be imposed by the City Council for Benefit Area II (Country View). At the conclusion of the Public Hearing on July 5, 2022, the City Council may adopt a resolution confirming the Fiscal Year 2022-23 levy and collection of assessments for both benefit areas as originally proposed or as modified.

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

SECTION II

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

Pursuant to the Benefit Assessment Act of 1982 (Part 1 of Division 2 of Title 5 of the Government Code of the State of California), and in accordance with Resolution No. 22-__ initiating proceedings for the levy and collection of assessments, ordering the preparation of the annual Engineer's approving the Preliminary Engineer's Report and Declaring the Intention for Levy and Collection of Assessments, adopted by the City Council of the City of Clovis, on May 9, 2022, and in connection with the proceedings for:

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

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

PART A: PLANS AND SPECIFICATIONS

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

PART B: ESTIMATE OF COST

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

PART C: ASSESSMENT DISTRICT DIAGRAM

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

PART D: METHOD OF APPORTIONMENT OF ASSESSMENT

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

PART E: PROPERTY LIST AND ASSESSMENT ROLL

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

PART A

PLANS AND SPECIFICATIONS

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

Street and Landscaping Facilities

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

PART B

ESTIMATE OF COST

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

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

Tables 1 and 2 below provide a summary of the total Fiscal Year 2022-23 estimated revenues and expenditures for each benefit area.

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

TABLE NO. 1: COST ESTIMATE FY 2022-23 Benefit Area I (Renaissance)	
Projected Beginning Balance as of July 1, 2022:	\$34,982
Revenue	
Annual Assessments	\$29,115
Total Revenue:	\$64,097
Annual Expenditures⁽¹⁾	
Office Supplies and Miscellaneous Maintenance	(\$400)
Telephone	(\$1,500)
Electronic Gate Maintenance	(\$2,000)
Street Sweeping	(\$720)
Landscape Maintenance	(\$6,798)
Electrical Power for Gate and Streetlights	(\$3,500)
City Administration Costs	(\$1,800)
County Collection Fees	(\$8)
District Administrator	(\$8,940)
Assessment Engineering	(\$1,411)
Insurance	(\$1,100)
Annual Expenditures Subtotal:	(\$28,177)
Capital Improvement Projects	
Slurry Seal	(\$35,000)
Sidewalk Repairs & Gate Replacement	(\$0)
Capital Improvement Projects Subtotal:	(\$35,000)
Total Expenses:	(\$63,177)
Projected Ending Balance as of June 30, 2023:	\$920
Reserve Detail as of June 30, 2023	
Recommended Operating Reserves ⁽²⁾	\$14,089
Available Operating Reserves	\$920
Available Capital Reserves ⁽³⁾	\$0
Assessment Rate (45 Parcels)	\$647.00
Notes:	
(1) See Appendix "A" for a detailed description of expenses.	
(2) Operating reserves are needed because the City does not receive the assessment revenue from the County until halfway through the fiscal year. Therefore, it is recommended the City have an operating reserve to fund 6 months of the estimated annual expenditures anticipated to be incurred from July 1 through December 31 of each fiscal year.	
(3) Capital reserve funds will be used for Capital Improvement Projects or to replace existing improvements once they have reached the end of their useful life.	

TABLE NO. 2: COST ESTIMATE FY 2022-23 Benefit Area II (Country View) - Proposed \$129/year Increase		
Projected Beginning Balance as of July 1, 2022		\$69,088
Revenue		
Annual Assessments	\$ 47,790	
Total Revenue:		\$116,878
Annual Expenditures⁽¹⁾		
Office Supplies and Miscellaneous Maintenance	(\$1,000)	
Telephone	(\$1,500)	
Electronic Gate Maintenance	(\$2,000)	
Street Sweeping	(\$1,800)	
Landscape Maintenance	(\$8,650)	
Electrical Power for Gate and Streetlights	(\$3,500)	
City Administration Costs	(\$3,000)	
County Collection Fees	(\$14)	
District Administrator	(\$13,860)	
Assessment Engineering	(\$2,539)	
Insurance	(\$1,600)	
Annual Expenditures Subtotal:	(\$39,463)	
Capital Improvement Projects		
Slurry Seal	(\$45,000)	
Sidewalk Repairs & Gate Replacement	(\$0)	
Capital Improvement Projects Subtotal:	(\$45,000)	
Total Expenses:		(\$84,463)
Projected Ending Balance as of June 30, 2023:		\$32,415
Reserve Detail as of June 30, 2023		
Recommended Operating Reserves ⁽²⁾	\$19,732	
Available Operating Reserves	\$19,732	
Available Capital Reserves ⁽³⁾	\$12,683	
Assessment Rate (81 Parcels)		\$590.00/parcel
Notes:		
(1) See Appendix "A" for a detailed description of expenses.		
(2) Operating reserves are needed because the City does not receive the assessment revenue from the County until halfway through the fiscal year. Therefore, it is recommended the City have an operating reserve to fund 6 months of the estimated annual expenditures anticipated to be incurred from July 1 through December 31 of each fiscal year.		
(3) Capital reserve funds will be used for Capital Improvement Projects or to replace existing improvements once they have reached the end of their useful life.		

PART C

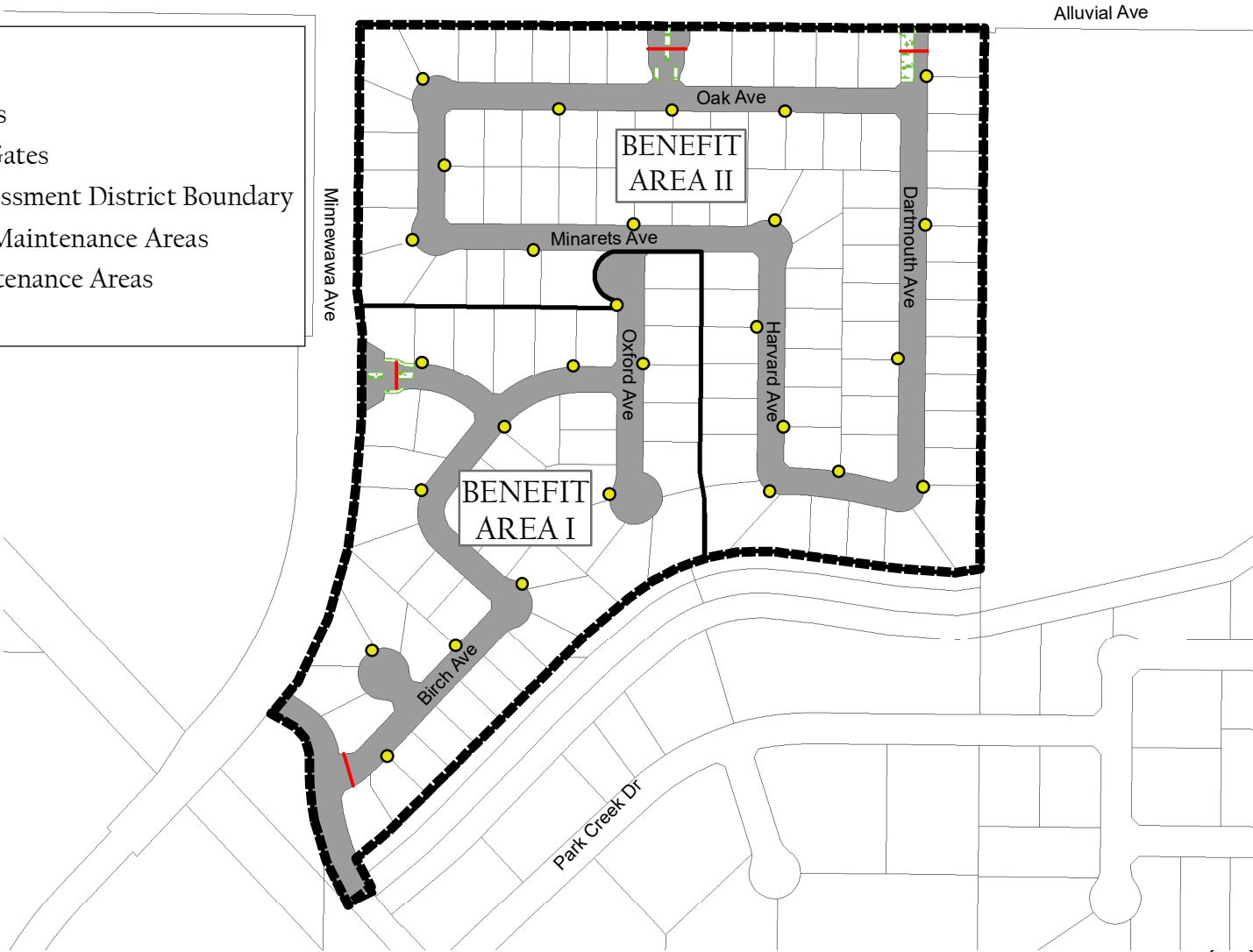
ASSESSMENT DISTRICT DIAGRAM

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

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

Legend

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



Prepared by Francisco & Associates, Inc.



PART D

METHOD OF APPORTIONMENT OF ASSESSMENT

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

Discussion of Special Benefit

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

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

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

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

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

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

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

Special versus General Benefit

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

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

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

ASSESSMENT METHODOLOGY

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

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

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

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

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

Benefit Area I (Renaissance)

Benefit Area I (Renaissance) is comprised of 45 single-family residential parcels. In Fiscal Year 2022-23, there are 45 assessable parcels, and the total assessment revenue needed to operate and maintain the facilities within Benefit Area I (Renaissance) is \$29,115. This results in the following proposed assessment that will be levied within Benefit Area I (Renaissance):

Fiscal Year 2022-23 Rate: \$647.00/parcel

Benefit Area II (Country View)

Benefit Area II (Country View) is comprised of 81 single-family residential parcels. In Fiscal Year 2022-23, there are 81 assessable parcels, and the total assessment revenue needed to operate and maintain the facilities within Benefit Area II (Country View) is \$47,790. This results in the following proposed assessment that will be levied within Benefit Area II (Country View):

Fiscal Year 2022-23 Rate: \$590.00/parcel

PART E

PROPERTY LIST AND ASSESSMENT ROLL

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

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

APPENDIX A

DETAILED STATEMENT OF COSTS FOR
BENEFIT AREA I (RENAISSANCE)

BENEFIT AREA I (RENAISSANCE)

DETAILED STATEMENT OF COSTS

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

Office Supplies and Miscellaneous Maintenance

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

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

Based on historical data, repairs to the above-mentioned improvements are not needed each fiscal year. The estimated cost for miscellaneous/contingency repairs in Fiscal Year 2022-23 is \$400. If major repairs are needed during the fiscal year, funds will be utilized from the capital reserve fund.

Electronic Gate Maintenance

There are two electronic gates that will be maintained by the District. The estimated cost for electronic gate maintenance in Fiscal Year 2022-23 is \$2,000.

Telephone Costs

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

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

The telephone system is a private system and the cost for repair and replacement of the telephone equipment, when needed, will be paid for from the capital reserve fund. The estimated cost to fund telephone equipment repairs and local calls is \$1,500 for Fiscal Year 2022-23.

Street Sweeping

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

The streets will be swept once every two months within Benefit Area I (Renaissance) for an estimated cost of \$720/year.

Landscape Maintenance

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

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

The total cost of landscape maintenance including City of Clovis water charges for Fiscal Year 2022-23 will be \$6,798 as estimated by the District Administrator.

Electrical Power for Gate and Streetlights

The total estimated cost for electrical power charges for gate operations and streetlights for Fiscal Year 2022-23 is \$3,500.

City Administration Costs

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

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

Historically, the City of Clovis has assessed minimal charges to the District for their services. The estimated annual cost for City Administration in Fiscal Year 2022-23 is \$1,800.

County Collection Fees

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

The total estimated cost for the County of Fresno collection fees in Fiscal Year 2022-23 is \$8 (45 parcels x \$0.17/parcel).

District Administrator

The District Administrator will manage the maintenance of improvements for the District for an estimated cost of \$8,940 for Fiscal Year 2022-23.

Assessment Engineering

The District Assessment Engineer is Francisco & Associates. They have a contract with the District to perform the assessment engineering services for the sum of \$1,411 for Fiscal Year 2022-23.

Insurance Costs

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

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

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

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

The total estimated insurance cost for Fiscal Year 2022-23 is \$1,100.

Capital Reserve

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

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

For Fiscal Year 2022-23, the City of Clovis intends on completing the capital improvement projects shown below.

Capital Improvement Projects

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

In FY 2021-22, the following capital improvement projects were performed:

- a. Additional Landscape Maintenance at front and back gate

In FY 2022-23, the City of Clovis and District Administrator anticipate the following capital improvement projects:

- a. Perform Roadway Slurry Seal

The total estimated cost for the Capital Improvement Projects is \$35,000 for FY 2022-23.

APPENDIX B

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

BENEFIT AREA II (COUNTRY VIEW)

DETAILED STATEMENT OF COSTS

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

Office Supplies and Miscellaneous Maintenance

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

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

Based on historical data, repairs to the above-mentioned improvements are not needed each fiscal year. The amount to be assessed for miscellaneous/contingency repairs in Fiscal Year 2022-23 is \$1,000. If major repairs are needed during the fiscal year, funds will be utilized from the capital reserve fund.

Electronic Gate Maintenance

There are two electronic gates that will be maintained by the District. The estimated cost for electronic gate maintenance in Fiscal Year 2022-23 is \$2,000.

Telephone Costs

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

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

The telephone system is a private system and the cost for repair and replacement of the telephone equipment, when needed, will be paid for from the capital reserve fund. The estimated cost to fund telephone equipment repairs and local calls is \$1,500 for Fiscal Year 2022-23.

Street Sweeping

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

The streets will be swept once every month within Benefit Area II (Country View) for an estimated cost of \$1,800/year.

Landscape Maintenance

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

The total cost of landscape maintenance including City of Clovis water charges for Fiscal Year 2022-23 will be \$8,650 as estimated by the District Administrator.

Electrical Power for Gate and Streetlights

The total estimated cost for electrical power charges for gate operations and streetlights for Fiscal Year 2022-23 is \$3,500.

City Administration Costs

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

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

Historically, the City of Clovis has assessed minimal charges to the District for their services. The estimated annual cost for City Administration in Fiscal Year 2022-23 is \$3,000.

County Collection Fees

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

The total estimated cost for the County of Fresno collection fees in Fiscal Year 2022-23 is \$14 (81 parcels x \$0.17/parcel).

District Administrator

The District Administrator will manage the maintenance of the improvements for the District for an estimated cost of \$13,860 for Fiscal Year 2022-23.

Assessment Engineering

The District Assessment Engineer is Francisco & Associates. They have a contract with the District to perform the assessment engineering services for the sum of \$2,539 for Fiscal Year 2022-23.

Insurance Costs

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

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

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

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

The total estimated insurance cost for Fiscal Year 2022-23 is \$1,600.

Capital Reserve

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

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

For Fiscal Year 2022-23, the City of Clovis intends on completing the capital improvement projects shown below.

Capital Improvement Projects

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

In FY 2022-23, the City of Clovis and District Administrator anticipate the following capital improvement projects:

- a. Perform Roadway Slurry Seal

The total estimated cost for the Capital Improvement Projects is \$45,000 for FY 2022-23.

APPENDIX C
ASSESSMENT ROLL

CITY OF CLOVIS
ASSESSMENT DISTRICT NO. 1995-1
(Blackhorse Estates)
Assessment Roll
Fiscal Year 2022-23
Benefit Area 1

AGENDA ITEM NO. 5.

Assessor's Parcel Number	Benefit Area	Assessment Amount	Property Owner	Property Address	Tract and Lot
562-151-08	1	\$647.00	NISHIMURA GAREY	25 CHENNAULT AVE	TR 4299 Lot 1
562-151-09	1	\$647.00	REED SAMUEL H	45 CHENNAULT AVE	TR 4299 Lot 2
562-151-10	1	\$647.00	ANTARAMIAN PETER	65 CHENNAULT AVE	TR 4299 Lot 3
562-151-11	1	\$647.00	TWEDT BRIAN D & VICKIE L	85 CHENNAULT AVE	TR 4299 Lot 4
562-151-12	1	\$647.00	SYVERTSEN WILLIAM & CHERYLE L FAM TRUST	105 CHENNAULT AVE	TR 4299 Lot 5
562-151-13	1	\$647.00	HSIAO PAUL SHIHYEN & HSIN-CHING LIN	125 CHENNAULT AVE	TR 4299 Lot 6
562-152-04	1	\$647.00	NIMERI ABDELRAHMAN & SHAIMA	650 N CHERRY LN	TR 4299 Lot 41
562-152-05	1	\$647.00	SRA FAMILY	640 N CHERRY LN	TR 4299 Lot 40
562-152-06	1	\$647.00	DUNMORE JAMES L JR & TRACEE L	42 CHENNAULT AVE	TR 4299 Lot 43
562-152-07	1	\$647.00	HSIAO PAUL S	62 CHENNAULT AVE	TR 4299 Lot 42
562-153-03	1	\$647.00	TAKEDA VICTOR K & ANNE M TRUSTEES	665 N CHERRY LN	TR 4299 Lot 18
562-153-04	1	\$647.00	SIRIMARCO JAMES V III & DONNA M	655 N CHERRY LN	TR 4299 Lot 19
562-153-05	1	\$647.00	ROBERTSON STEPHEN W JR	635 N CHERRY LN	TR 4299 Lot 20
562-153-06	1	\$647.00	STAFFORD FRANKLIN H	611 N CHERRY LN	TR 4299 Lot 21
562-153-07	1	\$647.00	BIGLIERI JULIE M TRS	601 N CHERRY LN	TR 4299 Lot 22
562-153-13	1	\$647.00	KALMES BEAU AARON & BRITTANY STOKER	624 N OXFORD AVE	TR 4299 Lot 12
562-153-14	1	\$647.00	CHAVEZ MANUEL A & ROSSANNE C TRS	634 N OXFORD AVE	TR 4299 Lot 13
562-153-15	1	\$647.00	BURRI CHRISTINE ISKENDERIAN	644 N OXFORD AVE	TR 4299 Lot 14
562-153-16	1	\$647.00	SHIDIYWAH SAIF & HUDA	664 N OXFORD AVE	TR 4299 Lot 15
562-153-17	1	\$647.00	STAWARSKI DOUGLAS P & KAKELLY	684 N OXFORD AVE	TR 4299 Lot 16
562-153-18	1	\$647.00	LEE JOSEPH & MIN HEE	102 CHENNAULT AVE	TR 4299 Lot 17
562-153-19	1	\$647.00	CLARK JASON	614 N OXFORD AVE	TR 4299 Lot 11
562-153-20	1	\$647.00	JENSEN LAUREN	651 N OXFORD AVE	TR 4299 Lot 10
562-153-21	1	\$647.00	TILLEY SHARRON F TRUSTEE	671 N OXFORD AVE	TR 4299 Lot 9
562-153-22	1	\$647.00	SHARMA VISHAL & SHILPA	691 N OXFORD AVE	TR 4299 Lot 8
562-153-23	1	\$647.00	BROBST JAMES H & M ARLENE TRUSTEES	711 N OXFORD AVE	TR 4299 Lot 7
562-153-24	1	\$647.00	GILL SHERAZ	731 N OXFORD AVE	Por of Lot 6 Clovis Colony
562-161-01	1	\$647.00	GANDY ANN TRUSTEE	610 N CHERRY LN	TR 4299 Lot 37
562-161-02	1	\$647.00	HEMMAN RONALD D & STEPHANIE J	620 N CHERRY LN	TR 4299 Lot 38
562-161-03	1	\$647.00	LARSON DAVID & MICHELLE	630 N CHERRY LN	TR 4299 Lot 39
562-161-04	1	\$647.00	GATES GINGER G	57 BIRCH AVE	TR 4299 Lot 36
562-161-05	1	\$647.00	O HARA MICHAEL & CYNTHIA	55 BIRCH AVE	TR 4299 Lot 35
562-161-06	1	\$647.00	DER HAROUTUNIAN VASKEN & LINA TRS	51 BIRCH AVE	TR 4299 Lot 34
562-161-07	1	\$647.00	YANG YIA	47 BIRCH AVE	TR 4299 Lot 33
562-161-08	1	\$647.00	HAMILTON BRENDA S	37 BIRCH AVE	TR 4299 Lot 32
562-162-01	1	\$647.00	ECKEL DENNIS D & MARIA R TRS	94 BIRCH AVE	TR 4299 Lot 23
562-162-02	1	\$647.00	KHAN SAMIA	84 BIRCH AVE	TR 4299 Lot 24
562-162-03	1	\$647.00	CARUSO HILDA M	74 BIRCH AVE	TR 4299 Lot 25

CITY OF CLOVIS
ASSESSMENT DISTRICT NO. 1995-1
(Blackhorse Estates)
Assessment Roll
Fiscal Year 2022-23
Benefit Area 1

AGENDA ITEM NO. 5.

Assessor's Parcel Number	Benefit Area	Assessment Amount	Property Owner	Property Address	Tract and Lot
562-162-04	1	\$647.00	BRONSON JAMES C & MICHELLE L	64 BIRCH AVE	TR 4299 Lot 26
562-162-05	1	\$647.00	HARDIN TAYLOR J & TETYANA S	54 BIRCH AVE	TR 4299 Lot 27
562-162-06	1	\$647.00	WEBER DAVID & MICHELLE	44 BIRCH AVE	TR 4299 Lot 28
562-162-07	1	\$647.00	THACKER BARBARA J TRUSTEE	34 BIRCH AVE	TR 4299 Lot 29
562-162-08	1	\$647.00	DOUGHERTY STEPHEN P & MONICA	24 BIRCH AVE	TR 4299 Lot 30
562-162-09	1	\$647.00	ROSENTHAL STEVE ANDREW	14 BIRCH AVE	TR 4299 Lot 31
562-180-45	1	\$647.00	GOTTLIEB DAVID ANDREW & VIRGINIA TRS	741 N OXFORD AVE	TR 4668 Lot 18
TOTAL:		45	\$29,115.00		

CITY OF CLOVIS
ASSESSMENT DISTRICT NO. 1995-1
(Blackhorse Estates)
Assessment Roll
Fiscal Year 2022-23
Benefit Area 2

AGENDA ITEM NO. 5.

Assessor's Parcel Number	Benefit Area	Assessment Amount	Property Owner	Property Address	Tract and Lot
562-153-25	2	\$590.00	KUHL MICHAEL B	732 N HARVARD AVE	TR 4661 Lot 28
562-153-26	2	\$590.00	KEMP TIMOTHY F & SAUNDRA D	722 N HARVARD AVE	TR 4661 Lot 27
562-153-27	2	\$590.00	KONSTANZER KEVIN C & PAMELA S TRUSTEES	712 N HARVARD AVE	TR 4661 Lot 26
562-153-28	2	\$590.00	WEAVER JAMES & LISA TRUSTEES	692 N HARVARD AVE	TR 4661 Lot 25
562-153-29	2	\$590.00	PORTFOLIO MANAGEMENT SERVICES LLC	672 N HARVARD AVE	TR 4661 Lot 24
562-153-30	2	\$590.00	MAKEL JOHN T & RAQUEL	204 BIRCH AVE	TR 4661 Lot 23
562-153-31	2	\$590.00	HIRATA RYEN J & ERICA R JOHNSON TRS	214 BIRCH AVE	TR 4661 Lot 22
562-153-32	2	\$590.00	TURNBULL BRENT L & PATRICIA K TRS	234 BIRCH AVE	TR 4661 Lot 21
562-153-33	2	\$590.00	TRIFFON GARRETT	264 BIRCH AVE	TR 4661 Lot 20
562-153-34	2	\$590.00	AYDINYAN ARA	284 BIRCH AVE	TR 4661 Lot 19
562-153-35	2	\$590.00	ORTIZ KIRA	647 N DARTMOUTH AVE	TR 4661 Lot 18
562-153-36	2	\$590.00	L RODRIGUEZ R & T	667 N DARTMOUTH AVE	TR 4661 Lot 17
562-153-37	2	\$590.00	BICKEL BRUCE D TRUSTEE	687 N DARTMOUTH AVE	TR 4661 Lot 16
562-153-38	2	\$590.00	HOLGUIN GIL & KIM A	707 N DARTMOUTH AVE	TR 4661 Lot 15
562-153-39	2	\$590.00	MARTIN DARRELL B TRUSTEE	717 N DARTMOUTH AVE	TR 4661 Lot 14
562-153-40	2	\$590.00	ANALLA BRYAN G & MOLLY BLISS	727 N DARTMOUTH AVE	TR 4661 Lot 13
562-153-41	2	\$590.00	GUISTO NANCY A	737 N DARTMOUTH AVE	TR 4661 Lot 12
562-155-01	2	\$590.00	GATTIE BRADLEY H & KIRSTEN ANN TRS	673 N HARVARD AVE	TR 4661 Lot 29
562-155-02	2	\$590.00	GRAY LAURIE J & RANDALL M	676 N DARTMOUTH AVE	TR 4661 Lot 30
562-155-03	2	\$590.00	BREWER ADRIANNE M PETRUTIS & SCOTT M	696 N DARTMOUTH AVE	TR 4661 Lot 31
562-155-04	2	\$590.00	SLICK LEON H & SANDRA K	716 N DARTMOUTH AVE	TR 4661 Lot 32
562-155-05	2	\$590.00	HUDSON KIMBERLY SUE	726 N DARTMOUTH AVE	TR 4661 Lot 33
562-155-06	2	\$590.00	LEACH RONALD P & TRACY A	736 N DARTMOUTH AVE	TR 4661 Lot 34
562-180-01	2	\$590.00	KAHAL AMANDEEP	149 OAK AVE	TR 4668 Lot 1
562-180-02	2	\$590.00	MAINOCK RALPH H TRS	129 OAK AVE	TR 4668 Lot 2
562-180-03	2	\$590.00	ALCONCHER RONALD B & ANNA C TRS	99 OAK AVE	TR 4668 Lot 3
562-180-04	2	\$590.00	LOYD WILLIAM D & CYNTHIA L	89 OAK AVE	TR 4668 Lot 4
562-180-05	2	\$590.00	WALTER LOGAN PATRICK	69 OAK AVE	TR 4668 Lot 5
562-180-06	2	\$590.00	NOEL MIKE & TIFFANY	49 OAK AVE	TR 4668 Lot 6
562-180-07	2	\$590.00	DINATA ANTONIUS J & VERONICA M	790 N CHERRY LN	TR 4668 Lot 7
562-180-08	2	\$590.00	THOMPSON CRAIG	780 N CHERRY LN	TR 4668 Lot 8
562-180-09	2	\$590.00	RATZLAFF CHRISTOPHER	770 N CHERRY LN	TR 4668 Lot 9
562-180-10	2	\$590.00	SILVA ANNA	760 N CHERRY LN	TR 4668 Lot 10
562-180-11	2	\$590.00	KATEIAN JANICE L TRS	750 N CHERRY LN	TR 4668 Lot 11
562-180-12	2	\$590.00	WESSON VINCENT F & SANDRA C TRUSTEES	26 MINARETS AVE	TR 4668 Lot 12
562-180-13	2	\$590.00	LALLY GREGORY W & GRACE K TRUSTEES	46 MINARETS AVE	TR 4668 Lot 13
562-180-14	2	\$590.00	KEITH DIANA	66 MINARETS AVE	TR 4668 Lot 14
562-180-15	2	\$590.00	STONECIPHER KAREN TRUSTEE	86 MINARETS AVE	TR 4668 Lot 15

CITY OF CLOVIS
ASSESSMENT DISTRICT NO. 1995-1
(Blackhorse Estates)
Assessment Roll
Fiscal Year 2022-23
Benefit Area 2

AGENDA ITEM NO. 5.

Assessor's Parcel Number	Benefit Area	Assessment Amount	Property Owner	Property Address	Tract and Lot
562-180-19	2	\$590.00	HOLTERMANN DARRIN PAUL & JENNIFER LEE	742 N HARVARD AVE	TR 4668 Lot 19
562-180-20	2	\$590.00	KARST DENNIS S & KATHERINE TRUSTEES	693 N HARVARD AVE	TR 4668 Lot 20
562-180-21	2	\$590.00	REY STEVEN F & JULIE L TRUSTEES	713 N HARVARD AVE	TR 4668 Lot 21
562-180-22	2	\$590.00	RAMOS STEPHEN A & JACQUELINE R	723 N HARVARD AVE	TR 4668 Lot 22
562-180-23	2	\$590.00	CLARK MICHAEL & CYNTHIA TRUSTEES	733 N HARVARD AVE	TR 4668 Lot 23
562-180-24	2	\$590.00	DU BOIS DIANE D	743 N HARVARD AVE	TR 4668 Lot 24
562-180-25	2	\$590.00	MORRIS ROGER GARY & ZENAIDA MAPANAO TRS	753 N HARVARD AVE	TR 4668 Lot 25
562-180-26	2	\$590.00	KERN ANDREW C & NATALIE A TRS	197 MINARETS AVE	TR 4668 Lot 26
562-180-27	2	\$590.00	MORROW JOELENE ANN	187 MINARETS AVE	TR 4668 Lot 27
562-180-28	2	\$590.00	STANLEY MATTHEW	177 MINARETS AVE	TR 4668 Lot 28
562-180-29	2	\$590.00	CINO JOHN C	157 MINARETS AVE	TR 4668 Lot 29
562-180-30	2	\$590.00	DELCAMPO JANELLE MARIE	137 MINARETS AVE	TR 4668 Lot 30
562-180-31	2	\$590.00	OPIE SARA JOAN TRUSTEE	117 MINARETS AVE	TR 4668 Lot 31
562-180-32	2	\$590.00	RALEY EVELYN	97 MINARETS AVE	TR 4668 Lot 32
562-180-33	2	\$590.00	SCHARF DONALD R & DOROTHY D SPENCER TRS	77 MINARETS AVE	TR 4668 Lot 33
562-180-34	2	\$590.00	BESTON LAURENCE O & MARYBETH TRS	57 MINARETS AVE	TR 4668 Lot 34
562-180-35	2	\$590.00	DUCAR FRANK LEROY & GINNIE ILENE TRS	58 OAK AVE	TR 4668 Lot 35
562-180-36	2	\$590.00	HOFER FERDINAND & ANTJE TRUSTEES	78 OAK AVE	TR 4668 Lot 36
562-180-37	2	\$590.00	JACKSON LEANNE RAE TRUSTEE	98 OAK AVE	TR 4668 Lot 37
562-180-38	2	\$590.00	BELLOW CHERYL	118 OAK AVE	TR 4668 Lot 38
562-180-39	2	\$590.00	DANSBY PAUL	138 OAK AVE	TR 4668 Lot 39
562-180-40	2	\$590.00	CENTRAL PACIFIC INVESTMENT CORPORATION	158 OAK AVE	TR 4668 Lot 40
562-180-41	2	\$590.00	KRUEGER TIMOTHY K	178 OAK AVE	TR 4668 Lot 41
562-180-42	2	\$590.00	HULL HARLAN & ROBIN	188 OAK AVE	TR 4668 Lot 42
562-180-43	2	\$590.00	DEWEY CARL C	198 OAK AVE	TR 4668 Lot 43
562-180-44	2	\$590.00	HAMES KENT L TRUSTEE	106 MINARETS AVE	TR 4668 Lots 16 & 17
562-180-46	2	\$590.00	MANALANSAN EDUARDO L & ROSEMARIE M	179 OAK AVE	TR 4661 Lot 1
562-180-47	2	\$590.00	AULT PHILIP H & COLLEEN K	189 OAK AVE	TR 4661 Lot 2
562-180-48	2	\$590.00	HAUS SPENCER N & CATHLEEN J	219 OAK AVE	TR 4661 Lot 3
562-180-49	2	\$590.00	BREWER RANDALL C & CHERI L TRUSTEES	249 OAK AVE	TR 4661 Lot 4
562-180-50	2	\$590.00	ENG MICHAEL S & PEARL K MA TRUSTEES	269 OAK AVE	TR 4661 Lot 5
562-180-51	2	\$590.00	KUYPER JASON J	797 N DARTMOUTH AVE	TR 4661 Lot 6
562-180-52	2	\$590.00	LOPEZ EMILIO & CRISTINA	787 N DARTMOUTH AVE	TR 4661 Lot 7
562-180-53	2	\$590.00	BESECKER RICHARD A & MARCIE E TRS	777 N DARTMOUTH AVE	TR 4661 Lot 8
562-180-54	2	\$590.00	WILLIAMS RICHARD E & LOLA T TRS	767 N DARTMOUTH AVE	TR 4661 Lot 9
562-180-55	2	\$590.00	STUEBNER KRIS & PRISCILLA	757 N DARTMOUTH AVE	TR 4661 Lot 10
562-180-56	2	\$590.00	CRUZ RAMIRO	747 N DARTMOUTH AVE	TR 4661 Lot 11
562-180-57	2	\$590.00	HOODE SUMANGALI	746 N DARTMOUTH AVE	TR 4661 Lot 12

CITY OF CLOVIS
ASSESSMENT DISTRICT NO. 1995-1
(Blackhorse Estates)
Assessment Roll
Fiscal Year 2022-23
Benefit Area 2

<i>AGENDA ITEM NO. 5.</i>

Assessor's Parcel Number	Benefit Area	Assessment Amount	Property Owner	Property Address	Tract and Lot
562-180-58	2	\$590.00	SIRMAN JAMES A	756 N DARTMOUTH AVE	TR 4661 Lot 36
562-180-59	2	\$590.00	VAN PROYEN DARYL	766 N DARTMOUTH AVE	TR 4661 Lot 37
562-180-60	2	\$590.00	BYRD JAMES L & DOROTHY J TRUSTEES	268 OAK AVE	TR 4661 Lot 38
562-180-61	2	\$590.00	GIZZO EVELYN E	248 OAK AVE	TR 4661 Lot 39
562-180-62	2	\$590.00	JOHNSON KIM & BENJAMIN M	228 OAK AVE	TR 4661 Lot 40
<hr/>					
TOTAL:	81	\$47,790.00			



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Police Department

DATE: May 9, 2022

SUBJECT: Police - Approval - Res. 22-____, Amending the 2021-2022 Police Department Budget to reflect the award of the CalRecycle Disposal Site Abatement Grant Program in the amount of \$228,140.

ATTACHMENTS: 1. Resolution 22- _____
2. Grant Program Agreement

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to approve a Resolution amending the 2021-2022 Police Department Budget to reflect the grant award from the CalRecycle Illegal Disposal Site Abatement Grant Program in the amount of \$228,140.

EXECUTIVE SUMMARY

The Clovis Police Department has been awarded \$228,140 for the 2021-22 Illegal Disposal Sites Abatement Grant Program. This grant is provided by the Department of Resources Recycling and Recovery. The grant provides funds to be used to improve and remediate illegal dumping on abandoned, idled, or underutilized properties, parks, trails, and unauthorized dumping that negatively impacts our community.

BACKGROUND

The purpose of this program is to provide funding that will allow for improvements to public health and safety and the environment, recycling and reuse of recovered materials, and restoring land to its beneficial uses through a detailed clean-up project within the City.

FISCAL IMPACT

Acceptance of this grant is not expected to impact the allocation of funds in the City budget.

REASON FOR RECOMMENDATION

To approve the amendment of the FY 2021-2022 Police Department Budget to reflect the award of the CalRecycle Illegal Disposal Site Abatement Grant of \$228,140.

ACTIONS FOLLOWING APPROVAL

After the Council's approval, the 2021-2022 Police Department Annual Budget will be amended as described. Program objectives are currently in-progress.

Prepared by: Sandra Macy, Management Analyst

Reviewed by: City Manager *AM*

RESOLUTION NO. 22-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
APPROVING AN AMENDMENT TO THE ANNUAL BUDGET FOR THE FISCAL
YEAR FOR 2021-2022**

WHEREAS, the City Council of the City of Clovis approved the 2021-2022 Budget on June 14, 2021; and

WHEREAS, the Police Department has been awarded the CalRecycle Disposal Site Abatement Grant in the amount of \$228,140 from the Department of Resources Recycling and Recovery Program; and

WHEREAS, the City Council determines that these expenditures are necessary.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clovis that the 2021-2022 Budget be amended as provided in Attachment A “Summary of Expenditures, By Department”, “Summary of Expenditures by Fund.”

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 9, 2022, by the following vote, to wit.

AYES:
NOES:
ABSENT:
ABSTAIN:

DATED: May 9, 2022

Mayor

City Clerk

SUMMARY OF EXPENDITURES BY DEPARTMENT

DEPARTMENT

POLICE	\$228,140
TOTAL DEPARTMENT	\$228,140

SUMMARY OF EXPENDITURES BY FUND

GENERAL FUND	\$228,140
TOTAL FUND	\$228,140

All expenditures will be out of the grant budget 56300.

State of California - California Environmental Protection Agency
CalRecycle 110 (Rev 10/19)

Department of Resources Recycling and Recovery (CalRecycle)

Grant Agreement Cover Sheet

Grant Number
SWC86-21-0005
Name of Grant Program
2021-22 Illegal Disposal Sites Abatement Grant Program
Grantee Name
City of Clovis Police Department
Taxpayer's Federal Employer Identification Number
94-6000311
Total Grant not to Exceed
\$228,140.00
Start of Grant Term
Notice to Proceed Email Date
End of Grant Term
June 30, 2024

The Department of Resources Recycling and Recovery (CalRecycle) and City of Clovis Police Department (the "Grantee"), in mutual consideration of the promises made herein, agree to comply with the provisions of this Agreement, which consists of this Grant Agreement Cover Sheet and the following Exhibits, which are incorporated by this reference and made a part of this Agreement as if attached hereto:

- Exhibit A – Terms and Conditions
- Exhibit B – Procedures and Requirements
- Exhibit C – Application with revisions, if any, and any amendments

This Agreement is of no force or effect until signed by both parties. Grantee shall not commence performance until it receives written approval from CalRecycle. In witness whereof, the parties hereto have executed this Agreement as of the dates entered below.

Page 1 of 3
SWC86-21-0005
City of Clovis Police Department

Department/Grantor Name	Grantee Name
CalRecycle	City of Clovis Police Department
Signature of CalRecycle's Authorized Signatory	Signature of Grantee's Authorized Signatory (as authorized in Resolution, Letter of Commitment, or Letter of Designation)
X Brandy Hunt <small>Digitally signed by Brandy Hunt Date: 2022.04.05 13:34:45 -07'00'</small>	John Holt <small>Digitally signed by John Holt Date: 2022.04.05 10:47:42 -07'00'</small>
Printed Name of CalRecycle's Authorized Signatory	Printed Name of Grantee's Authorized Signatory
Brandy Hunt	John Holt
Title	Title
Deputy Director, CalRecycle	City Manager
Date	Date
Apr 5, 2022	Mar 28, 2022

Grantee Payment Address
Clovis Police Department 1233 Fifth Street Clovis, CA 93612

Revised Grantee Payment Address (if needed)

Certification of Funding

Amount Encumbered by this Agreement	Prior Amount Encumbered for this Agreement	Total Amount Encumbered to Date
\$228,140.00		\$228,140.00
Grant Year/Program	Chapter	Statute Year
2021-22 Illegal Disposal Sites Abatement Grant Program	655	1993
Org Code	Reference	Fund
3970	516	0386
Enactment Year	Fiscal Year	Fund Title
1993	2020-21	SWDTF

Fi\$Cal Expenditure Information

Reporting Structure	Program (PGM-SUB-TSK)	Account/Alt Account
39707820	3700000222	5340580

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.

Signature of CalRecycle Budget Office	Date
Dalma Gomez <small>Digitally signed by Dalma Gomez Date: 2022.03.23 17:00:05 -0700</small>	Mar 23, 2022

Exhibit A

Terms and Conditions

Solid Waste Disposal and Codisposal Site Cleanup Grant Program Fiscal Year 2021-22

The following terms used in this Grant Agreement (Agreement) have the meanings given to them below, unless the context clearly indicates otherwise:

- "CalRecycle" means the Department of Resources Recycling and Recovery.
- "Director" means the Director of CalRecycle or his or her designee.
- "Grant Agreement" and "Agreement" means all documents comprising the agreement between CalRecycle and the Grantee for this Grant.
- "Grant Manager" means CalRecycle staff person responsible for monitoring the grant.
- "Grantee" means the recipient of funds pursuant to this Agreement.
- "Program" means the Solid Waste Disposal and Codisposal Site Cleanup Grant Program.
- "State" means the State of California, including, but not limited to, CalRecycle and/or its designated officer.

Air or Water Pollution Violation

The grantee shall not be:

- (a) In violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district.
- (b) Out of compliance with any final cease and desist order issued pursuant to Water Code Section 13301 for violation of waste discharge requirements or discharge prohibitions.
- (c) Finally determined to be in violation of provisions of federal law relating to air or water pollution.

Amendment

No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties, and approved as required. No oral understanding or agreement not incorporated into this Agreement is binding on any of the parties. This Agreement may be amended, modified or augmented by mutual consent of the parties, subject to the requirements and restrictions of this paragraph.

Americans with Disabilities Act

The grantee assures the state that it complies with the Americans with Disabilities Act of 1990 (ADA)(42 U.S.C.§ 12101 et seq.), which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA.

Assignment, Successors, and Assigns

- (a) This Agreement may not be assigned by the grantee, either in whole or in part, without CalRecycle's prior written consent.

(b) The provisions of this Agreement shall be binding upon and inure to the benefit of CalRecycle, the grantee, and their respective successors and assigns.

Audit/Records Access

The grantee agrees that CalRecycle, the Department of Finance, the Bureau of State Audits, or their designated representative(s) shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. The grantee agrees to maintain such records for possible audit for a minimum of three (3) years after final payment date or grant term end date, whichever is later, unless a longer period of records retention is stipulated, or until completion of any action and resolution of all issues which may arise as a result of any litigation, dispute, or audit, whichever is later. The grantee agrees to allow the designated representative(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, the grantee agrees to include a similar right of the state to audit records and interview staff in any contract or subcontract related to performance of this Agreement.

[It may be helpful to share the Terms and Conditions and Procedures and Requirements with your finance department, contractors and subcontractors. Examples of audit documentation include, but are not limited to: expenditure ledger, payroll register entries and time sheets, personnel expenditure summary form, travel expense log, paid warrants, contracts, change orders, invoices, and/or cancelled checks.]

Authorized Representative

The grantee shall continuously maintain a representative vested with signature authority authorized to work with CalRecycle on all grant-related issues. The grantee shall, at all times, keep the Grant Manager informed as to the identity and contact information of the authorized representative.

Availability of Funds

CalRecycle's obligations under this Agreement are contingent upon and subject to the availability of funds appropriated for this grant.

Bankruptcy/Declaration of Fiscal Emergency Notification

If the grantee files for protection under Chapter 9 of the U.S. Bankruptcy Code (11 U.S.C. §901 et seq.) or declares a fiscal emergency at any time during the Grant Term, the grantee shall notify CalRecycle within 15 days of such filing or declaration, pursuant to the procedures set forth in the Section entitled "Communications" herein.

Charter Cities

If the grantee is a charter city, a joint powers authority that includes one or more charter cities, or the regional lead for a regional program containing one or more charter cities, the grantee shall not receive any grant funding if such funding is prohibited by Labor Code section 1782. If it is determined that Labor Code section 1782 prohibits funding for the grant project, this Agreement will be terminated and any disbursed grant funds shall be returned to CalRecycle.

Child Support Compliance Act

For any agreement in excess of \$100,000, the grantee acknowledges that:

- (a) The grantee recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Family Code Section 5200 et seq.
- (b) The grantee, to the best of its knowledge, is fully complying with the earnings assignment orders of all employees, and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.

Communications

All communications from the grantee to CalRecycle shall be directed to the Grant Manager. All notices, including reports and payment requests, required by this Agreement shall be given in writing by email, letter, or fax to the Grant Manager as identified in the Procedures and Requirements (Exhibit B). If an original document is required, prepaid mail or personal delivery to the Grant Manager is required following the email or fax.

Compliance

The grantee shall comply fully with all applicable federal, state, and local laws, ordinances, regulations, and permits. The grantee shall provide evidence, upon request, that all local, state, and/or federal permits, licenses, registrations, and approvals have been secured for the purposes for which grant funds are to be expended. The grantee shall maintain compliance with such requirements throughout the Grant Term. The grantee shall ensure that the requirements of the California Environmental Quality Act are met for any approvals or other requirements necessary to carry out the terms of this Agreement. The grantee shall ensure that all of grantee's contractors and subcontractors have all local, state, and/or federal permits, licenses, registrations, certifications, and approvals required to perform the work for which they are hired. Any deviation from the requirements of this section shall result in non-payment of grant funds.

Conflict of Interest

The grantee needs to be aware of the following provisions regarding current or former state employees. If the grantee has any questions on the status of any person rendering services or involved with this Agreement, CalRecycle must be contacted immediately for clarification.

Current State Employees (Pub. Contract Code, § 10410):

- (a) No officer or employee shall engage in any employment, activity, or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity, or enterprise is required as a condition of regular state employment.
- (b) No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.

Former State Employees (Pub. Contract Code, § 10411):

- (a) For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by any state agency.

(b) For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the twelve month period prior to his or her leaving state service.

If the grantee violates any provisions of above paragraphs, such action by the grantee shall render this Agreement void. (Pub. Contract Code, § 10420).

Contractors/Subcontractors

The grantee will be entitled to make use of its own staff and such contractors and subcontractors as are mutually acceptable to the grantee and CalRecycle. Any change in contractors or subcontractors must be mutually acceptable to the parties. Immediately upon termination of any such contract or subcontract, the grantee shall notify the Grant Manager.

Nothing contained in this Agreement or otherwise, shall create any contractual relation between CalRecycle and any contractors or subcontractors of grantee, and no agreement with contractors or subcontractors shall relieve the grantee of its responsibilities and obligations hereunder. The grantee agrees to be as fully responsible to CalRecycle for the acts and omissions of its contractors and subcontractors and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by the grantee. The grantee's obligation to pay its contractors and subcontractors is an independent obligation from CalRecycle's obligation to make payments to the grantee. As a result, CalRecycle shall have no obligation to pay or to enforce the payment of any moneys to any contractor or subcontractor.

Copyrights

Grantee retains title to any copyrights or copyrightable material produced pursuant to this Agreement. Grantee hereby grants to CalRecycle a royalty-free, nonexclusive, transferable, world-wide license to reproduce, translate, and distribute copies of any and all copyrightable materials produced pursuant this Agreement, for nonprofit, non-commercial purposes, and to have or permit others to do so on CalRecycle's behalf. Grantee is responsible for obtaining any necessary licenses, permissions, releases or authorizations to use text, images, or other materials owned, copyrighted, or trademarked by third parties and for extending such licenses, permissions, releases, or authorizations to CalRecycle pursuant to this section.

Corporation Qualified to do Business in California

When work under this Agreement is to be performed in California by a corporation, the corporation shall be in good standing and currently qualified to do business in the State. "Doing business" is defined in Revenue and Taxation Code Section 23101 as actively engaging in any transaction for the purpose of financial or pecuniary gain or profit.

Discharge of Grant Obligations

The grantee's obligations under this Agreement shall be deemed discharged only upon acceptance of the final report by CalRecycle. If the grantee is a non-profit entity, the grantee's Board of Directors shall accept and certify as accurate the final report prior to its submission to CalRecycle.

Disclaimer of Warranty

CalRecycle makes no warranties, express or implied, including without limitation, the implied warranties of merchantability and fitness for a particular purpose, regarding the materials, equipment, services or products purchased, used, obtained and/or produced with funds awarded under this Agreement, whether such materials, equipment, services or products are purchased, used, obtained and/or produced alone or in combination with other materials, equipment, services or products. No CalRecycle employees or agents have any right or authority to make any other representation, warranty or promise with respect to any materials, equipment, services or products, purchased, used, obtained, or produced with grant funds. In no event shall CalRecycle be liable for special, incidental or consequential damages arising from the use, sale or distribution of any materials, equipment, services or products purchased or produced with grant funds awarded under this Agreement.

Discretionary Termination

The Director shall have the right to terminate this Agreement at his or her sole discretion at any time upon 30 days written notice to the grantee. Within 45 days of receipt of written notice, grantee is required to:

- (a) Submit a final written report describing all work performed by the grantee.
- (b) Submit an accounting of all grant funds expended up to and including the date of termination.
- (c) Reimburse CalRecycle for any unspent funds.

Disputes

In the event of a dispute regarding performance under this Agreement or interpretation of requirements contained therein, the grantee may, in addition to any other remedies that may be available, provide written notice of the particulars of such dispute to the Branch Chief of Financial Resources Management Branch, Department of Resources Recycling and Recovery, PO Box 4025, Sacramento, CA 95812-4025. Such written notice must contain the grant number.

Unless otherwise instructed by the Grant Manager, the grantee shall continue with its responsibilities under this Agreement during any dispute.

Drug-Free Workplace Certification

The person signing this Agreement on behalf of the grantee certifies under penalty of perjury under the laws of California, that the grantee will comply with the requirements of the Drug-Free Workplace Act of 1990 (Gov. Code, § 8350 et seq.) and will provide a drug-free workplace by taking the following actions:

- (a) Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited and specifying actions that will be taken against employees for violations.
- (b) Establish a drug-free awareness program to inform employees about all of the following:
 - (1) The dangers of drug abuse in the workplace.
 - (2) The grantee's policy of maintaining a drug-free workplace.
 - (3) Any available counseling, rehabilitation, and employee assistance programs.
 - (4) Penalties that may be imposed upon employees for drug abuse violations.
- (c) Require that each employee who works on the grant:
 - (1) Receive a copy of the drug-free policy statement of the grantee.

(2) Agrees to abide by the terms of such statement as a condition of employment on the grant.

Failure to comply with these requirements may result in suspension of payments under the Agreement or termination of the Agreement or both and grantee may be ineligible for award of any future state agreements if CalRecycle determines that the grantee has made a false certification, or violated the certification by failing to carry out the requirements as noted above.

Effectiveness of Agreement

This Agreement is of no force or effect until signed by both parties.

Entire Agreement

This Agreement supersedes all prior agreements, oral or written, made with respect to the subject hereof and, together with all attachments hereto, contains the entire agreement of the parties.

Environmental Justice

In the performance of this Agreement, the grantee shall conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.

Expatriate Corporations

The person signing this Agreement on behalf of the grantee certifies under penalty of perjury under the laws of California, that the grantee is not an expatriate corporation or subsidiary of an expatriate corporation within the meaning of Public Contract Code Sections 10286 and 10286.1, and is eligible to contract with the State of California.

Failure to Perform as Required by this Agreement

CalRecycle will benefit from the grantee's full compliance with the terms of this Agreement only by the grantee's:

- (a) Investigation and/or application of technologies, processes, and devices which support reduction, reuse, and/or recycling of wastes.
- (b) Cleanup of the environment.
- (c) Enforcement of solid waste statutes and regulations, as applicable.

Therefore, the grantee shall be in compliance with this Agreement only if the work it performs results in:

- (a) Application of information, a process, usable data or a product which can be used to aid in reduction, reuse, and/or recycling of waste.
- (b) The cleanup of the environment.
- (c) The enforcement of solid waste statutes and regulations, as applicable.

If the Grant Manager determines that the grantee has not complied with the Grant Agreement, the grantee may forfeit the right to reimbursement of any grant funds not already paid by CalRecycle, including, but not limited to, the 10 percent withhold.

Force Majeure

Neither CalRecycle nor the grantee, its contractors, vendors, or subcontractors, if any, shall be responsible hereunder for any delay, default, or nonperformance of this Agreement, to the extent that such delay, default, or nonperformance is caused by an act of God, weather, accident, labor strike, fire, explosion, riot, war, rebellion, sabotage, flood, or other contingencies unforeseen by CalRecycle or the grantee, its contractors, vendors, or subcontractors, and beyond the reasonable control of such party.

Forfeit of Grant Funds/Repayment of Funds Improperly Expended

If grant funds are not expended, or have not been expended, in accordance with this Agreement, or if real or personal property acquired with grant funds is not being used, or has not been used, for grant purposes in accordance with this Agreement, the Director, at his or her sole discretion, may take appropriate action under this Agreement, at law or in equity, including requiring the grantee to forfeit the unexpended portion of the grant funds, including, but not limited to, the 10 percent withhold, and/or to repay to CalRecycle any funds improperly expended.

Generally Accepted Accounting Principles

The grantee is required to use Generally Accepted Accounting Principles in documenting all grant expenditures.

Grant Manager

The Grant Manager's responsibilities include monitoring grant progress, and reviewing and approving Grant Payment Requests and other documents delivered to CalRecycle pursuant to this Agreement. The Grant Manager may monitor grantee performance to ensure that the grantee expends grant funds appropriately and in a manner consistent with the terms and conditions contained herein. The Grant Manager does not have the authority to approve any deviation from or revision to the Terms and Conditions (Exhibit A) or the Procedures and Requirements (Exhibit B), unless such authority is expressly stated in the Procedures and Requirements (Exhibit B).

Grantee Accountability

The grantee is ultimately responsible and accountable for the manner in which the grant funds are utilized and accounted for and the way the grant is administered, even if the grantee has contracted with another organization, public or private, to administer or operate its grant program. In the event an audit should determine that grant funds are owed to CalRecycle, the grantee is responsible for repayment of the funds to CalRecycle.

Grantee's Indemnification and Defense of the State

The grantee agrees to indemnify, defend and save harmless the state and CalRecycle, and their officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this Agreement, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by the grantee as a result of the performance of this Agreement.

Grantee's Name Change

A written amendment is required to change the grantee's name as listed on this Agreement. Upon receipt of legal documentation of the name change, CalRecycle will process the amendment. Payment of Payment Requests presented with a new name cannot be paid prior to approval of the amendment.

In Case of Emergency

In the event of an emergency, or where there is an imminent threat to public health and safety or the environment, the grantee may choose, at its own risk, to incur grant-eligible expenses not previously included in the approved Budget, subject to subsequent approval by the Grant Manager of both the Budget change and the need to implement the Budget change on an emergency basis. The grantee shall notify the Grant Manager of the emergency and the Budget change at the earliest possible opportunity. CalRecycle reserves the right to accept or reject the grantee's determination that the circumstances constituted an emergency or a threat to public health and safety or the environment. If the Grant Manager determines that the circumstances did not constitute an emergency or a threat to public health or safety, the Budget change will be disallowed.

Landowner Compensation for Labor

CalRecycle will not compensate a landowner for the cost of the landowner's own labor, or the labor of the landowner's immediate family members (parents, spouse, children, and siblings) in performing work necessary to clean up the landowner's property. This includes situations in which the landowner is a licensed contractor and/or owns a company or an interest in a company licensed or qualified to perform work needed to clean up the property.

Licensed Contractors

In the performance of this Agreement, the grantee shall use licensed, permitted, and/or registered contractors for all work and/or services for which a license is required by local, state, or federal statute, ordinance or regulation. Such services include, but are not limited to, earthwork and paving (16 CCR § 832.12), fencing (16 CCR § 832.13), landscaping (16 CCR § 832.27), sign installation (16 CCR § 832.61 subcategory D42), construction clean-up (16 CCR § 832.61 subcategory D63), land clearing (16 CCR § 832.61 subcategory D19), waste tire facility operators (14 CCR § 18420; PRC § 42820 et seq.) and waste tire haulers (14 CCR §§ 18454, 18455; PRC § 42951).

National Labor Relations Board Certification

The person signing this Agreement on behalf of the grantee certifies under penalty of perjury that no more than one final unappealable finding of contempt of court by a federal court has been issued against the grantee within the immediately preceding two-year period because of the grantee's failure to comply with an order of a federal court which orders the grantee to comply with an order of the National Labor Relations Board. This section is not applicable if the grantee is a public entity.

No Agency Relationship Created/Independent Capacity

The grantee and the agents and employees of grantee, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of CalRecycle.

No Waiver of Rights

CalRecycle shall not be deemed to have waived any rights under this Agreement unless such waiver is given in writing and signed by CalRecycle. No delay or omission on the part of CalRecycle in exercising any rights shall operate as a waiver of such right or any other right. A waiver by CalRecycle of a provision of this Agreement shall not prejudice or constitute a waiver of CalRecycle's right otherwise to demand strict compliance with that provision or any other provision of this Agreement. No prior waiver by CalRecycle, nor any course of dealing between CalRecycle and grantee, shall constitute a waiver of any of CalRecycle's rights or of any of grantee's obligations as to any future transactions. Whenever the consent of CalRecycle is required under this Agreement, the granting of such consent by CalRecycle in any instance shall not constitute continuing consent to subsequent instances where such consent is required and in all cases such consent may be granted or withheld in the sole discretion of CalRecycle.

Non-Discrimination Clause

- (a) During the performance of this Agreement, grantee and its contractors shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment on the bases enumerated in Government Code Section 12900 et seq.
- (b) The person signing this Agreement on behalf of the grantee certifies under penalty of perjury under the laws of California that the grantee has, unless exempted, complied with the nondiscrimination program requirements (Gov. Code, § 12990, subd. (a-f) and California Code of Regulations, Title 2, Section 8103). (Not applicable to public entities.)

Order of Precedence

The performance of this grant shall be conducted in accordance with the Terms and Conditions, Procedures and Requirements, Project Summary/Statement of Use, Work Plan, and Budget of this Agreement, or other combination of Exhibits specified on the Grant Agreement Coversheet attached hereto (collectively referred to as "Terms"). Grantee's CalRecycle-approved Application (Grantee's Application) is hereby incorporated herein by this reference. In the event of conflict or inconsistency between the articles, exhibits, attachments, specifications or provisions that constitute this Agreement, the following order of precedence shall apply:

- (a) Grant Agreement Coversheet and any Amendments thereto
- (b) Terms and Conditions
- (c) Procedures and Requirements
- (d) Project Summary/Statement of Use
- (e) Budget
- (f) Work Plan
- (g) Grantee's Application
- (h) All other attachments hereto, including any that are incorporated by reference.

Ownership of Drawings, Plans, and Specifications

The grantee shall, at the request of CalRecycle or as specifically directed in the Procedures and Requirements (Exhibit B), provide CalRecycle with copies of any data, drawings, design plans, specifications, photographs, negatives, audio and video productions, films, recordings, reports, findings, recommendations, and memoranda of every description or any part thereof, prepared under this Agreement. Grantee hereby grants to CalRecycle a royalty-free, nonexclusive, transferable, world-wide license to reproduce, translate, and distribute copies of any and all such materials produced pursuant this Agreement, for nonprofit, non-commercial purposes, and to have or permit others to do so on CalRecycle's behalf.

Payment

- (a) The approved Budget, if applicable, is attached hereto and incorporated herein by this reference and states the maximum amount of allowable costs for each of the tasks identified in the Work Plan, if applicable, which is attached hereto and incorporated herein by this reference. CalRecycle shall reimburse the grantee for only the work and tasks specified in the Work Plan or the Grantee's Application at only those costs specified in the Budget and incurred in the term of the Agreement.
- (b) The grantee shall carry out the work described in the Work Plan or in the Grantee's Application in accordance with the approved Budget, and shall obtain the Grant Manager's written approval of any changes or modifications to the Work Plan, approved project as described in the Grantee's Application or the approved Budget prior to performing the changed work or incurring the changed cost. If the grantee fails to obtain such prior written approval, the Director, at his or her sole discretion, may refuse to provide funds to pay for such work or costs.
- (c) The grantee shall request reimbursement in accordance with the procedures described in the Procedures and Requirements.
- (d) Ten percent will be withheld from each Payment Request and paid at the end of the grant term, when all reports and conditions stipulated in this Agreement have been satisfactorily completed. Failure by the grantee to satisfactorily complete all reports and conditions stipulated in this Agreement may result in forfeiture of any such funds withheld pursuant to CalRecycle's ten percent (10%) retention policy.
- (e) Lodgings, Meals and Incidentals: Grantee's Per Diem eligible costs are limited to the amounts authorized in the California State Administrative Manual (contact the Grant Manager for more information).
- (f) Payment will be made only to the grantee.
- (g) Reimbursable expenses shall not be incurred unless and until the grantee receives a Notice to Proceed as described in the Procedures and Requirements (Exhibit B).

Personal Jurisdiction

The grantee consents to personal jurisdiction in the State of California for all proceedings concerning the validity and operation of this Agreement and the performance of the obligations imposed upon the parties. Native American Tribal grantees expressly waive tribal sovereign immunity as a defense to any and all proceedings concerning the validity and operation of this Agreement and the performance of the obligations imposed upon the parties.

Personnel Costs

If there are eligible costs pursuant to the Procedures and Requirements (Exhibit B), any personnel expenditures to be reimbursed with grant funds must be computed based on actual time spent on grant-related activities and on the actual salary or equivalent hourly wage the employee is paid for his or her regular job duties, including a proportionate share of any benefits to which the employee is entitled, unless otherwise specified in the Procedures and Requirements (Exhibit B).

Real and Personal Property Acquired with Grant Funds

- (a) All real and personal property, including equipment and supplies, acquired with grant funds shall be used by the grantee only for the purposes for which CalRecycle approved their acquisition for so long as such property is needed for such purposes, regardless of whether the grantee continues to receive grant funds from CalRecycle for such purposes. In no event shall the length of time during which such property, including equipment and supplies, acquired with grant funds, is used for the purpose for which CalRecycle approved its acquisition be less than five (5) years after the end of the grant term, during which time the property, including equipment and supplies, must remain in the State of California.
- (b) Subject to the obligations and conditions set forth in this section, title to all real and personal property acquired with grant funds, including all equipment and supplies, shall vest upon acquisition in the grantee. The grantee may be required to execute all documents required to provide CalRecycle with a security interest in any real or personal property, including equipment and supplies, and it shall be a condition of receiving this grant that CalRecycle shall be in first priority position with respect to the security interest on any such property acquired with the grant funds, unless pre-approved in writing by the Grant Manager that CalRecycle will accept a lower priority position with respect to the security interest on the property. Grantee shall inform any lender(s) from whom it is acquiring additional funding to complete the property purchase of this grant condition.
- (c) The grantee may not transfer Title to any real or personal property, including equipment and supplies, acquired with grant funds to any other entity without the express authorization of CalRecycle.
- (d) CalRecycle will not reimburse the grantee for the acquisition of equipment that was previously purchased with CalRecycle grant funds, unless the acquisition of such equipment with grant funds is pre-approved in writing by the Grant Manager. In the event of a question concerning the eligibility of equipment for grant funding, the burden will be on the grantee to establish the pedigree of the equipment.

Reasonable Costs

A cost is reasonable if, in its nature or amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. Consideration will be given to:

- (a) Whether the cost is of a type generally recognized as ordinary and necessary for the performance of the grant.
- (b) The restraints or requirements imposed by such factors as generally accepted sound business practices, arms-length bargaining, federal and state laws and regulations, and the terms and conditions of this Agreement.

- (c) Whether the individuals concerned acted with prudence in the circumstances, considering their responsibilities to the organization, its members, employees, clients, and the public at large.
- (d) Significant deviations from the established practices of the organization which may unjustifiably increase the grant costs.

Recycled-Content Paper

All documents submitted by the grantee must be printed double-sided on recycled-content paper containing 100 percent post-consumer fiber. Specific pages containing full color photographs or other ink-intensive graphics may be printed on photographic paper.

Reduction of Waste

In the performance of this Agreement, grantee shall take all reasonable steps to ensure that materials purchased or utilized in the course of the project are not wasted. Steps should include, but not be limited to: the use of used, reusable, or recyclable products; discretion in the amount of materials used; alternatives to disposal of materials consumed; and the practice of other waste reduction measures where feasible and appropriate.

Reduction of Waste Tires

Unless otherwise provided for in this Agreement, in the performance of this Agreement, for all purchases made with grant funds, including, but not limited to equipment and tire-derived feedstock, the grantee shall purchase and/or process only California waste tires and California waste tire-derived products. As a condition of final payment under this Agreement, the grantee must provide documentation substantiating the source of the tire materials used during the performance of this Agreement to the Grant Manager.

Reimbursement Limitations

Under no circumstances shall the grantee seek reimbursement pursuant to this Agreement for a cost or activity that has been or will be paid for through another funding source. The grantee shall not seek reimbursement for any costs used to meet cost sharing or matching requirements of any other CalRecycle funded program.

All costs charged against the Agreement shall be net of all applicable credits. The term "applicable credits" refers to those receipts or reductions of expenditures that operate to offset or reduce expense items that are reimbursable under this Agreement. Applicable credits may include, but are not necessarily limited to, rebates or allowances, discounts, credits toward subsequent purchases, and refunds. Grantee shall, where possible, deduct the amount of the credit from the amount billed as reimbursement for the cost, or shall deduct the amount of the credit from the total billed under a future invoice.

Reliable Contractor Declaration

Prior to authorizing any contractor or subcontractor to commence work under this Grant, the grantee shall submit to CalRecycle a Reliable Contractor Declaration (CalRecycle 168) from the contractor or subcontractor, signed under penalty of perjury, disclosing whether of any of the events listed in Section 17050 of Title 14, [California Code of Regulations, Natural Resources](https://www.calrecycle.ca.gov/laws/regulations/title14) (<https://www.calrecycle.ca.gov/laws/regulations/title14>), Division 7, has occurred with respect to the contractor or subcontractor within the preceding three (3) years. If a

contractor is placed on CalRecycle's Unreliable List after award of this Grant, the grantee may be required to terminate that contract.

Remedies

Unless otherwise expressly provided herein, the rights and remedies hereunder are in addition to, and not in limitation of, other rights and remedies under this Agreement, at law or in equity, and exercise of one right or remedy shall not be deemed a waiver of any other right or remedy.

Self-Dealing and Arm's Length Transactions

All expenditures for which reimbursement pursuant to this Agreement is sought shall be the result of arm's-length transactions and not the result of, or motivated by, self-dealing on the part of the grantee or any employee or agent of the grantee. For purposes of this provision, "arm's-length transactions" are those in which both parties are on equal footing and fair market forces are at play, such as when multiple vendors are invited to compete for an entity's business and the entity chooses the lowest of the resulting bids. "Self-dealing" is involved where an individual or entity is obligated to act as a trustee or fiduciary, as when handling public funds, and chooses to act in a manner that will benefit the individual or entity, directly or indirectly, to the detriment of, and in conflict with, the public purpose for which all grant monies are to be expended.

Severability

If any provisions of this Agreement are found to be unlawful or unenforceable, such provisions will be voided and severed from this Agreement without affecting any other provision of this Agreement. To the full extent, however, that the provisions of such applicable law may be waived, they are hereby waived to the end that this Agreement be deemed to be a valid and binding agreement enforceable in accordance with its terms.

Site Access

The grantee shall allow the state to access sites at which grant funds are expended and related work being performed at any time during the performance of the work and for 90 days after completion of the work, or until all issues related to the grant project have been resolved.

Stop Work Notice

Immediately upon receipt of a written notice from the Grant Manager to stop work, the grantee shall cease all work under this Agreement.

Termination for Cause

CalRecycle may terminate this Agreement and be relieved of any payments should the grantee fail to perform the requirements of this Agreement at the time and in the manner herein provided. In the event of such termination, CalRecycle may proceed with the work in any manner deemed proper by CalRecycle. All costs to CalRecycle shall be deducted from any sum due the grantee under this Agreement. Termination pursuant to this section may result in forfeiture by the grantee of any funds retained pursuant to CalRecycle's 10 percent retention policy.

Time is of the Essence

Time is of the essence to this Agreement.

Tolling of Statute of Limitations

The statute of limitations for bringing any action, administrative or civil, to enforce the terms of this Agreement or to recover any amounts determined to be owing to CalRecycle as the result of any audit of the grant covered by this Agreement shall be tolled during the period of any audit resolution, including any appeals by the grantee to the Director.

Union Organizing

By signing this Agreement, the grantee hereby acknowledges the applicability of Government Code Sections 16645, 16645.2, 16645.8, 16646, 16647, and 16648 to this Agreement and hereby certifies that:

- (a) No grant funds disbursed by this grant will be used to assist, promote, or deter union organizing by employees performing work under this Agreement.
- (b) If the grantee makes expenditures to assist, promote, or deter union organizing, the grantee will maintain records sufficient to show that no state funds were used for those expenditures, and that grantee shall provide those records to the Attorney General upon request.

Venue/Choice of Law

- (a) All proceedings concerning the validity and operation of this Agreement and the performance of the obligations imposed upon the parties hereunder shall be held in Sacramento County, California. The parties hereby waive any right to any other venue. The place where the Agreement is entered into and place where the obligation is incurred is Sacramento County, California.
- (b) The laws of the State of California shall govern all proceedings concerning the validity and operation of this Agreement and the performance of the obligations imposed upon the parties hereunder.

Waiver of Claims and Recourse against the State

The grantee agrees to waive all claims and recourse against the State, its officials, officers, agents, employees, and servants, including, but not limited to, the right to contribution for loss or damage to persons or property arising out of, resulting from, or in any way connected with or incident to this Agreement. This waiver extends to any loss incurred attributable to any activity undertaken or omitted pursuant to this Agreement or any product, structure, or condition created pursuant to, or as a result of, this Agreement.

Work Products

Grantee shall provide CalRecycle with copies of all final products identified in the Work Plan. Grantee shall also provide CalRecycle with copies of all public education and advertising material produced pursuant to this Agreement.

Workers' Compensation/Labor Code

The grantee is aware of Labor Code section 3700, which requires every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in

accordance with the Labor Code, and the grantee agrees to comply with such provisions before commencing the performance of the work of this Agreement.

Exhibit B

Procedures and Requirements Solid Waste Disposal and Codisposal Site Cleanup Grant Program

Fiscal Year 2021–22

Copies of these Procedures and Requirements should be shared with both the Finance Department and the staff responsible for implementing the grant activities.

Table of Contents

Milestones 3

Grants Management System (GMS) 3

 Accessing the grant 3

 Contact Updates 4

Prior to Commencing Work 5

 Reliable Contractor Declaration 5

Grant Term 6

 Eligible Costs 6

 Ineligible Costs 6

 Modifications 7

 Acknowledgements 8

 Public Information 8

 Site Access 8

 Change of Financial Condition 8

 Interdepartmental Agreements 8

 Cost Recovery 8

 Sale of Property 9

 Reporting Requirements 9

 Progress Report 9

 Final Report 10

Grant Payment Information 10

 Payment Request and Documentation 11

 Supporting Documentation 11

 Match Information and Documentation 12

 Audit Considerations 13

Introduction

The Department of Resources Recycling and Recovery (CalRecycle) administers the Solid Waste Disposal and Codisposal Site Cleanup Grant Program. These Procedures and Requirements describe project and reporting requirements, report due dates, report contents, grant payment conditions, eligible and ineligible project costs, project completion and closeout procedures, records and audit requirements.

This document is attached to, and incorporated by reference, into the Grant Agreement.

Milestones

Date	Activity
Notice to Proceed	Grant Term Begins on the date the Notice to Proceed is emailed.
As needed with each Payment Request	Progress Report Due
June 30, 2024	Final Report and final Payment Request Due
June 30, 2024	Grant Term End

Grants Management System (GMS)

GMS is CalRecycle's web-based grant application and grant management system. Access to GMS is secure; grantees must log in using a WebPass. WebPass accounts are tied to a specific email address. If an email address changes, or if it becomes inactive, the grantee must create a new WebPass account to continue accessing GMS. Establish or manage a WebPass at [CalRecycle's WebPass page](https://secure.calrecycle.ca.gov/WebPass/) (<https://secure.calrecycle.ca.gov/WebPass/>).

Accessing the grant

Grantees must [log into GMS](https://secure.calrecycle.ca.gov/Grants) (<https://secure.calrecycle.ca.gov/Grants>) using their web pass. After login, locate the grant in the **My Awarded/Open Grants** table and select the **Grant Management** button. The **Grant Management Module** includes the following sections:

- **Summary tab.** shows approved budget, paid and remaining amounts. (This section is available to the grantee in read-only mode.)
- **Payment Request tab.** Requests reimbursement.
- **Reports tab.** Uploads required reports.
- **Match.** Reports match requirement. Applicable for Legacy Disposal Site Abatement Partial Grant Program only. Not applicable to Illegal Disposal Site Abatement Grant Program.
- **Documents tab.** uploads other grant documents that are not considered supporting documents to a payment request or a report. This section also provides access to documents that were uploaded within other sections of GMS.
- **Sites tab.** lists approved project sites.

Follow the instructions in GMS to work in the system. Use the information in the following sections to determine what reports, transactions, and supporting documents are required.

Contact Updates

Access to the grant is limited to those listed in the **Contacts** tab of the **Application Module** with the access check box marked. A contact may be listed but not granted access by not checking the box. Please note, if a contact is granted access to a grant, they will be able to edit contacts, submit payment requests, upload reports, and view all documents. Those with access may update contact information for all contact types except Signature Authority. Email the assigned Grant Manager regarding any changes to Signature Authority information.

Prior to Commencing Work

Prior to commencing work under this grant, the grantee's Grant Manager or primary contact and authorized grant Signature Authority should review the Terms and Conditions (Exhibit A) and the Procedures and Requirements (Exhibit B) to identify key grant administrative requirements. Evaluation of the grantee's compliance with these requirements is a major focus of grant audits.

Reliable Contractor Declaration

Prior to authorizing a contractor(s) (or subcontractor) to commence work under this grant, the grantee shall submit to the Grant Manager a declaration from the contractor(s), signed under penalty of perjury, stating that within the preceding three (3) years, none of the events listed in [Section 17050 of Title 14](http://www.calrecycle.ca.gov/Laws/Regulations/Title14/ch1.htm#ch1a5) (www.calrecycle.ca.gov/Laws/Regulations/Title14/ch1.htm#ch1a5), California Code of Regulations, Natural Resources, Division 7, has occurred with respect to the contractor(s) or subcontractor(s).

If a (sub) contractor is placed on the [CalRecycle Unreliable List](https://www.calrecycle.ca.gov/Funding/Unreliability/) (<https://www.calrecycle.ca.gov/Funding/Unreliability/>) after award of this grant, the grantee may be required to terminate that contract. Obtain the Reliable Contractor Declaration form (CalRecycle 168) from [CalRecycle's form web page](http://www.calrecycle.ca.gov/Funding/Forms) (www.calrecycle.ca.gov/Funding/Forms).

A scanned copy of the signed Reliable Contractor Declaration form must be uploaded in GMS. To upload the form:

1. Go to the **Reports** tab.
2. Click on **Reliable Contractor Declaration** under **Report Type**.
3. Click the **Add Document** button.
4. Select Reliable Contractor Declaration in the **Document Type** drop down box, enter a document title, click the **Browse** button to search and upload the document, and then **Save**.
5. Click on the **Submit Report** button.

For further instructions regarding GMS, including login directions, see the section above titled Grant Management System.

Grant Term

The Grant Term begins on the date of the Notice to Proceed (NTP) email. Grant-eligible program expenditures may start no earlier than the date indicated in the Notice to Proceed. The Grant Term ends on **June 30, 2024** and all eligible program costs must be incurred by this date.

The Final Report and final Payment Request are due on **June 30, 2024**. CalRecycle recommends reserving the period from **May 15, 2024** to **June 30, 2024** exclusively for the preparation of the Final Report and final Payment Request, though they may be completed earlier. **Costs incurred to prepare the Final Report and final Payment Request are only eligible for reimbursement during the Grant Term.**

Eligible Costs

All grant expenditures must be for activities, products, and costs specifically included in the approved Work Plan and approved Budget. To be eligible for reimbursement, costs must be incurred after receiving a NTP email and before the end of the Grant Term. All services must be provided and goods received during this period in order to be eligible costs. Invoices for goods and services must be paid by the grantee prior to the inclusion of those goods or services on a payment request.

Eligible costs are limited to the following:

- Waste removal and disposal.
- Security measures such as fences, barriers, warning signs, and other measures to prevent recurring illegal dumping at the remediated sites. These Prevention measures and staff time are limited to no more than 25 percent of the overall grant amount. These measures can include public information materials.
- Site grading and drainage controls to minimize erosion.
- Slope and foundation stabilization.
- Excavation, consolidation, and capping of waste areas.
- Installation of landfill gas and leachate control systems.
- Field and laboratory testing.
- Health and safety measures required for eligible project work.

Ineligible Costs

Any costs not specifically included in the approved Budget and not directly related to the approved grant project are ineligible for reimbursement. Contact the Grant Manager if clarification is needed. Ineligible costs include, but are not limited to:

- Staff costs not directly related to grant related eligible activities listed above and grant administration. This includes any personnel costs incurred as a result of time an employee assigned to the project funded by the grant does not actually work on the project (e.g. use of accrued vacation, sick leave, etc.).
- Costs incurred prior to the date of the NTP email or after **June 30, 2024**.
- Expenses for services rendered or goods purchased prior to the date indicated in the NTP, or any expenses incurred after the end of the Grant Term.
- Public Agency indirect costs (unless pre-approved in writing by the Grant Manager, but in no event shall exceed 10 percent of the total direct labor costs requested for reimbursement).
- Costs explicitly for the profit of the grantee.

- Bonus payments for early completion of grant project or any phase of the grant project.
- Any portion of a program currently covered or incurred under any other CalRecycle contract, loan or grant or grant cycle.
 - Overtime costs (except for local government staffing during specially scheduled evening or weekend events that have been pre-approved in writing by the Grant Manager when law or labor contracts require overtime compensation or when such staffing and/or costs are pre-approved in writing by the Grant Manager).
 - Cellular phones, personal digital assistants, personal electronic devices, pagers, and similar electronic and telecommunications devices.
 - Activities that are not cost effective, as determined by the Grant Manager.
 - Travel and per diem expenses (unless pre-approved in writing by the Grant Manager) (See Terms and Conditions, subsection (e) under Payment).
 - Any food or beverages (e.g. as part of meetings, workshops, training, events, etc.).
 - Equipment or other materials that are not primarily used to implement the approved project.
 - Staff training that is not directly related to the implementation of the approved project.
 - Interest charges or other payments on bonds or indebtedness required to finance the project.
 - Costs associated with relocation of inhabitants or storage of personal property.
 - Costs connected with contractor claims/liens against the grantee.
 - Fines or penalties due to violation of federal, state or local laws, ordinances, or regulations.
 - Permit, inspection and use fees.
 - Closure activities as defined by 27 CCR section 20164.
 - Ground water remediation.
 - Operation and maintenance of monitoring systems.
 - Post-closure maintenance activities.
 - Preparation of closure and/or post-closure maintenance plans.
 - Improvements to property for post-closure land uses.
 - Removal, abatement, and cleanup or otherwise handling of only hazardous substances as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980 [42 U.S.C. section 9601(14)] not co-disposed with nonhazardous waste.
- Any other costs not deemed reasonable or related to the purpose of the grant by the Grant Manager.

Modifications

Any proposed revision(s) to the Work Plan and/or Budget must be submitted in writing and pre-approved in writing by the Grant Manager prior to grantee incurring the proposed expenditure. Proposed revisions must be clearly marked on the Work Plan and/or Budget and must be accompanied by a summary of proposed changes/modifications, including the justification(s) for the proposed changes. Costs based on the proposed revisions may not be incurred until Grant Manager approval. If approved, the grant manager will upload the final revised Work Plan and/or Budget to GMS. Proposed revisions may be submitted in conjunction with a Progress Report but cannot be submitted as part of the Progress Report. The approval document should be

retained by the grantee for audit purposes. See Audit Record/Access section of the Terms and Conditions (Exhibit A).

Acknowledgements

The grantee shall acknowledge CalRecycle's support each time projects funded, in whole or in part, by this Agreement are publicized in any medium, including news media, brochures, or other types of promotional materials. The acknowledgement of CalRecycle's support must incorporate the CalRecycle logo. Initials or abbreviations for CalRecycle shall not be used. The Grant Manager may approve deviation from this requirement on a case-by-case basis where such deviation is consistent with CalRecycle's Communication Strategy and Outreach Plan.

Public Information

All documents submitted in relation to the grant, including, but not limited to, Payment Requests and Reports, become the property of CalRecycle and are subject to disclosure under the Public Records Act. Do not submit confidential information.

Site Access

Grantee shall allow CalRecycle and other state agency representatives to inspect the site cleanup and related work being performed at any time during the performance of the work and shall provide full access to all project records.

Change of Financial Condition

The grantee agrees to immediately notify the Grant Manager of any changes in the financial condition or circumstances that would make the owner and/or responsible party financially able to accomplish the required site cleanup without CalRecycle funds. This notification shall be required during the term of this Agreement. Changes in the financial condition of the owner and/or responsible party may negate the need for grant funds.

Interdepartmental Agreements

Agreements between departments or divisions of the same local jurisdiction or between jurisdictions participating in a regional grant agreement will not be recognized as subcontracts.

Cost Recovery

The grantee agrees to pursue cost recovery for funds expended on private properties to the extent possible, unless waived by CalRecycle. The grantee agrees to repay CalRecycle any funds collected through cost recovery, sale of liened properties, special tax assessments, or other methods of collection, less any reasonable administrative costs incurred by the grantee in obtaining repayment.

Sale of Property

If any of the public property(ies), remediated with grant funds, are sold within 12 months of completion of the cleanup, a portion of the proceeds from the sale shall be remitted to CalRecycle in an amount commensurate with that expended by CalRecycle to remediate the site.

Reporting Requirements

Progress Report(s) and a Final Report are required by this Agreement; however, the Grant Manager may request a Progress Report at any time during the Grant Term. Failure to submit the Final Report with appropriate documentation by the due date may result in rejection of the Payment Request and/or forfeiture by the grantee of claims for costs incurred that might otherwise have been eligible for grant funding.

All reports must be uploaded in GMS. For further instructions regarding GMS, including login directions, see the section above entitled, Grant Management System.

To upload a report:

1. Go to the **Reports** tab.
2. Click on the appropriate Report Type.
3. Click on the **Add Document** button.
4. Choose the Document Type, enter a document title, click the **Browse** button to search and upload the document, and then **Save**.
 - Select the **Back** button to upload another document and continue the process until all required documents as listed below are uploaded.
 - The maximum allowable file size for each document is 35MB.
5. Click the **Submit Report** button to complete your report submittal. The **Submit Report** button will not be enabled until all required reporting documents are uploaded.

The reports must be current, include all required sections and documents, and must be approved by the Grant Manager before any Payment Request can be processed. Failure to comply with the specified reporting requirements may be considered a breach of this Agreement and may result in the termination of this Agreement or rejection of the Payment Request and/or forfeiture by the grantee of claims for costs incurred that might otherwise have been eligible for grant funding. Any problems or delays must be reported immediately to the Grant Manager.

Progress Report

The grantee must submit a **Progress Report** with each Grant Payment Request. This report should cover grant activities that occurred during the period covered by the Grant Payment Request. The report should include the following:

1. Introduction
 - a. The Grant Number, Grantee's name and Grant Term. The following disclaimer statement on the cover page:
 "The statements and conclusions of this report are those of the grantee and not necessarily those of the Department of Resources Recycling and Recovery (CalRecycle), its employees, or the State of California. The state makes no warranty, express or implied, and assumes no liability for the information contained in the succeeding text."
 - b. Report Purpose
2. Project Information

- a. Site Location
- b. Site Background
- c. Project Participants
3. Construction/Cleanup Activities
 - a. Project Scope of Work
 - b. Summary of Construction/Cleanup Activities Ongoing/Completed
 - c. Summary of Sampling and Analyses Conducted (if applicable)
 - d. Updated Project Schedule
4. Summary of Expenditures
5. Statement that all contractors and subcontractors have completed the [Reliable Contractor Declaration \(CalRecycle 168\)](#) (<http://www.calrecycle.ca.gov/Funding/forms/>).

Final Report

The Final Report is due **June 30, 2024**. This report should cover grant activities **from the Notice to Proceed through June 30, 2024**. The following items must be included:

1. The Grant Number, Grantee's name and Grant Term. The following disclaimer statement on the cover page:
 "The statements and conclusions of this report are those of the grantee and not necessarily those of the Department of Resources Recycling and Recovery (CalRecycle), its employees, or the State of California. The state makes no warranty, express or implied, and assumes no liability for the information contained in the succeeding text."
2. Construction/Cleanup Activities
 - a. Reference Documents (if applicable)
 - b. As-Built Plans and Specifications
 - c. Final Construction Report
3. Operations and Maintenance Plans to ensure ongoing compliance with applicable CalRecycle State Minimum Standards (include as standalone documents or incorporate documents submitted previously by reference)
4. Summary of Final Total Expenditures.

Grant Payment Information

1. Payment to the grantee for eligible grant expenses is made on a reimbursement basis only and for only those materials and services specified in the approved grant application.
2. Reimbursement may be requested only once per month in conjunction with (or after) submission of the Progress Report and in conjunction with the Final Report.
3. The grantee must submit the required Progress Report/Final Report, and the Grant Manager must approve the report prior to, or concurrent with, submission of the Grant Payment Request.
4. The grantee must submit a completed Grant Payment Request and provide supporting documentation as described in the "Payment Request and Documentation" section for completed project(s) only.
5. Grant payments will only be made to the grantee. It is the grantee's responsibility to pay all contractors and subcontractors for purchased goods and services.
6. 10 percent of each approved Grant Payment Request will be withheld and retained until all conditions stipulated in the Agreement, including submission and

Grant Manager approval of the Progress and/or Final Report, have been satisfied.

7. CalRecycle will make payments to the grantee as promptly as fiscal procedures permit. The grantee can typically expect payment approximately 45 days from the date a Grant Payment Request is approved by the Grant Manager.
8. The grantee must provide a [Reliable Contractor Declaration \(CalRecycle 168\)](http://www.calrecycle.ca.gov/Funding/forms/) (<http://www.calrecycle.ca.gov/Funding/forms/>) signed under penalty of perjury by the grantee's contractor(s) and subcontractor(s) in accordance with the "Reliable Contractor Declaration" provision of the Terms and Conditions (Exhibit A). The declaration must be received and approved by the Grant Manager prior to commencement of work. See "Reliable Contractor Declaration" provision in Terms and Conditions (Exhibit A) for more information.

Payment Request and Documentation

Failure to submit the final Payment Request with appropriate documentation by the due date may result in rejection of the Payment Request and/or forfeiture by the grantee of claims for costs incurred that might otherwise have been eligible for grant funding.

Payment requests must be submitted in GMS. For further instructions regarding GMS, including login directions, see the section above entitled, Grant Management System.

To submit a Grant Payment Request:

1. Go to the **Payment Request** tab.
2. Click on the **Create a Payment Request** button.
 - Choose **Reimburse** for the Transaction Type and enter the amount spent in each budget subcategory.
 - When the transaction is complete, click the **Save** button.
 - After the transaction is saved, the **Upload Supporting Documentation** button will appear in the lower right corner.
3. Click the **Upload Supporting Documentation** button.
 - Choose the Document Type, enter a document title, click the **Browse** button to search and upload the document, and then **Save**.
 - Select the **Back** button to upload another document and continue this process until all required supporting documents as listed below are uploaded.
 - The maximum allowable file size for each document is 35MB.
4. Click the **Submit Transaction** button, located on the transaction page, to complete your payment request. The **Submit Transaction** button will not be enabled until all required supporting documents are uploaded.

Note: Once a transaction is saved select the transaction number from the Payment Request tab to access it again. Please do not create multiple transactions for the same requested funds.

Supporting Documentation

- A. A scanned copy of the **Grant Payment Request form** (CalRecycle 87) with the signature of the signatory or his/her designee, as authorized by grantee's Resolution or Letter of Commitment, must be uploaded to GMS.

Note: A designee may sign on behalf of the grantee if a) authorized by the Resolution or Letter of Commitment, and b) a Letter of Designation has been provided to the Grant Manager.

B. Cost and Payment Documentation

Acceptable cost and payment documentation must include at least one of each of the following.

- a) Invoices, receipts, or purchase orders must include the vendor's name and telephone number, address, description of goods or services purchased, amount due, and date. The claimed expenses should be highlighted and identified with applicable task number on each invoice.
- b) Proof of payment may include:
 - copy of cancelled check(s) that shows an endorsement from the banking institution
 - invoice(s) showing a zero balance, or stamped "paid" with a check number, date paid, and initials
 - accounting system report from local government if it contains the vendor name, date of invoice, invoice number, check number or internal ID, and date amount was paid
 - bank statement(s) along with a copy of the endorsed check or invoice showing the check number
 - copy of an electronic funds transfer confirmation
 - copy of a credit card statement(s)

C. Personnel Expenditure Summary Form: must document these costs based on actual time spent on grant related activities. (Note: These forms are not required if you have an alternate time reporting method pre-approved in writing by the Grant Manager.)

All forms listed above can be downloaded from the [CalRecycle Grant Forms website](http://www.calrecycle.ca.gov/Funding/Forms) (<http://www.calrecycle.ca.gov/Funding/Forms>).

Match Information and Documentation

(Applicable to Legacy Disposal Site Abatement Partial Grant Program only.)

Match information must be provided in GMS. To submit Match information:

1. Go to the Match tab
2. Click on Create a Match Record button
 - Select Match Type
 - Select Budget Subcategory
 - Enter Submitted Date
 - Enter Reported Amount
 - Click Save
3. Click Update Supporting Documents button
 - Choose the Document Type, enter a document title, click the **Browse** button to search and upload the document, and then **Save**.
 - Select the **Back** button to upload another document and continue this process until all required supporting documents as listed below are uploaded.
 - The maximum allowable file size for each document is 35MB.

Audit Considerations

The grantee agrees to maintain records and supporting documentation pertaining to the performance of this grant subject to possible audit for a minimum of three (3) years after final payment date or Grant Term end date, whichever is later. A longer period of records retention may be stipulated in order to complete any action and/or resolution of all issues which may arise as a result of any litigation, dispute, or audit, whichever is later.

Examples of audit documentation include, but are not limited to, competitive bids, grant amendments if any relating to the budget or work plan, copies of any agreements with contractors or subcontractors if utilized, expenditure ledger, payroll register entries, time sheets, personnel expenditure summary form, travel expense log, paid warrants, contracts and change orders, samples of items and materials developed with grant funds, invoices and/or cancelled checks. Please refer to the Terms and Conditions (Exhibit A) for more information.



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Utilities Department

DATE: May 9, 2022

SUBJECT: Public Utilities – Approval – Waive Formal Bidding Requirements and Authorize the Purchase of an Aerial Truck from Altec Industries, Inc. Using the Sourcewell Purchasing Contract.

ATTACHMENTS: None

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to waive the City's formal bidding requirements and authorize the purchase of an aerial truck from Altec Industries, Inc. using the Sourcewell Purchasing Contract for \$202,863, including freight and tax.

EXECUTIVE SUMMARY

The 2021-2022 fiscal year's budget included funds in the Street Lighting account to purchase an aerial truck – also known as a bucket truck – for the maintenance of City of Clovis traffic signals and streetlights in the Public Utilities Department. Staff is recommending the purchase of an aerial truck comprised of an AT41M model aerial body mounted on a Ford F550 4x2 diesel chassis from Altec Industries, Inc. for \$202,863, including freight and tax, via the Sourcewell Purchasing Contract. The new equipment will meet the CARB emission requirement for public agencies.

The Sourcewell Purchasing Contract – formerly the National Joint Powers Alliance (NJPA) contract – is a nationwide public procurement service that makes the governmental procurement process more efficient. All contracts available to participating members have been awarded by virtue of a public competitive procurement process compliant with State statutes.

BACKGROUND

Public Utilities Department electricians will use the aerial truck to assist with the maintenance of traffic signals and streetlights in the City of Clovis. The new aerial truck will help staff perform these duties adequately, safely, and efficiently.

The recommended vehicle is available through the Sourcewell Purchasing Contract – formerly the NJPA contract – which is competitively bid on a nationwide basis. The recommended vehicle meets the required specifications.

FISCAL IMPACT

Sufficient funds are included in the 2021-2022 Traffic Signal and Street Lighting operations and maintenance budget. The Street Lighting budget is funded through a combination of allocations from the Highway User Tax Account (HUTA) and discretionary funds. Following the initial purchase of the aerial truck, the Street Lighting budget will include an annual contribution to the Fleet Renewal Fund to fund the future replacement of the vehicle.

REASON FOR RECOMMENDATION

Staff has evaluated the available equipment and it meets the needs of the Traffic Signals and Street Lighting section of the Public Utilities Department. The proposed method of purchasing the equipment is cost effective and sufficient funds are available.

ACTIONS FOLLOWING APPROVAL

A purchase order will be prepared for the City Manager's approval and sent to the vendor.

Prepared by: Paul Armendariz, Assistant Public Utilities Director

Reviewed by: City Manager AA



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: May 9, 2022

SUBJECT: Workshop – For the City Council to consider options addressing the findings and recommendations provided by the Citizens Advisory Committee regarding the Police Department staffing and funding.

Staff: John Holt, City Manager

Recommendation: Consider and Provide Policy Direction

ATTACHMENTS: 1. Citizens Advisory Committee April 6, 2022, Agenda Packet from joint meeting with City Council.

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to consider options and provide policy direction addressing the findings and recommendations provided by the Citizens Advisory Committee regarding the Police Department staffing and funding.

EXECUTIVE SUMMARY

A joint meeting was held between the Clovis City Council and the Citizens Advisory Committee on April 6, 2022. At that meeting, Chair Chris Casado and Vice Chair Greg Newman presented the findings of the Committee to Council. In summary: a majority of the Committee do not feel that the current Clovis Police Department staffing and funding is adequate for Clovis to remain the safest city in the Valley; a majority of the Committee agree that additional sworn police officers are needed over the next five years; and a majority of the Committee agree that if an increase in services and resources is pursued, it should be funded by some form of tax increase ballot measure. Staff is now returning to City Council to provide an update on options and seek Council direction moving forward.

BACKGROUND

A detailed background and survey results are provided in the attached agenda packet (Attachment 1).

Survey results summary:

1. A majority of the Committee do not feel that the current Clovis Police Department staffing and funding are adequate for Clovis to remain the safest city in the Valley.
2. A majority of the Committee agree that additional sworn police officers are needed.
3. A majority of the Committee agree that if an increase in services and resources is pursued, it should be funded by some form of tax increase ballot measure.
4. 50% of the Committee ranked Public Safety as the most important service the city provides when asked to prioritize categories of services. "Economy" was number two at 27%.

Questions for City Council to consider:

1. Does Council desire to add additional sworn officers beyond what is planned in the five-year forecast (3 per year for 5 years, providing a total of 124 sworn officers by fiscal year 2026/27)? Currently authorized 109 sworn, increasing to 112 on July 1, 2022, and 3 more per year thereafter for a total of 15 over the next 5 years.
2. If yes to question 1, what is the Council's desire for funding additional officers beyond what is planned in the five-year forecast (i.e. budget adjustments, use of general fund reserves, a potential tax measure)?
3. Does Council support a tax measure?
4. If so, when would Council recommend the measure be put on the ballot? A general tax measure would have to be in the same cycle as Council elections (November). A special tax measure could either be in the same cycle as Council elections or at a special election such as March or April 2023.
5. Would Council consider the use of a consultant to conduct widespread community polling on various City services and community support for a potential tax measure to report back to the Council and assist in developing a potential measure that would be placed on a ballot? Community polling could help with deciding whether a general or special tax would be more supported; the type and amount of tax that may be more supported, and whether or not a sunset provision would be supported.
6. What type of tax? (Parcel, Sales, Transient Occupancy Tax, Utility User)
7. A general tax or a special tax?
8. City ballot measure or citizen initiative?

9. Other options? Examples could include putting less money in the emergency reserve over the next few years, increasing the number of new hires for sworn from 3 to 6 per year, and possibly plan for some kind of tax measure at a future election.

Council will need to act quickly if a tax measure is desired for the November 2022 election. The resolution calling for the election and approving the ballot measure text would need to be approved by Council in open session and then submitted to the Fresno County Clerk/Registrar of Voters at least 88 days prior to the date of the election (August 12, 2022, for the November 8, 2022, ballot. Staff would recommend making August 1, 2022, the deadline, as that is the only normally scheduled Council meeting in August. A 4/5 vote of the Council is needed to approve placing a general tax ballot measure before the voters. (Gov. Code Section 53724)

Council has more time to act for a potential special tax measure. Such a measure only requires a simple majority approval of the Council to be placed on a ballot, and a special tax measure can be submitted to the voters at a special off cycle election in 2023.

Issues for Potential Tax Measure

In California, all taxes imposed by local governments are classified as either general or special taxes and must be put before voters as a local ballot measure for approval. The most common types of taxes imposed by local governments include:

- Parcel tax - a special tax imposed on real property based on units of property rather than assessed value (CA Constitution, Art. XIII, Sec. 4.)
- Sales tax - a percentage of the sale of goods and services
- Hotel tax - (Transient Occupancy Tax or "TOT") - a percentage of hotel, motel, and other short-term lodging charges
- Utility User tax - a tax imposed on water, electric, sewer, telephone, or other public utilities

In 1996, California voters approved a statewide initiative - Proposition 218 - that added Article XIII C and Article XIII D to the state constitution and governs taxes imposed by local governments. Article XIII C, section 2, provides the following rules for approval of taxes imposed by local governments: (1) general taxes must be approved by a simple majority of voters; (2) general taxes must be put before voters at a regular, general election; and (3) special taxes must be approved by a two-thirds supermajority of voters.

General and special taxes

All taxes imposed by local governments are classified as either general or special taxes.

A general tax is any tax levied to fund general government purposes and which goes into the local government entity's general fund. General taxes imposed by local governments must be approved by voters and, moreover, they must be put before voters during regularly scheduled general elections. General taxes require approval from a simple majority of votes cast at the election - 50 percent + one vote.

A special tax is any tax levied for a specific purpose. If revenue from a tax is earmarked for a particular purpose such as public safety or police it is a special tax. Special taxes imposed by local governments require a [two-thirds \(66.67 percent\) supermajority vote](#) of votes cast at an election for approval. A special tax may be held at either a regularly scheduled general election (November) or a special election such as March or April 2023.

Taxes imposed by citizen initiatives

Local citizen initiatives can also be used to levy taxes in California. Following the approval of Proposition 218 in 1996, the restrictions outlined above concerning special and general taxes were applied to citizen initiatives. In August 2017, however, the California Supreme Court ruled in *California Cannabis Coalition v. City of Upland* that one provision of Proposition 218 - the requirement that general taxes be put on the ballot during regular, general elections contained in Article XIII C, Section 2(b) - did not apply to citizen initiatives. The Court determined that the citizen initiative process is separate from the actions of local governments and therefore taxes imposed by citizen initiatives do not fall under the category of *taxes imposed by local governments*. The ruling also stated that the local initiative process in California contained a mechanism by which initiatives can qualify for special election ballots and that this provision should not be restricted by Article XIII C, Section 2(b), which does not explicitly mention the initiative power. Since Article XIII C, Section 2 - which also contains the majority voter approval requirement for general taxes and the two-thirds supermajority voter approval requirement for special taxes - refers to taxes imposed by local governments throughout, this ruling raised questions about whether or not the other provisions of Proposition 218 applied to citizen initiatives.

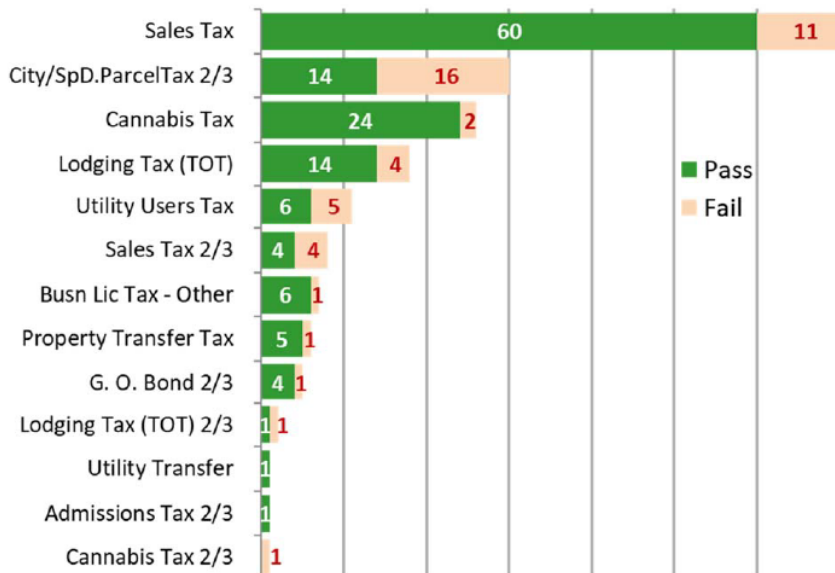
In 2020, the Fifth District Court of Appeal held that Fresno's Measure P (for Parks), a special tax citizen initiative was approved with 52% of the vote despite being a special tax. The court determined that the two-thirds special tax voter approval requirement was applicable only for special taxes imposed by a local government (a tax measure placed on the ballot by the city) and not applicable for a special tax citizen initiative. Thus, a special tax citizen initiative requires approval of only a simple majority of votes cast to be approved by the voters.

Tax Measure Outcomes 2020

Measure Outcome by Category

The common tax measure in this election was a majority vote general purpose transactions and use tax (sales tax) and there were more sales taxes approved than any other type. Sixty of the 71 general sales tax measures passed.

Passing and Failing Measures by Type November 2020

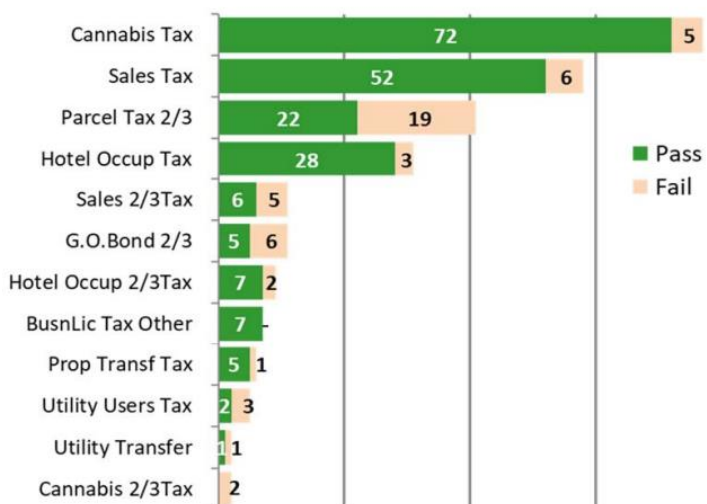


Tax Measure Outcomes 2018

Measure Outcome by Category

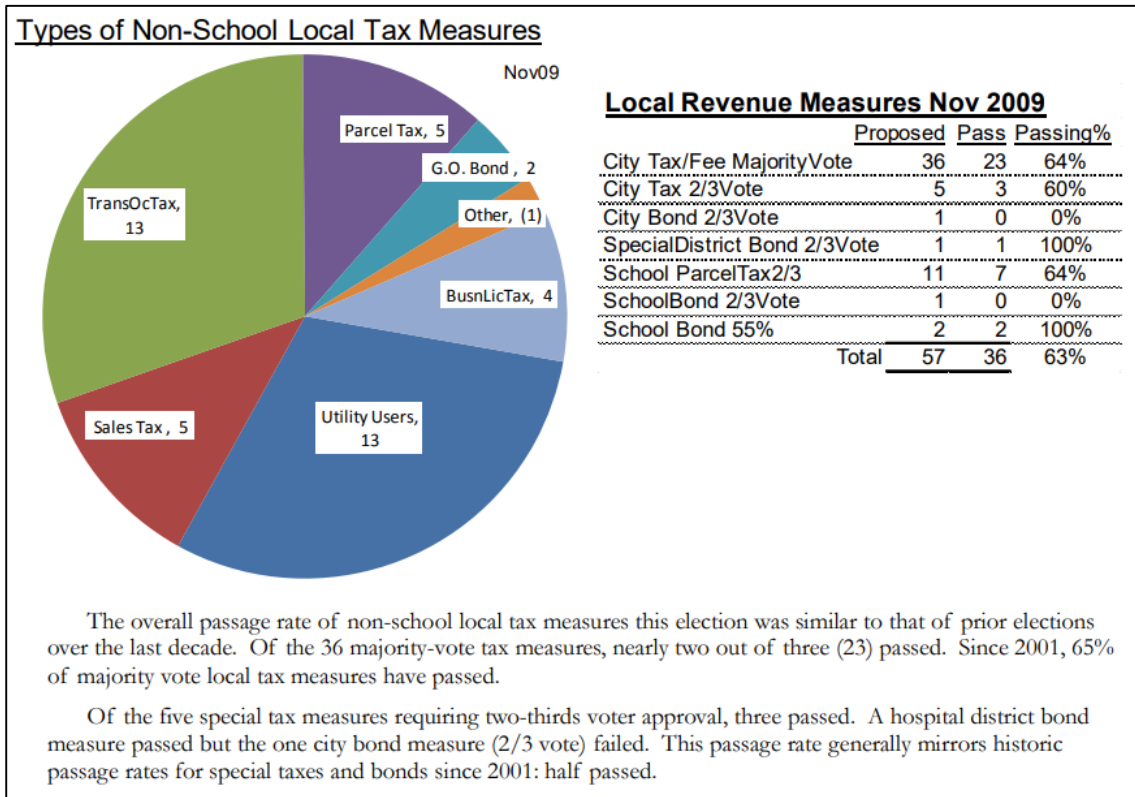
Among non-school local measures, the most common type of measure was a majority vote excise tax on commercial cannabis activity. The only failures were citizen initiatives that included legalization provisions. Fifty-two of the 58 general purpose transactions and use taxes (sales taxes) passed, similar to November 2016 when 51 of 59 passed.

Passing and Failing City / County / Special District Measures by Type November 2018



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Tax Measure Outcomes 2009



Summary of above charts:

1. In 2020, 60 of 71 General Sales Tax measures were approved by voters (85%)
2. In 2020, 4 of 8 Special Sales Tax measures were approved by voters (50%)
3. In 2018, 52 of 58 General Sales Tax measures were approved by voters (90%)
4. In 2018, 6 of 11 Special Sales Tax measures were approved by voters (55%)
5. In 2020, 14 of 18 General TOT measures were approved by voters (78%)
6. In 2020, 1 of 2 Special TOT measures were approved by voters (50%)
7. In 2018, 28 of 31 General TOT measures were approved by voters (90%)
8. In 2018, 7 of 9 Special TOT measures were approved by voters (78%)
9. In 2020, 14 of 30 Parcel tax measures were approved by voters (47%) – reminder all parcel taxes are considered a special tax and require a supermajority.
10. In 2018, 22 of 41 Parcel tax measures were approved by voters (54%)

On average, General Taxes are approved by voters 86% of the time from the data above. Comparatively, on average Special Taxes are approved by voters 56% of the time from the data above.

How much revenue would be generated by tax type?

Sales Tax – a 1.0% sales tax increase would generate approximately \$25 million annually (5-year average); ½ Cent approximately \$12.5 million; ¼ Cent approximately \$6.25 million. The 7.975% sales tax rate in Clovis consists of 7.25% California state sales tax, of which 1.25% goes directly to the county and City, plus .725% in other Fresno County special taxes including Measure C. Under the current tax rate, a \$100 purchase in Clovis would be taxed \$7.98. If a ½ cent sales tax increase was approved, a \$100 purchase would be taxed \$8.48, or 50 cents more.

Parcel Tax – A special tax requiring 2/3 voter approval. Different options are available including taxing all parcels the same, taxing commercial and residential parcels at different amounts, or taxing only some parcels such as only residential parcels. Example – 36,000 residential parcels taxed at \$200 per year would generate approximately \$7.2 million. If a parcel tax is approved, the current CFD could be terminated, if desired.

Transient Occupancy Tax (TOT) – a 2% increase from the current 10% would generate approximately an additional \$450,000 - \$550,000 per year.

Utility User Tax – Example - 36,000 customers taxed at \$10 per month or \$20 bi-monthly would generate \$4.3 million per year.

Not all taxes produce a guaranteed amount of revenue. The most volatile tax types include TOT and Sales Tax. Each of these are dependent on economic performance that can vary significantly, for the better or worse. The taxes that are more consistent include a Parcel Tax and a Utility User Tax. These taxes are typically less volatile regardless of economic performance and can include an increase for inflation annually.

Other options Council may consider

The last time a measure was placed on the ballot in the City of Clovis was March 2009. The proposed 1% sales tax measure failed with approximately two-thirds voting “no.” The timing was bad to take a measure to the ballot considering the nation, state, and city were well into the great recession. Getting the measure on the ballot for March 2009 began two years prior. In order to get a measure on the ballot for November 2022, all of the required paperwork would be required to be turned into the County Clerk no later than August 12, 2022, which is just over 90 days as of the date of this report. Timing of placing measures on the ballot is critically important. Inflation is currently at a forty-year high, gas is over \$5.00 per gallon, mortgage rates are on the rise and many economists are forecasting a potential recession in 2023.

Council may consider putting less money in the emergency reserve or fleet reserve over the next two years, increasing the number of new hires for sworn from 3 to 6 per year for two years and possibly plan for some kind of tax measure at a future date. The downside of doing something like this is that the City would be using one-time moneys for ongoing costs. The two-year increase of 3 officers (from 3 to 6) is relatively manageable from a budgetary standpoint. That

being said, the General Fund is dependent on two volatile revenue sources being sales tax and TOT. Should there be a recession in 2023, it is likely sales tax and TOT would be negatively impacted which could affect how many officers could be added.

FISCAL IMPACT

The various options the Council have involve some fiscal impact. If some form of tax measure is pursued it will have an impact on City revenues if approved by the voters. The examples above provide an order of magnitude for potential revenue amounts that could be generated. Use of a consultant could range from \$100,000 to \$200,000. Putting an item on the ballot for a November election could cost approximately \$50,000. Putting an item on a special election (March or April) could cost approximately \$300,000. For cost estimating, staff is using year one cost of an officer of approximately \$300,000, and approximately \$180,000 annually total cost thereafter.

REASON FOR RECOMMENDATION

City Council appointed a Citizens Advisory Committee on January 10, 2022. Council directed staff to return after the Committee had presented their findings, which was completed on April 6, 2022.

ACTIONS FOLLOWING APPROVAL

Staff will implement Council direction.

Prepared by: John Holt, City Manager

Reviewed by: City Manager *JH*



CITY of CLOVIS

AGENDA • SPECIAL JOINT MEETING OF THE CITIZENS' ADVISORY COMMITTEE AND CLOVIS CITY COUNCIL

California Health Sciences University (CHSU), 2500 Alluvial, Clovis, CA 93611
(559) 324-2060

www.cityofclovis.com/cac

April 6, 2022

6:00 PM

CHSU

In compliance with the Americans with Disabilities Act, if you need special assistance to access the California Health Sciences University (CHSU) campus to participate at this meeting, please contact the City Clerk 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 CHSU campus.

The Clovis Citizens' Advisory Committee meetings are open to the public at the physical address listed above. There are numerous ways to participate in the Citizens' Advisory Committee meetings: you are able to attend in-person; you may participate virtually by joining the WebEx meeting (see "WebEx Participation" below); and you may view the meeting which is webcast and accessed at www.cityofclovis.com/cac.

WebEx Participation

Members of the public will be able to make verbal comments via WebEx by using the raise hand function or by messaging the Host to join the queue to speak. Participants wishing to make a verbal comment via WebEx will need to ensure that they accessed the meeting with audio transmission capabilities.

CALL TO ORDER

FLAG SALUTE

ROLL CALL

OPENING BUSINESS

1. Approve Minutes from the March 23, 2022, Citizens' Advisory Committee Meeting

REGULAR AGENDA – Regular Agenda Items are matters on the Citizens' Advisory Committee Agenda which are open to public for comments. Members of the public will have an opportunity to comment on each individual item. Public comments will be heard after the presentation of an item and before the Committee take an action.

2. Receive and File – Citizens' Advisory Committee Results. Presented by Committee Chair Chris Casado and Vice-Chair Greg Newman.

ADJOURNMENT

CITIZENS' ADVISORY COMMITTEE MEETING

March 23, 2022

6:00 P.M.

CHSU

6:05 – Meeting called to order by Chair Chris Casado
Flag Salute led by Adrianna Boyajian

6:06 – Roll Call

Present: Chair Chris Casado, Vice-Chair Greg Newman, Enrique Avila, Stephanie Babb, Karen Bak, Adriana Boyajian, Stacey Brinkley, Karen Chisum, Noha Elbaz, Thomas Klose, Drew Mosher, David Samarco, LaDonna Snow, Woua Vang, Rachel Youdelman, Blake Zante

Absent: Lauren Butler, Elba Gomez, Eulalio Gomez, Kintutu Kilabi, Chris Milton, Diane Pearce, Jacob Ulam, Jim Verros, Jay Virk

OPENING BUSINESS

6:06 – ITEM 1. APPROVED MINUTES FROM THE MARCH 9, 2022, CITIZENS' ADVISORY COMMITTEE MEETING.

Motion for approval by LaDonna Snow, seconded by Adrianna Boyajian. Motion carried 16-0-9 with Lauren Butler, Elba Gomez, Eulalio Gomez, Kintutu Kilabi, Chris Milton, Diane Pearce, Jacob Ulam, Jim Verros, and Jay Virk absent.

REGULAR AGENDA

6:07 – ITEM 2. APPROVED – CAC RES. 22-03, A RESOLUTION OF THE CITIZENS' ADVISORY COMMITTEE OF THE CITY OF CLOVIS AUTHORIZING CONTINUED USE OF REMOTE TELECONFERENCING FOR COMMITTEE MEETINGS DURING DECLARED STATE OF EMERGENCY IN ACCORDANCE WITH GOVERNMENT CODE SECTION 54953 (AB 361).

Motion for approval by Greg Newman, seconded by Blake Zante. Motion carried 16-0-9 with Lauren Butler, Elba Gomez, Eulalio Gomez, Kintutu Kilabi, Chris Milton, Diane Pearce, Jacob Ulam, Jim Verros, and Jay Virk absent.

6:09 – ITEM 3. RECEIVED AND FILED – CITIZENS' ADVISORY COMMITTEE SURVEY RESULTS. PRESENTATION BY ASSISTANT CITY MANAGER, ANDY HAUSSLER.

Greg Newman, asked staff to share the response to Question 6 from the survey respondent who's answers were not included in the staff report due to late submission. The comment provided in the survey was: Consider removing the hiring bonuses or lowering the amount.

6:19 – ITEM 4. CITIZENS' ADVISORY COMMITTEE DISCUSSION/ACTION ON RECOMMENDATIONS LED BY CHAIR CHRIS CASADO AND VICE-CHAIR GREG NEWMAN.

Chair Chris Casado proposed that all CAC members provide their comments for discussion with executive staff including the City Manager, Assistant City Manager, Finance Director and Police Chief not present in the meeting room. The City Attorney, City Clerk, IT staff, and Public Affairs & Information Manager are to remain in the room to support the CAC as needed. If there are any clarifying questions for executive staff, they can be called back into the room to provide answers.

Babb, Stephanie – Believes that the police department should receive the 50 officers over five years that the Chief is requesting for. The City should do what it can to keep the pay competitive, especially with the City of Fresno's new contract, in order to recruit officers. Had an eye-opening experience during the ride along with Clovis PD and is encouraging the CAC to ask the City Council to go on a ride along with Clovis PD. Not sure if Council understands what is currently happening with the types of crimes that are happening and how the officers do not have time to take a break for lunch or even use the restroom. After doing a ride along from 5:30 p.m. to 3:00 a.m., she believes that the CAC and the average citizen does not what's going on in the field for police officers. She is willing to pay for a tax but feels that a tax measure would not pass this year.

Bak, Karen – Agrees with Stephanie Babb's comments and believes that pursuing a special tax measure which requires the 2/3 vote will be difficult to achieve but pursuing a general tax measure which only requires 50%+1 will be better than nothing.

Boyajian, Adriana – Agrees with Stephanie Babb's comments. Would vote yes for sales tax, but why have there not been an increase in the last 10 years and how did we survive through that time without an increase? Has concerns regarding State legislation regarding increasing housing development. She is suggesting that Council consider if the City can afford additional public safety before approving additional development.

Brinkley, Stacey – Agrees with Stephanie Babb's comments. Is concerned that neither tax options will pass but the money needs to be found somewhere. Believes that the money should be coming from the people using it the most, from the areas that are using the most resources which could be paying a bigger percentage.

Butler, Lauren – ABSENT

Chisum, Karen – Agrees with Stephanie Babb's comments. Questioned if there is any room to cut other budgets. She is interested in looking more into increasing Community Service Officers (CSOs). Of 50 officers, how many are

sworn and how many CSOs. During her ride along, she felt that a lot of the calls could have been answered by CSOs and that might help with the budgeting issue. Questioned if the City can consider having the Fire department help with answering some calls for service since they are better staffed. Also questioned if the Police Department can have a formatted structure for growth by population and by radius of patrol like the Fire Department. Also had concerns about shortage of staff and burnout and how can the City find qualified people for the jobs.

Chris Casado, called staff into the room to answer Karen Chisum's questions.

Thomas Klose, commented on the repercussions of cutting other budgets because it will cut other services provided by the City.

Greg Newman, asked staff to answer the question: What happens to the City of Clovis if the city does not have the availability of the 9,000 rooftops required by the State?

Andy Haussler, answered that if the City does not adopt a General Plan with a Housing Element that is compliant, the City is open for lawsuits to be filed and a judge to decide where the City will put the houses and they will dictate the densities to the City.

Scott Cross, clarified that the City has to plan for those houses. If the houses are never built, there are no legal ramifications to the City as long as the City appropriately plans for the houses. It will be up to the developers to come and build the houses as it is market driven. The 9,000 units had to be planned for over an eight year period.

Noha Elbz, asked if infrastructure is supposed to come with the planned 9,000 units to include services like police and fire as well as schools. Has concerns that we are never catching up to the development of homes.

Andy Haussler, answered that infrastructure is planned with some exceptions. A fee program can be developed as a one-time cost, but operational money needs to come from tax revenues because developers can't be charged for an on-going expense.

Greg Newman, asked staff to answer the question: Is there any room in the existing budget to help fund the need for additional officers? Is there room to cut other budgets?

John Holt, answered that 87% of the General Fund budget primarily goes to public safety which is made up of Police and Fire. This leaves 13% which goes to the Senior Center, Recreation, General Government, City Council, Street Maintenance, and Economic Development. All of these could be cut, and it would still not be enough money to fund what the Police Chief is asking for. This will cut services like Senior Center which is 1% of the budget and Recreation which

is another 1%. These are services that would be cut, and one could argue that it will make the Clovis community less than it is.

Stephanie Babb, asked if the Fire Department has an on-going fee for the developers to build out Fire Stations.

Andy Haussler, answered that Fire and Police both have a couple of fees related to development. One is development impact fee that pays for capital needs like fire stations, police sub stations, vehicles, etc. When a house gets built, the development impact fees are paid one-time. Another fee is the the Community Facilities District (CFD) fee that every new home (built after 2004) pays about \$260 annually for on-going operations where 2/3 goes to Police and 1/3 goes to Fire. The CFD fees are increased annually based on the CPI.

Greg Newman, asked if homes built prior to 2004 can be assessed for a CFD fee when it is resold.

Scott Cross, answered that a Development Impact Fee would not be able to be imposed as it is a one-time fee which was already paid when the home was built. As for a CFD, the City could theoretically expand a CFD when an additional entitlement is done. There is not a mechanism to impose a CFD on the resale of the property but there could be a mechanism if they come an pull an entitlement like if an addition to the home was constructed. The Development Impact Fees are one-time fees that are imposed on both residential and commercial properties. The CFDs adopted by Council in 2004 is imposed only on residential developments and not commercial. It is a possibility that CFDs could be expanded city-wide but would require a 2/3 vote because it is a special tax.

Karen Bak, asked how the Development Impact Fees are calculated.

John Holt, answered that a study is done once every five years to determine the actual cost of the impact of that new home or business is going to have on the City of Clovis. The fees are updated on an annual basis. There are street fees, water fees, sewer fees, and more CUSD also has fees. The average home is charged about \$50,000 in fees.

Stacey Brinkley, questioned if the funding would be sufficient if the City collected CFD fees from the homes that were built prior to 2004 and if that percentage of homes would be 2/3 vote that is needed.

Andy Haussler, the City has approximately 28,000 homes that are not in the CFD which would be a big impact if \$200 + CPI are collected from those homes annually.

John Holt, added that CFD requires a nexus study to justify the amount the City is charging. The City can't just charge those 28,000 homes the \$260 annually. A full study would be required to identify the need and will still need 2/3 vote to be approved.

Elbaz, Noha – No further comments to add.

Gomez, Elba – ABSENT

Gomez, Eulalio – ABSENT

Kilabi, Kintutu – ABSENT

Klose, Thomas – As a previous Police Chief in the City of Sanger, they had passed a Sanger sales tax (Measure S) increase which proposed $\frac{3}{4}$ of \$0.01 for 10 years. The sales tax generated \$2 million per year. The funding went to both the Police and Fire Departments, so they were very involved in engaging with the community to pass the measure. Sanger just passed the same sales tax again two years ago. With today's inflation, a \$0.01 or \$0.015 tax would be asking for very little. If it was \$0.10, he would be willing to pay for it.

Milton, Chris – ABSENT

Mosher, Drew – When he first started with Clovis PD in 1999 the City had 1.4 officers per capita and had continuously decreased since then. To address the question of how we let ourselves get here, he stated that there should be a built-in growth formula for police services that has never been addressed. If the City had the built-in formula, the Police Department would be a lot closer to the 1.4 officers per capita. To address the question of how did we survive all these years, he answered that it is on the backs on the police officers. The Police Department continues to ask more and more of officers and it is not sustainable because it's overworking the officers. This impacts the efficiency of other divisions within the Police Department as well. Also addressed Bob Whalen's question about how is we stayed safest city in the valley. He believes that Administration has been doing a good job to attract law abiding citizens which makes the Police Department's job easier. If the Police Department fails, so will other components that keeps the City safe. The CAC was not tasked to determine the likelihood of a tax passing. The CAC was tasked to decide how we would like to see increased funding accomplished if it is the recommendation. Focus on recommending what CAC wants and let the experts focus on how to get a tax passed if that is the recommendation of the CAC.

Pearce, Diane – ABSENT

Samarco, David – Asked that if 87% of General Fund is already allocated to Public Safety which includes Police and Fire, why would we be looking at special tax if majority goes to Police & Fire anyway. He has concerns about voting yes on a tax. He believes that everyone agrees that the Police Department needs more officers but how do we get them? He does not believe that the \$260 annual CFD fee truly equates to all of the advantages and services the the residents receive when living in the City of Clovis. Also questioned why do we keep developing when we have an overworked infrastructure. Can the City slow the

growth by putting an extraordinary tax on the developers. He believes that we need more officers but not as many as 50. There are some areas of the Police Department like the animal shelter which could be allocated to another department. Agrees that a carefully worded tax might be the most likely solution.

Snow, LaDonna – Expressed support for giving the number of officers that the Police Chief asked for. Asked what police services are worth to individuals. Fresno did a citizens' initiative which was passed. What would it take to do this as well? She is willing to pay sales tax. If we don't hold back Fresno, we are going to become just like them. Shared two incidents of calls for service recently.

Ulam, Jacob – ABSENT

Vang, Woua – As a regular citizen, he didn't understand operation of the Police Department. After a ride along, he felt he was much more educated and was very surprised at status of the department, especially that there are only eight officers that are patrolling the entire City in a shift. He does not understand how Clovis is sustaining this. He is interested in pursuing a citizens' initiative

Verros, Jim – ABSENT

Virk, Jay – ABSENT

Youdelman, Rachel – Have not gone on a ride along, but watched the virtual ride along. She feels traumatized from Boston ride along so she did not want to do the ride along here in Clovis. Had a question regarding housing development and population growth and neglect and failure to plan for funding public safety. She believes that the City Council has been negligent in planning. She doesn't understand the housing element in how no one is forcing City to build housing but yet the City is open to litigation. If the City Council knows how many housing units they are intending to build over a period of time, there's no reason they cannot plan for public safety. The City Council needs to plan accordingly.

Zante, Blake – Asked what type of Clovis do we want to leave behind for the next generation. He chose to buy a home in Clovis. He believes we need to be mindful of having to face new adaptation of a tax being imposed. Willing to compromise and pay the sales tax whether \$0.01 or \$0.10 in order to have a safe community.

Avila, Enrique – He feels discouraged that we are controlled by a government that limits local control on housing development regardless of the City's ability to support it. He has lived in Clovis for 34 years and has seen deterioration of the city. We need enough police staff to live in the city that we would like to live in but doesn't believe that we can do it the way we want to. He would like for us to enforce fines on people who break laws and do not pay for anything. This way, the City might be able to get some funding for services. He believes that the worst enemy we have is government itself and that government has overreached because we can't do anything without their permission. He agrees that the Police

Department needs more officers and that the City needs to enforce some of the tax laws that are already in place.

Newman, Greg – Reiterated the task at hand and recapped that most members feel that the Police Department needs more officers. As the discussion wraps up, consider how many officers would be an appropriate number and what is the recommendation to Council.

Casado, Chris – As a business owner, he doesn't like taxes and would not have voted yes if he was not a part of CAC. Clovis is the best city to raise a family in and a team effort is required to makes a difference. There are cracks in our system even if it's one of the best communities around. And public safety is imperative.

Chair Chris Cassado proposed that the CAC present a recap along with the survey results and the comments made tonight to the City Council at the next CAC meeting on April 6, 2022.

It was the consensus of the CAC to schedule a joint meeting with the City Council for April 6, 2022, to be held at the regular CAC meeting location at CHSU to present a recap along with the survey results and the comments made tonight as well as any last comments as the recommendation to the City Council.

PUBLIC COMMENTS

7:54 – None.

ADJOURNMENT

Chair Chris Casado adjourned the meeting of the CAC to April 6, 2022.

Meeting adjourned: 7:55 p.m.

Chair

City Clerk



CITY *of* CLOVIS

REPORT TO CITY COUNCIL
-AND-
REPORT TO CITIZENS' ADVISORY COMMITTEE

TO: City Council & Citizens' Advisory Committee

FROM: Citizens' Advisory Committee
Chris Casado, Chair
Greg Newman, Vice-Chair

DATE: April 6, 2022

SUBJECT: Receive and File – Citizens' Advisory Committee Results

- ATTACHMENTS:
1. CAC Survey Form
 2. CAC Survey Results & Comments
 3. CAC Discussion Summary
 4. Submitted Comments from CAC Members
 5. January 10, 2022 Staff Report Establishing the CAC

RECOMMENDATION

Receive and File the results of the Citizens' Advisory Committee recommendations.

BACKGROUND

On January 10, 2022 (staff report attached as Attachment 5) the Clovis City Council appointed 25 individuals to the Citizens' Advisory Committee (CAC). All members remained on the committee with the exception of one member who resigned March 24, 2022 following the March 23, 2022 CAC meeting. The City Council requested the CAC to complete the following tasks:

Review:

- Services the City of Clovis Police Department provides with the existing staffing and funding
- Spending and staffing patterns within the Police Department over the past fifteen years

Evaluate:

- How has the City maintained the “Safest City in the Valley” position?
- Level of resources needed for Clovis to remain “Safest City in the Valley”

Report Recommendations to City Council:

- Spending and staffing in the Police Department
- Levels of service provided by the Police Department
- Level of resources needed for Clovis to remain “The Safest City in the Valley”

In addition, Council asked the CAC to address this question: What kind of City do you want to live in?

To accomplish this, City staff provided approximately 8 hours of presentations and answered 77 written questions submitted by the CAC. This allowed for the review and evaluation as described above. For the CAC to begin discussions on recommendations to City Council the Chair and Vice-chair developed a survey for CAC members to complete. The survey form is included as Attachment 1. The CAC Chair and Vice-Chair led a meeting to discuss the results of the survey and determine recommendations to City Council. This resulted in the CAC choosing to provide the results of the survey (Attachment 2), and a summary of the discussion of those results (Attachment 3).

Survey Results

Results of the survey are summarized below, full results are included as Attachment 2.

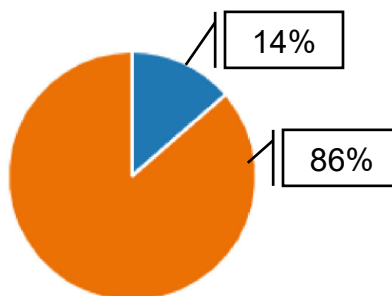
Question #1: Name

Total responses: 22 of the 25 CAC members completed the survey.

Question #2:

2. Based on the information provided to the CAC over the past 4 meetings, do you feel the current Clovis Police Department staffing and funding is adequate for Clovis to remain the safest city in the Valley?

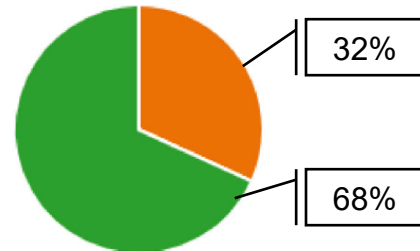
●	Yes	3
●	No	19



Question #3:

3. One measurement of the level of service the Police Department can provide is the number of sworn police officers. In order to maintain the safest city in the valley status how many additional sworn police officers are needed over the next five years?

- No additional sworn police off... 0
- 50 sworn police officers (i.e. 1... 7
- Other 15

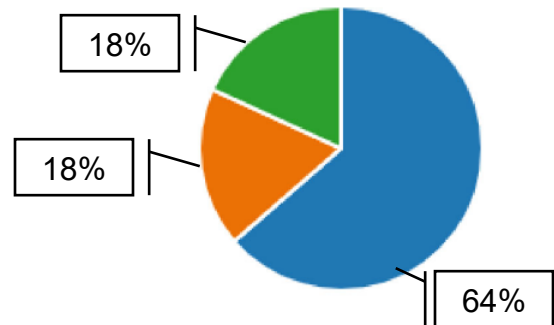


“Other” responses have been included in Attachment 2

Question #4:

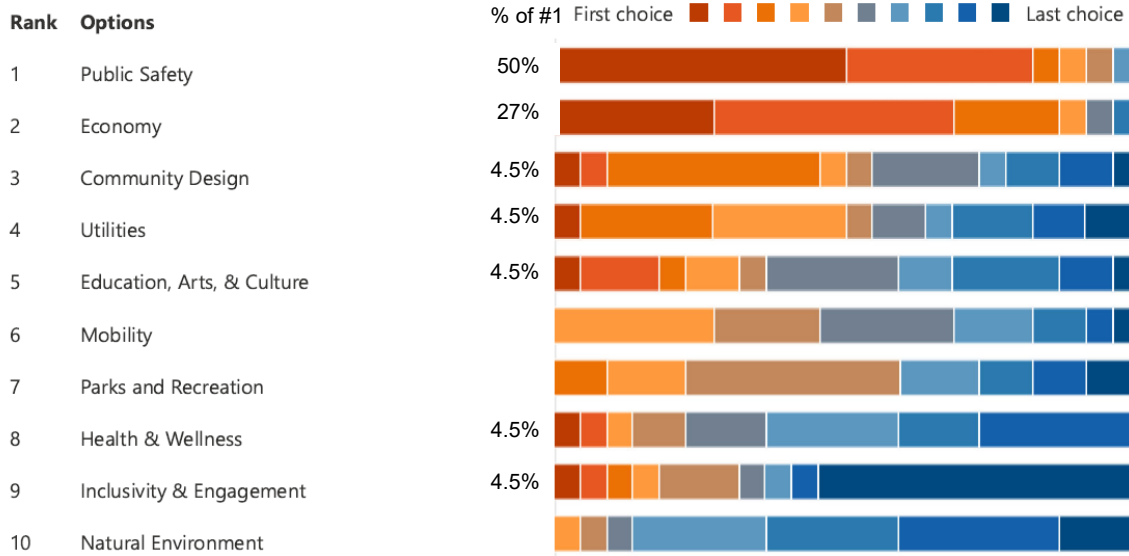
4. If an increase in services and resources is pursued, how should this be paid for?

- Tax increase ballot measure(s) ... 14
- As the City is able with existin... 4
- Cuts in other General Fund De... 4



Question #5:

5. The City Council asked one additional question "What kind of City do you want to live in?" The following items are commonly used by cities to prioritize categories of services. Please rank the importance of the following items (scale: 1 most important, 10 least important).



Question #6: Other thoughts to be considered:

16 responses were received as part of the survey and are included in Attachment 2.

In addition the CAC had an in depth discussion of the results of the survey at its March 23, 2022 meeting. A summary of this discussion is included as Attachment 3. After the meeting CAC Members were given an opportunity to submit written comments, comments received are included as Attachment 4.

The CAC also worked to answer the following question in addition to the survey, as it lent itself to discussion rather than a survey question.

How has the City maintained the "Safest City in the Valley" position?

The committee was presented with a lot of information from many different city staff members related to this question. We heard from Chief Fleming that one of the departments top goals was to be the safest city in the central valley. This goal is measured merely based on the annual results of the department's reported (CCI) California Crime Index. We heard that this measurement isn't really an accurate comparison anymore since the passage of proposition 47. It was demonstrated by Chief Fleming that after proposition 47 was enacted our CCI has continuously fallen

over the past 10 years while our violent crime has actually increased. This case was also demonstrated with the City of Fresno. Both Clovis and Fresno are safer cities today than they were 10 years ago according to this metric.

We also heard from the Finance Director and Assistant City Manager who explained to us the police department's budget has grown similar to many other general funded departments. Many of these departments have seen similar and some even larger increases to their budgets over this same time period and were also not able to add any additional staff. Over the past 10 years, the police departments budget has grown by 68% and 93% of that increase came in 10 budget line items. A large majority of these line items were attributed to increases in employee cost similar to other city departments. These increased costs have consumed the budget increases and have not allowed for the police department to add any additional sworn staff during this same time period. There were also increased investments in technology that allowed some efficiency increases and some fixed costs such as a new computer aided dispatch system and the construction of Miss Winkles.

Safety in our community is made up of many different things and the credit doesn't go solely to the Police Department. All city departments, CUSD, businesses, and citizens all work together to make our city a safe place to live, work, and raise a family. All of these stakeholders play a vital role in our community being safe; however, safety without a healthy police department wouldn't be possible to maintain.

The CAC also addressed at length the following question:

What kind of City do you want to live in?

The views on this question are included in survey question # 5 and the summary of the CAC discussion in Attachment 3.

ACTIONS FOLLOWING APPROVAL

Staff will file the report.

Submitted By: Citizens' Advisory Committee

Chris Casado, Chair

Greg Newman, Vice-Chair



Police Citizens' Advisory Committee Survey

Thank you for being a member of the Citizens' Advisory Committee for the Police Department. The Clovis City Council has asked the group to review the department's operations and finances, analyze the need and operations of the department and provide recommendations to City Council on what is needed to keep Clovis the safest city in the valley. We have conducted 4 meetings sharing information with you to help your review and analysis of the department.

City Council has requested the following issues be analyzed and reported on:

- Spending and staffing in the Police Department
- Levels of service provided by the Police Department
- Level of resources needed for Clovis to remain "The Safest City in the Valley"
- How levels of service could be maintained or improved should some kind of tax measure be recommended

The Chair and vice-chair have asked for the following survey be conducted to get feedback on potential recommendations for City Council. The results of this survey will be presented and discussed at the next meeting.

* Required

1. Name: (Will not be shared with other members) *

2. Based on the information provided to the CAC over the past 4 meetings, do current Clovis Police Department staffing and funding is adequate for Clovis to remain the safest city in the Valley? *

- Yes
- No

3. One measurement of the level of service the Police Department can provide is the number of sworn police officers. In order to maintain the safest city in the valley status how many additional sworn police officers are needed over the next five years? *

- No additional sworn police officers
- 50 sworn police officers (i.e. 10 additional officers per a year over 5 years)
-
- Other

4. If an increase in services and resources is pursued, how should this be paid for? *

- Tax increase ballot measure(s) to be determined by City Council
- As the City is able with existing revenues while maintaining other General Fund Departments
- Cuts in other General Fund Departments

5. The City Council asked one additional question "What kind of City do you want to live in?" The following items are commonly used by cities to prioritize categories of services. Please rank the importance of the following items (scale: 1 most important, 10 least important). *

Economy

Mobility

Community Design

Utilities

Public Safety

Natural Environment

Parks and Recreation

Health & Wellness

Education, Arts, & Culture

Inclusivity & Engagement

6. Other thoughts to be considered:

AGENDA ITEM NO. 8.

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 Microsoft Forms

Police Citizens' Advisory Committee Survey

22
Responses

36:38
Average time to complete

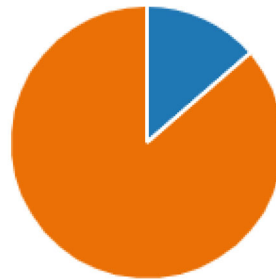
Active
Status

1. Name: (Will not be shared with other members)

22
Responses

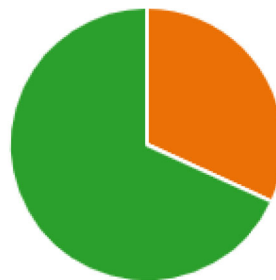
2. Based on the information provided to the CAC over the past 4 meetings, do you feel the current Clovis Police Department staffing and funding is adequate for Clovis to remain the safest city in the Valley?

- Yes 3
- No 19



3. One measurement of the level of service the Police Department can provide is the number of sworn police officers. In order to maintain the safest city in the valley status how many additional sworn police officers are needed over the next five years?

- No additional sworn police off... 0
- 50 sworn police officers (i.e. 1... 7
- Other 15



Question 3 "Other Responses"

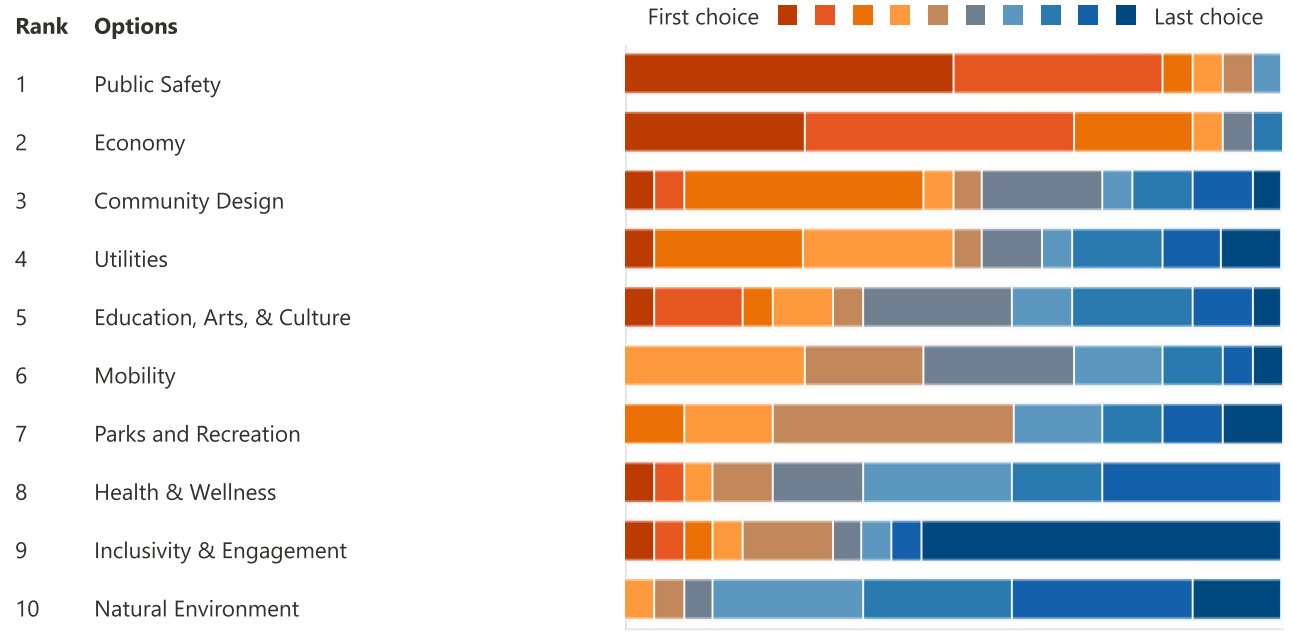
- 1) 1 per 1200 residents seems adequate
- 2) 35
- 3) I think this answer is more complex than the two options above
- 4) 40
- 5) 30-40 officers
- 6) Backfill the openings CPD has and fill retirements before adding more
- 7) 7 additional officers per year over the next 5 years
- 8) A combination of sworn officers, community service officers and civilian if possible.
- 9) 25
- 10) 30 over 5 years
- 11) 55 (50 plus a safety of 10%)
- 12) 25 patrol officers for 5 years
- 13) 32 like the Chief recommended
- 14) 20
- 15) 3 additional officers per year over 5 years

4. If an increase in services and resources is pursued, how should this be paid for?

- Tax increase ballot measure(s) ... 14
- As the City is able with existin... 4
- Cuts in other General Fund De... 4



5. The City Council asked one additional question "What kind of City do you want to live in?" The following items are commonly used by cities to prioritize categories of services. Please rank the importance of the following items (scale: 1 most important, 10 least important).



6. Other thoughts to be considered:

16
Responses

Question 6 Responses:

- 1) - NON-CPOA HAS INCREASED 10% BETWEEN 2008 TO 2019 - POSSIBILITY OF DENSITY GOING UP (MORE RESIDENTS PER HOUSEHOLD DRIVING POPULATION) - FOCUSING ON THE HOT CALL AREAS AND REQUIRING THOSE AREAS TO HAVE SELF SECURITY (FOR USES EXCEPT SINGLE FAMILY RESIDENTIAL) - PROP 8 MADE AN IMPACT ON PROPERTY TAXES WHICH DECREASED VALUES BY HALF IF NOT MORE BECAUSE OF 2008 DOWNTURN WHICH IS FINALLY COMING BACK UP, SO PROPERTY TAX REVENUE SHOULD BE INCLINING FOR THE LAST 24 MONTHS, ESPECIALLY 2022 -COMMERCIAL GROWTH HAS BEEN MUCH SLOWER -OVERTIME IS AT 15% OF TOTAL LABOR, NORMALITY IS 3% IF OPERATING AS A BUSINESS -WE ARE LOOKING AT POSITIONS WHEN WE SHOULD BE LOOKING AT HOURS NEEDED FOR COVERAGE OF NON SWORN AND NON ACTUAL POLICING ISSUES -UTILIZE FIRE DEPARTMENT FOR LESS CRITICAL CALLS -PEOPLE ARE LIVING IN CLOVIS BUT NOT ALL WORKING IN CLOVIS. -EVERYONE WANTS TO LIVE IN CLOVIS, BUT IS EVERYONE SPENDING IN CLOVIS? NO MAJORITY GO ACROSS THE BOUNDARY TO FRESNO -NONCPOA EXPENSES NEED TO BE BROKEN DOWN AND REVIEWED IN DETAIL FOR FURTHER REVIEW (WILL DO THIS WEEK) WE NEED TO DO A COMBINATION OF ITEMS AND SCALE THEM FOR THE NEXT 3 YEARS SO WE CAN CAPITALIZE ON THE ELECTION IN NOVEMBER AND THROUGH THE PRESIDENTIAL ELECTION AS WELL. WE NEED TO KNOW WHICH MEASURES PASSED REALLY WELL DURING MIDTERMS TO GET A PROPER UNDERSTANDING OF THE RISK AND REWARD. -HOTELS CAN CHARGE \$2/NIGHT ADDITIONAL -INCREASE SALES TAX BY 1/2% -IS THE GENERAL PUBLIC ALLOWED TO DONATE TO THE CLOVIS POLICE DEPARTMENT? WHY NOT DO A FUNDRAISER? -PUSH COMMUNITY BASED MEASURE AS WELL -USER UTILITY TAX NEEDS TO BE IMPLEMENTED ON CABLE, TELEPHONE & PGE - MAKE PERMITS FOR RENTAL HOMES NECESSARY AND CHARGE A FEE FOR IT -AIR BNB NEEDS TO BE VAXXED OUT AND FOCUS ON HOTELS TO CREATE OCCUPANCY TAX IN CONCLUSION: IT HAS TO BE A MIXTURE - REVALUATE CURRENT EXPENSES/CONTRACTS/LABOR MODELS, REDUCE OVERTIME SIGNIFICANTLY, HAVE THE FIRE DEPARTMENT TAKE ON SOME OF THE MINOR ISSUES, MIXTURE OF TAXES, UUT, OCCUPANCY TAX NEEDS TO BE IMPLEMENTED.
- 2) I'm unsure about raising taxes to fund additional police salaries, but maybe that's the only way to do it. We did not discuss cuts to other departments, so I don't know what is expendable; nor did we discuss shuffling funds around. I am not opposed to raising taxes, but I don't think we exhausted discussion of other means of raising revenue for this purpose. I do think that investing in public safety should be a priority of city government and that it should be done thoughtfully--we need to integrate civilians into policing positions as appropriate, make policing community-based, and be pro-active rather than reactive. As Chief Fleming has said, "civilianizing" the police force is a major factor in the success of the Clovis department. Other points I think about in answer to Councilmember Ashbeck's question re what kind of city we want to live in:
- Reliable, 24/7 animal-control
 - City should always be safe for walking
 - City planning and real-estate development should entail public-safety planning, including increased policing staff and accounting for additional police salaries--I have heard the blame placed on the "state" which if true still makes no sense
 - City should be safe for package & mail delivery
 - Public parks should be accessible, well maintained, and playground equipment for children safe and upgraded as needed
 - Housing and city services should be affordable
 - City should welcome a range of businesses and plan for sustainable development
 - City planning and services should focus on environmental sustainability
 - City should administer public-health initiatives—Clovis could have been more supportive during pandemic when City Council put public health at risk by resisting common-sense stay-at-home orders
 - Residents should feel safe and secure in their own homes
 - Education should be a priority for children as should continuing education for adults
 - All residents should feel welcomed and included in city life
 - "Quality of life" issues/need dedicated code-enforcement staff
 - Library services are great—don't skimp here
 - Community-based policing: preventive programs for youth, families, couples—would like to see these services restored, staffed by civilians as appropriate

Improved public transportation—free is great! Need more routes, frequency • City council elected by district • More CSOs, mental-health staff in police dept positions where sworn officers not necessary • Respond to homelessness with a plan to serve the homeless rather than “abate” them like mosquitoes

- 3) Question #4: Doesn't give enough options. It should be a combination of the three. I strongly agree that the PD needs additional funds and more officers, however I feel in order to continue to be “the safest city in the valley” there needs to be more than just funding. We must have a program that is structured to educate, care for, and support the department officers & staff. We need to ensure that the officers we invest in stay long term in a productive and safe environment. In addition, we need to bring back the pro-active community programs that promote and support the safety of its citizens. Unfortunately, the climate of law enforcement and the support from citizens has changed across the country, and for the first time, finding qualified candidates who are interested in this profession is more challenging than its ever been. This is why it is vital to implement a well rounded program that is innovative, competitive, and appropriately funded.
- 4) I believe that if the City Administration is doing a good job of attracting a good, hard working, tax base to the city, the Police Department's job of keeping the community safe is made easier. Likewise, if the Police Department is healthy, strong, and effective, then the City Admin's job of attracting good people to the city is, in turn, made easier. Together, Public Safety and the civil engineering are dependent upon each other. If one starts to fail, so too will the other. That said, it's important that we keep the Police Department strong and effective, despite the ever expanding, state related, expenses under which it suffers, and over which Chief Fleming has no control.
- 5) The City of Clovis has done a great job in keeping up the Clovis Way of Life/Safest City in the Valley along with the growth of our city. I do feel that more sworn officers are needed as crime in our city seems to be increasing. I would like to see some our programs brought back. I would like to city to figure out how to add officers without raising taxes. If a tax increase is the only option then I would support a general sales tax increase for public safety and let the city manager and city council allocate the funds to the areas in most need.
- 6) It appears the police funding issue has not been properly addressed by the City. The Chief must get the funding he is requesting, otherwise, crime will continue to increase and Clovis will NOT be a safe city. The growth has increased way too fast and the police department has not increased/added officers/staff and that is not acceptable.
- 7) In order for Clovis to remain the safest city in the valley, the citizens must be willing to support it financially and if it means an increase in sales tax, it is something to seriously consider! It worked in Sanger and has been voted in by the citizens a second to, but it supports police and fire.
- 8) A specific bond measure would not be ideal because we would be ignoring other areas that have been part of Clovis' way of life (parks, recreation, walking trails, community design). After awhile the citizens would be tired of having an additional tax included with their property tax. If anything happens to the real estate market (like 2008), generating funds would be difficult. Perhaps by increasing the city's sales tax would be beneficial. Especially if an increase in business activity occurs that citizens of Clovis and outside of Clovis encourage them to spend their money in Clovis. As mentioned in the last meeting, citizens for the City of Fowler had on their ballot the following: "To generate approximately \$953,000 annually to build a new police station and restore or replace out-of-date police equipment.

Revenues will also be used to fix city streets needing repair and to pay escalating pensions and other general fund obligations, with the remainder going to a reserve account." It seems this measure addressed their public safety needs while maintaining other aspects for Clovis (street repair, park maintenance and city enhancements) and enhanced their "rainy day fund". This sales tax increase would be a long term fix (in perpetuity) as opposed to the short term (5 years).

- 9) That the increased costs/needs be spread in ratio by the groups that are requiring the most to least amount of police services.
- 10) Increasingly I am concerned with what appears to be uncontrolled growth in Clovis. Every direction you look, we have more homes and apartments being built yet the infrastructure of safety and education seem an afterthought. Schools are overcrowded and we have fewer officers than we had in years past for more residents. My concern is temporary tax measures are a bandaid to years of poor decision making.
- 11) Question # 4 is very difficult to answer in that as a city the City Council has to consider all three ways to ensure the safety of this city using all the means of raising the necessary monies to provide the CPD adequate funding to do its job properly. I believe taxes is something we all must be willing to expect to rise but at the same time being caution to use what we have to its fullest potential without misuse of any monies for "pet" projects or "feel good" projects. These last two projects can be paid by those personally requesting these and not a burden on the rest of the community. I don't want for the further expansion of Clovis to be the cause of further deterioration of the older residential communities as I have experience over the 34 years of living in the Tarpey Village Community of Clovis. I have seen a relaxation of city enforcement of residential city laws. Community patrolling has been down in our area and has not kept up with how residents are keeping up with the Clovis housing requirements. I am referring to more evidence of: 1) parked, unmoved cars on the curbs or driveways to include recreational boats; 2) overgrown dry grass around the houses creating fire hazards and giving the community a neglected appearance; 3) residents putting out the trash for community clean-up weeks before the actual time frame; 3) big mobile trailers parked in front of residential homes; and 4) more and more drivers disregarding the courtesy of safe driving practices (not coming to a complete stop and running more and more red lights). For this reasons alone I strongly urge that the CPD be included in any residential expansion before giving any developer the go ahead to built more and more housing. Which brings me to another personal observation: these new homes are built bigger but on less area equating to a more concentration of housing and thus population thereby increasing the chances of more unstable communities.
- 12) We need some sort of metric in place that accounts for increases in the needs of the Police Department as the city grows. I understand there isn't one set way to plan for that, but there is a good reason why our Fire Department isn't in the same boat as police...the city plans ahead with each new development. I'll take a B+ metric over the non-existent one we currently have. Also, we know there are certain areas (hospitals, potentially the new Social Services building, and low-income housing) that see higher numbers of calls for service. It would make sense that impact fees are commensurate with that, however, affordable housing projects (like Solivita Commons at Willow and Alluvial) pay lower impact fees even though they demand more services. Sacramento's onerous housing regulations and mandates are harming Clovis. Our city is in a position of having no good options because we didn't plan ahead well enough and now the need is too great for any reasonable solution. With the economy in the tank, I can't support a tax because it is doomed at the ballot box. I can't support a bond measure because it is bad business to borrow for operating costs.

- 13) Everyone should pay towards the Public Safety of Clovis with no exception.
- 14) None of the suggested options to pay for the additional officers will achieve what is needed, or will pass a 2/3rds threshold by the voters. A bond is never a good idea when it comes a depreciating asset or operational cost. A discussion with outside groups to gather signatures and place on ballot needs to happen.
- 15) Another tax would be voted down. With inflation on the rise, everything is costing the citizens of clovis more money. I don't think this is the time to raise taxes on the citizens of Clovis.
- 16) Consider removing the hiring bonuses or lowering the amount.

6:19 – ITEM 4. CITIZENS' ADVISORY COMMITTEE DISCUSSION/ACTION ON RECOMMENDATIONS LED BY CHAIR CHRIS CASADO AND VICE-CHAIR GREG NEWMAN.

Chair Chris Casado proposed that all CAC members provide their comments for discussion with executive staff including the City Manager, Assistant City Manager, Finance Director and Police Chief not present in the meeting room. The City Attorney, City Clerk, IT staff, and Public Affairs & Information Manager are to remain in the room to support the CAC as needed. If there are any clarifying questions for executive staff, they can be called back into the room to provide answers.

Babb, Stephanie – Believes that the police department should receive the 50 officers over five years that the Chief is requesting for. The City should do what it can to keep the pay competitive, especially with the City of Fresno's new contract, in order to recruit officers. Had an eye-opening experience during the ride along with Clovis PD and is encouraging the CAC to ask the City Council to go on a ride along with Clovis PD. Not sure if Council understands what is currently happening with the types of crimes that are happening and how the officers do not have time to take a break for lunch or even use the restroom. After doing a ride along from 5:30 p.m. to 3:00 a.m., she believes that the CAC and the average citizen does not what's going on in the field for police officers. She is willing to pay for a tax but feels that a tax measure would not pass this year.

Bak, Karen – Agrees with Stephanie Babb's comments and believes that pursuing a special tax measure which requires the 2/3 vote will be difficult to achieve but pursuing a general tax measure which only requires 50%+1 will be better than nothing.

Boyajian, Adriana – Agrees with Stephanie Babb's comments. Would vote yes for sales tax, but why have there not been an increase in the last 10 years and how did we survive through that time without an increase? Has concerns regarding State legislation regarding increasing housing development. She is suggesting that Council consider if the City can afford additional public safety before approving additional development.

Brinkley, Stacey – Agrees with Stephanie Babb's comments. Is concerned that neither tax options will pass but the money needs to be found somewhere. Believes that the money should be coming from the people using it the most, from the areas that are using the most resources which could be paying a bigger percentage.

Butler, Lauren – ABSENT

Chisum, Karen – Agrees with Stephanie Babb's comments. Questioned if there is any room to cut other budgets. She is interested in looking more into

increasing Community Service Officers (CSOs). Of 50 officers, how many are sworn and how many CSOs. During her ride along, she felt that a lot of the calls could have been answered by CSOs and that might help with the budgeting issue. Questioned if the City can consider having the Fire department help with answering some calls for service since they are better staffed. Also questioned if the Police Department can have a formatted structure for growth by population and by radius of patrol like the Fire Department. Also had concerns about shortage of staff and burnout and how can the City find qualified people for the jobs.

Chris Casado, called staff into the room to answer Karen Chisum's questions.

Thomas Klose, commented on the repercussions of cutting other budgets because it will cut other services provided by the City.

Greg Newman, asked staff to answer the question: What happens to the City of Clovis if the city does not have the availability of the 9,000 rooftops required by the State?

Andy Haussler, answered that if the City does not adopt a General Plan with a Housing Element that is compliant, the City is open for lawsuits to be filed and a judge to decide where the City will put the houses and they will dictate the densities to the City.

Scott Cross, clarified that the City has to plan for those houses. If the houses are never built, there are no legal ramifications to the City as long as the City appropriately plans for the houses. It will be up to the developers to come and build the houses as it is market driven. The 9,000 units had to be planned for over an eight year period.

Noha Elbz, asked if infrastructure is supposed to come with the planned 9,000 units to include services like police and fire as well as schools. Has concerns that we are never catching up to the development of homes.

Andy Haussler, answered that infrastructure is planned with some exceptions. A fee program can be developed as a one-time cost, but operational money needs to come from tax revenues because developers can't be charged for an on-going expense.

Greg Newman, asked staff to answer the question: Is there any room in the existing budget to help fund the need for additional officers? Is there room to cut other budgets?

John Holt, answered that 87% of the General Fund budget primarily goes to public safety which is made up of Police and Fire. This leaves 13% which goes to the Senior Center, Recreation, General Government, City Council, Street Maintenance, and Economic Development. All of these could be cut, and it would still not be enough money to fund what the Police Chief is asking for. This will

cut services like Senior Center which is 1% of the budget and Recreation which is another 1%. These are services that would be cut, and one could argue that it will make the Clovis community less than it is.

Stephanie Babb, asked if the Fire Department has an on-going fee for the developers to build out Fire Stations.

Andy Haussler, answered that Fire and Police both have a couple of fees related to development. One is development impact fee that pays for capital needs like fire stations, police sub stations, vehicles, etc. When a house gets built, the development impact fees are paid one-time. Another fee is the the Community Facilities District (CFD) fee that every new home (built after 2004) pays about \$260 annually for on-going operations where 2/3 goes to Police and 1/3 goes to Fire. The CFD fees are increased annually based on the CPI.

Greg Newman, asked if homes built prior to 2004 can be assessed for a CFD fee when it is resold.

Scott Cross, answered that a Development Impact Fee would not be able to be imposed as it is a one-time fee which was already paid when the home was built. As for a CFD, the City could theoretically expand a CFD when an additional entitlement is done. There is not a mechanism to impose a CFD on the resale of the property but there could be a mechanism if they come an pull an entitlement like if an addition to the home was constructed. The Development Impact Fees are one-time fees that are imposed on both residential and commercial properties. The CFDs adopted by Council in 2004 is imposed only on residential developments and not commercial. It is a possibility that CFDs could be expanded city-wide but would require a 2/3 vote because it is a special tax.

Karen Bak, asked how the Development Impact Fees are calculated.

John Holt, answered that a study is done once every five years to determine the actual cost of the impact of that new home or business is going to have on the City of Clovis. The fees are updated on an annual basis. There are street fees, water fees, sewer fees, and more CUSD also has fees. The average home is charged about \$50,000 in fees.

Stacey Brinkley, questioned if the funding would be sufficient if the City collected CFD fees from the homes that were built prior to 2004 and if that percentage of homes would be 2/3 vote that is needed.

Andy Haussler, the City has approximately 28,000 homes that are not in the CFD which would be a big impact if \$200 + CPI are collected from those homes annually.

John Holt, added that CFD requires a nexus study to justify the amount the City is charging. The City can't just charge those 28,000 homes the \$260 annually. A

full study would be required to identify the need and will still need 2/3 vote to be approved.

Elbaz, Noha – No further comments to add.

Gomez, Elba – ABSENT

Gomez, Eulalio – ABSENT

Kilabi, Kintutu – ABSENT

Klose, Thomas – As a previous Police Chief in the City of Sanger, they had passed a Sanger sales tax (Measure S) increase which proposed $\frac{3}{4}$ of \$0.01 for 10 years. The sales tax generated \$2 million per year. The funding went to both the Police and Fire Departments, so they were very involved in engaging with the community to pass the measure. Sanger just passed the same sales tax again two years ago. With today's inflation, a \$0.01 or \$0.015 tax would be asking for very little. If it was \$0.10, he would be willing to pay for it.

Milton, Chris – ABSENT

Mosher, Drew – When he first started with Clovis PD in 1999 the City had 1.4 officers per capita and had continuously decreased since then. To address the question of how we let ourselves get here, he stated that there should be a built-in growth formula for police services that has never been addressed. If the City had the built-in formula, the Police Department would be a lot closer to the 1.4 officers per capita. To address the question of how did we survive all these years, he answered that it is on the backs on the police officers. The Police Department continues to ask more and more of officers and it is not sustainable because it's overworking the officers. This impacts the efficiency of other divisions within the Police Department as well. Also addressed Bob Whalen's question about how is we stayed safest city in the valley. He believes that Administration has been doing a good job to attract law abiding citizens which makes the Police Department's job easier. If the Police Department fails, so will other components that keeps the City safe. The CAC was not tasked to determine the likelihood of a tax passing. The CAC was tasked to decide how we would like to see increased funding accomplished if it is the recommendation. Focus on recommending what CAC wants and let the experts focus on how to get a tax passed if that is the recommendation of the CAC.

Pearce, Diane – ABSENT

Samarco, David – Asked that if 87% of General Fund is already allocated to Public Safety which includes Police and Fire, why would we be looking at special tax if majority goes to Police & Fire anyway. He has concerns about voting yes on a tax. He believes that everyone agrees that the Police Department needs more officers but how do we get them? He does not believe that the \$260 annual CFD fee truly equates to all of the advantages and services the the residents

receive when living in the City of Clovis. Also questioned why do we keep developing when we have an overworked infrastructure. Can the City slow the growth by putting an extraordinary tax on the developers. He believes that we need more officers but not as many as 50. There are some areas of the Police Department like the animal shelter which could be allocated to another department. Agrees that a carefully worded tax might be the most likely solution.

Snow, LaDonna – Expressed support for giving the number of officers that the Police Chief asked for. Asked what police services are worth to individuals. Fresno did a citizens' initiative which was passed. What would it take to do this as well? She is willing to pay sales tax. If we don't hold back Fresno, we are going to become just like them. Shared two incidents of calls for service recently.

Ulam, Jacob – ABSENT

Vang, Woua – As a regular citizen, he didn't understand operation of the Police Department. After a ride along, he felt he was much more educated and was very surprised at status of the department, especially that there are only eight officers that are patrolling the entire City in a shift. He does not understand how Clovis is sustaining this. He is interested in pursuing a citizens' initiative

Verros, Jim – ABSENT

Virk, Jay – ABSENT

Youdelman, Rachel – Have not gone on a ride along, but watched the virtual ride along. She feels traumatized from Boston ride along so she did not want to do the ride along here in Clovis. Had a question regarding housing development and population growth and neglect and failure to plan for funding public safety. She believes that the City Council has been negligent in planning. She doesn't understand the housing element in how no one is forcing City to build housing but yet the City is open to litigation. If the City Council knows how many housing units they are intending to build over a period of time, there's no reason they cannot plan for public safety. The City Council needs to plan accordingly.

Zante, Blake – Asked what type of Clovis do we want to leave behind for the next generation. He chose to buy a home in Clovis. He believes we need to be mindful of having to face new adaptation of a tax being imposed. Willing to compromise and pay the sales tax whether \$0.01 or \$0.10 in order to have a safe community.

Avila, Enrique – He feels discouraged that we are controlled by a government that limits local control on housing development regardless of the City's ability to support it. He has lived in Clovis for 34 years and has seen deterioration of the city. We need enough police staff to live in the city that we would like to live in but doesn't believe that we can do it the way we want to. He would like for us to enforce fines on people who break laws and do not pay for anything. This way, the City might be able to get some funding for services. He believes that the worst enemy we have is government itself and that government has overreached

because we can't do anything without their permission. He agrees that the Police Department needs more officers and that the City needs to enforce some of the tax laws that are already in place.

Newman, Greg – Reiterated the task at hand and recapped that most members feel that the Police Department needs more officers. As the discussion wraps up, consider how many officers would be an appropriate number and what is the recommendation to Council.

Casado, Chris – As a business owner, he doesn't like taxes and would not have voted yes if he was not a part of CAC. Clovis is the best city to raise a family in and a team effort is required to makes a difference. There are cracks in our system even if it's one of the best communities around. And public safety is imperative.

Chair Chris Cassado proposed that the CAC present a recap along with the survey results and the comments made tonight to the City Council at the next CAC meeting on April 6, 2022.

It was the consensus of the CAC to schedule a joint meeting with the City Council for April 6, 2022, to be held at the regular CAC meeting location at CHSU to present a recap along with the survey results and the comments made tonight as well as any last comments as the recommendation to the City Council.

KAREN CHISUM

March 28, 2022

RE: Citizens' Advisory Committee Final Comments

Members of the City Council,

It has been an honor to serve on the Citizens' Advisory Committee, and I'd like to thank Drew Bessinger for the opportunity to work alongside my fellow community members on an important matter that impacts city.

As a Clovis native, I have witnessed the longstanding dedication of the Clovis Police Department to keep and maintain our city as the "Safest City in the Valley". Chief Fleming and his department work tirelessly to maintain this status, and I have the upmost respect for the hard work and dedication they all put into each and every shift.

As a committee, the majority agree that funding is necessary, and I'd like to contribute my personal thoughts to be included in the committee notes, since I am unavailable to attend the upcoming 4/6/22 meeting:

- Additional Funding is 100% necessary to maintain the status of: "Safest City in the Valley".
 - ❖ A ballot measure is needed. I'm not sure which type would be the most successful with the voters, however I recommend than an oversight committee is involved in the planning and use of the funds if approved.
 - ❖ I can not determine whether this would be the most popular option among the voters, however, I would like to see all homeowners (single family, multi-family, and mobile homes) pay the annual Community Facilities District Fee (\$260). According to data provided at our most recent committee meeting (March 23, 2022), there are +/- 17,000 homes included in the CFD, and +/- 28,000 who are not, creating a potential annual increase of \$7,250,000 to help close the budget gap. I understand this will require a 2/3 voter approval, and an impact report, but it does seem to be the most equitable solution. At a minimum, there should to be an amendment to the CFD to include homes built prior to 2004 that either change ownership, and/or pull permits for improvements, this will begin to close the gap of homes currently not participating in the CFD annual fee and move the city towards the inclusion of all homes within the city

- The city should immediately implement an officer to citizen ratio minimum threshold to be reviewed annually along with the crime and service call data to ensure proper funding and staffing to meet the needs of our city. It is apparent that this has been a shortfall for several reasons, and must be addressed sooner than later. At a minimum, the funds currently allocated to the PD should adequately cover a sufficient operating ratio without requiring the massive amounts of mandatory overtime currently required. As a second budgetary tier, ballot measures and/or various fee increases would support the operation of additional programs such as DARE, SWAT, and others as examples. These programs play a vital role in the community awareness and crime prevention, and therefore should be funded and operating.
- Regardless of funding, it is imperative that the city and the PD come together to create an updated process to better care for our officers and staff. Systems and procedures must be updated to assist officers who are tasked to long hours, stressful routine calls, and incredibly large workloads. All of these contribute to the rise in PTSD, burnout, unbalanced work/home lives, and more. It is important now more than ever that we seek to create better ways to care for our dedicated and loyal PD staff. Below is an example of a police department working towards this: <https://www.police1.com/rural-law-enforcement/articles/could-police-officer-sabbaticals-reduce-rural-retention-woes-aE021uAWOybGdOOL/> I urge you all as council members to please give this need your utmost attention and consideration. Recruiting and keeping officers is vital to the safety of our city, we want them healthy and supported with the proper tools for success.

I am confident that it is the desire of every Clovis Police Department officer to continue to provide the highest level of service to our community, now it is our turn to return the respect and answer the call for help. Let's join together and continue to keep Clovis the wonderful city that it is.

Sincerely yours,



Karen Chisum, Resident

(559) 960-8429 / karen@thefoundrycollective.com

Clovis City Council,

Thank you for allowing me to be a part of this very enriching experience. Living in a safe community is of paramount importance. I appreciate the ground-up approach the counsel has taken with ensuring Clovis remains one of the safest cities in the Central Valley.

There is no single solution to the question at hand. There are simply too many moving parts. For example, one of the largest expenditures for CPD is its staff. With negotiations for a new contract beginning, one does not even know what the true cost of adding additional personnel would be.

However, after all the presentations, all the readings, all the thought, I think we have all found a few truths the last several weeks. Mine are simple. CPD budget has increased almost 70% in the last ten years. That's a fact. Where the money was spent, while interesting, is almost irrelevant. Chief Flemming has only been at the helm for the past three years. In those three years he has spent his budget where he saw the most need. Those decisions he made, and the budget he was afforded, kept Clovis one of the safest cities in the Central Valley.

If Chief Flemming says he needs additional resources, then I trust that he does. I hope the council will be good stewards of the people's money while they attempt to determine just how many additional resources our city can afford. I hope the council can find innovative ways to do this without raising taxes for the citizens of Clovis.

There is most certainly a balance that can be struck here. The citizens of Clovis are spending more of their money to keep fuel in their vehicles and food on their tables. It is important that those who sit at these tables know they are safe. The citizens deserve to know and believe that when an emergency or accident befalls them or their loved ones, the Clovis Police Department will have the personnel, equipment, and resources to respond in the fastest, most expedient way possible.

Jacob Ulum
CAC Member



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: January 10, 2022

SUBJECT: Consider Appointment of a Citizens' Advisory Committee to Evaluate the Police Department's Funding, Operations and Staffing Levels, and Report back with Recommendations on Services Provided, Efficiencies, Operations, and Funding and Consider Approval of Committee Guidelines.

Staff: John Holt, City Manager

Recommendation: Approve

ATTACHMENTS:

1. Citizen Advisory Committee Guidelines
2. December 6, 2021, Staff Report on Development of a Citizens' Advisory Committee to Evaluate the Police Department's Funding, Operations and Staffing Levels, and Report back with Recommendations on Services Provided, Efficiencies, Operations, and Funding
3. November 15, 2021, Staff Report on request from former City of Clovis Police Chief Matt Basgall to discuss creating a Citizens' Advisory Committee for the purpose of evaluating police officer staffing

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to approve guidelines and appoint 25 citizens to a Citizens' Advisory Committee to evaluate the Police Department's funding, operations and staffing levels, and report back to Council with Recommendations on Services Provided, Efficiencies, Operations, and Funding.

EXECUTIVE SUMMARY

On November 8, 2021, Police Chief Curt Fleming presented a State of the Department update to the City Council. Chief Fleming summarized the findings of a Police Resource Allocation Study (Study) by Etico Solutions, Inc., which is a staffing study that was recently completed. The last staffing study was completed in 2006.

On November 15, 2021, the Council considered a request from former Police Chief Matt Basgall to discuss creating a Citizens' Advisory Committee for the purpose of evaluating police officer staffing (see Attachment 1). There was significant discussion at that meeting regarding the Committee and how it would be created, facilitated, the focus, and scope.

On December 6, 2021, the Council provided consensus of the scope of the citizen's committee, determined the committee would be facilitated by a chair and vice-chair selected by the mayor, reviewed a draft timeline for committee meetings and received an analysis of expenditures and staffing within the Police Department for the past fifteen years.

Staff is now recommending approval of:

- Appointments of 25 citizens to the Committee as nominated by the Mayor, Mayor Pro-Tem and Councilmembers
- Citizen's Advisory Committee Guidelines (See Attachment 1)

BACKGROUND

On November 8, 2021, Police Chief Curt Fleming presented a State of the Department update to the City Council. Chief Fleming summarized the findings of a Police Resource Allocation Study (Study) by Etico Solutions, Inc., which is a staffing study that was recently completed. The last staffing study was completed in 2006. The Study found that the department initially needs 18 to 22 additional officers to get to staffing levels in the Patrol Division (Patrol) to be sufficient so that Patrol officers can meet industry recommended standards of 50% of a shift to be available for proactive policing matters. Chief Fleming also noted that the City population has risen significantly over the fifteen year period, and the number of officers budgeted is four less than in 2006 (110 then and 106 now). Chief Fleming indicated that the Police Department has eliminated several proactive units since 2006, including the gang, narcotics, mounted and bike units in an effort to staff the Patrol Division.

On November 15, 2021, the Council considered a request from former City of Clovis Police Chief Matt Basgall to discuss creating a Citizens' Advisory Committee for the purpose of evaluating police officer staffing. There was significant discussion at that meeting regarding the Committee and how it would be created, facilitated, the focus, and scope.

On December 6, 2021, the Council provided consensus of the scope of the citizen's committee, determined the committee would be facilitated by a chair and vice-chair selected by the mayor, reviewed a draft timeline for committee meetings and received an analysis of expenditures and staffing within the Police Department for the past fifteen years.

Staff is now returning with and seeking approval of appointments of 25 citizens to the Committee as nominated by the Mayor, Mayor Pro-Tem and Councilmembers.

Nominated for Appointment:**Mayor Flores**

Babb, Stephanie
Boyajian, Adriana
Casado, Chris
Gomez, Elba
Klose, Thomas

Mayor Pro-Tem Ashbeck

Bak, Karen
Butler, Lauren
Newman, Greg
Samarco, David
Zante, Blake

Councilmember Bessinger

Avila, Enrique
Chisum, Karen
Kintutu, Kilabi
Snow, LaDonna
Verros, Jim

Councilmember Mouanoutoua

Elbaz, Noha
Gomez, Eulalio
Milton, Chris
Vang, Woua
Virk, Jay

Councilmember Whalen

Brinkley, Stacey
Mosher, Drew
Pearce, Diane
Ulam, Jacob
Youdelman, Rachel

In addition, staff is recommending approval of proposed Citizens' Advisory Committee Guidelines that includes the Committee Objective, Leadership, Support, and Proposed Meeting Topics that is attached as Attachment 1. This document was developed based on Council direction at the December 6th, 2021, City Council meeting.

FISCAL IMPACT

There is no significant impact on the budget in reviewing what is being considered in this report.

REASON FOR RECOMMENDATION

At the December 6, 2021, Council meeting, Council provided direction to return to Council regarding the appointment a Citizens' Advisory Committee.

ACTIONS FOLLOWING APPROVAL

Staff will implement Council direction.

Prepared by: Andy Haussler, Assistant City Manager

Reviewed by: City Manager AH

Citizens' Advisory Committee Guidelines

Objective

Review:

- Services the City of Clovis Police Department provides with the existing staffing and funding
- Spending and staffing patterns within the Police Department over the past fifteen years

Evaluate:

- Level of resources needed for Clovis to remain "The Safest City in the Valley"

Report Recommendations to City Council:

- Spending and staffing in the Police Department
- Levels of service provided by the Police Department
- Level of resources needed for Clovis to remain "The Safest City in the Valley"
- How levels of service could be maintained or improved should some kind of tax measure be recommended

Leadership

The Mayor will appoint a chair and vice-chair to lead and facilitate the meetings.

Support

In support of the committee's work and as a resource, the committee will be provided by city staff with a series of information presentations covering several meetings, which will include a review of current expenditures and service levels in the Police Department, along with other items important to funding the mission of the department. Additionally, the committee will be provided with detailed information about city revenue and what is legally available for use in the Police Department.

Proposed Meeting Topics

- Meeting #1 Introductions, Objective, Preview, Brown Act protocol, Confirm Appointments of Chair and Vice-Chair to lead and facilitate the meetings
Review: Current Police Department Status
- Meeting #2 Review: City Finances & Economic Development – Where does the Revenue come from and Expenditures go?
- Meeting #3 Review: Historical (15 year) & Current Review of Services/Staffing
- Meeting #4 Review: Historical (15 year) & Current Review of Funding
- Meeting #5 Evaluate: Level of Resources Needed for Clovis to Remain "The Safest City in the Valley"
- Meeting #6 Evaluate: How levels of service could be maintained or improved should some kind of tax measure be recommended (and if so, what type of tax measure and in what amount?)
- Meeting #7 Recommendations: Development/Discussion
- Meeting #8 Report: Report Review/Discussion/Approval



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: December 6, 2021

SUBJECT: Consider Various Actions Associated with the Development of a Citizens' Advisory Committee to Evaluate the Police Department's Funding, Operations and Staffing Levels, and Report back on Recommendations on Services Provided, Efficiencies, Operations, and Funding:

- a. Confirm / amend consensus direction provided to staff at the November 15, 2021 meeting;
- b. Consider options regarding facilitating the 25 member Committee meetings through the process;
- c. Approve the draft calendar for the Committee meeting timeline;
- d. Receive and File an analysis of expenditures and staffing within the Police Department over the past fifteen years.

Staff: John Holt, Assistant City Manager

Recommendation: Approve and Provide Policy Direction

ATTACHMENTS:

1. November 15, 2021 Staff Report on request from former City of Clovis Police Chief Matt Basgall to discuss creating a Citizens' Advisory Committee for the purpose of evaluating police officer staffing.
2. November 13, 2007 Staff Report to Council

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to consider various actions associated with the development of a Citizens' Advisory Committee to evaluate the Police Department's funding, operations and staffing levels, and report back to Council on Recommendations on Services Provided, Efficiencies, Operations, and Funding:

- a. Confirm / amend consensus direction provided to staff at the November 15, 2021 meeting;
- b. Consider options regarding facilitating the 25 member Committee meetings through the process;
- c. Approve the draft calendar for the Committee meeting timeline;
- d. Receive and File an analysis of expenditures and staffing within the Police Department over the past fifteen years.

EXECUTIVE SUMMARY

On November 8, 2021, Police Chief Curt Fleming presented a State of the Department update to the City Council. Chief Fleming summarized the findings of a Police Resource Allocation Study (Study) by Etico Solutions, Inc. which is a staffing study that was recently completed. The last staffing study was completed in 2006.

On November 15, 2021, the Council considered a request from former Police Chief Matt Basgall to discuss creating a Citizens' Advisory Committee for the purpose of evaluating police officer staffing (see Attachment 1). There was significant discussion at that meeting regarding the Committee and how it would be created, facilitated, the focus, and scope. During that discussion, there were four specific areas that were discussed that staff is now returning to expand the discussion and confirm direction. Below staff has summarized (or will summarize at the meeting of December 6, 2021) the following four areas:

- a. Consensus direction provided to staff at the November 15, 2021 meeting.
- b. Options regarding facilitating the 25 member Committee through the process.
- c. Draft calendar for the Committee meeting timeline.
- d. An analysis of expenditures and staffing within the Police Department over the past fifteen years.

BACKGROUND

On November 8, 2021, Police Chief Curt Fleming presented a State of the Department update to the City Council. Chief Fleming summarized the findings of a Police Resource Allocation Study (Study) by Etico Solutions, Inc. which is a staffing study that was recently completed. The last staffing study was completed in 2006. The Study found that the department initially needs 18 to 22 additional officers to get to staffing levels in the Patrol Division (Patrol) to be sufficient so that Patrol officers can meet industry recommended standards of 50% of a shift to be available for proactive policing matters. Chief Fleming also noted that the City population has risen significantly over the fifteen year period and the number of officers budgeted is four less than in 2006 (110 then and 106 now). Chief Fleming indicated that the Police Department has eliminated several proactive units since 2006, including the gang, narcotics, mounted and bike units in an effort to staff the Patrol Division.

On November 15, 2021, the Council considered a request from former City of Clovis Police Chief Matt Basgall to discuss creating a Citizens' Advisory Committee for the purpose of evaluating police officer staffing. There was significant discussion at that meeting regarding the Committee and how it would be created, facilitated, the focus, and scope. During that discussion there were four specific areas that were discussed that staff is now returning to expand the discussion and confirm direction.

A - Confirm / amend consensus direction provided to staff at the November 15, 2021 meeting.

On November 15, 2021, the Council considered a request from former City of Clovis Police Chief Matt Basgall to discuss creating a Citizens' Advisory Committee for the purpose of evaluating police officer staffing. Significant discussion and feedback was provided to staff that evening regarding the request. Staff would like to confirm the consensus of the Council as follows:

1. Form the committee.
2. The makeup of the committee would be 25 members with each Council Member nominating 5 members each.
3. The scope of the Committee analysis would be staffing of the entire Police Department (compared to the Etico Solutions study which focused solely on Patrol staffing).
4. Review and report expenditures and staffing within the Police Department over the past fifteen years.
5. Consider what it is going to take to stay the "Safest City in the Valley".
6. Report back on the required timeline should a tax measure be considered to be placed on the November 2022 ballot.

In reviewing the audio of the meeting, staff would like to confirm two items that were discussed but unclear if there was a consensus as follows:

1. What is the consensus of Council participation on the committee? Will Council participate or not? And if so, in what capacity/frequency?
2. Unclear if Committee members would be required to live / work / own property in the City.
3. Council indicated they were interested in having members of the general public involved in the process, outside of the selected committee members. What type of involvement/participation would Council want from residents, not appointed to the committee, to have?

B - Consider options regarding facilitating the 25 member Committee through the process.

Staff is recommending that City Council consider how the Committee meetings will be facilitated. Facilitating a group of 25 members is going to be challenging. A partial list of options that Council may consider are as follows:

1. Hire an independent outside facilitator. Staff has done some research and has not been able to identify anyone who could act as a facilitator for this type of committee.
2. Select a chair and vice chair for the Committee and have those members act as facilitators.
3. Direct staff to facilitate.

C - Approve the draft calendar for the Committee meeting timeline.

Council was very clear that the Committee being formed was not a “sales tax committee”. That being said, one of the recommendations that the Committee could come back with is a need for additional revenues for the Police Department to add additional sworn officers. Should that be a recommendation, Council directed staff to look into calendar deadlines that would have to be met for the November 2022 to add a tax measure to the ballot.

For election purposes, the November 8, 2022, election is considered a statewide election. When a city calls for an election on a municipal proposition, such as a local tax measure, to be held on the same date and consolidated with a statewide election, the City Council must approve a resolution calling for the election; requesting the municipal election be consolidated with the statewide election; and include the exact form of the question/proposition as it would appear on the ballot. The approved resolution must be filed/submitted with the county at least 88 days prior to the date of the election. The different types of taxes (sales tax, parcel tax, transient occupancy tax, etc.) and whether the tax is general or special does not impact this 88-day deadline. Along with the approval of the resolution, an ordinance imposing the proposed tax (subject to voter approval) is introduced.

Looking ahead at the calendar of City Council meeting dates, Monday, August 8, 2022, is 92 days before the November 8, 2022 election. The resolution calling for the election and approving the ballot measure text would need to be approved no later than August 8, 2022, and then the approved resolution submitted to the Fresno County Clerk/Registrar of Voters no later than Friday, August 12, 2022, to get the measure on the November 8, 2022 ballot. Staff would recommend an earlier date for Council consideration to allow some flexibility should additional time be needed. An earlier Council meeting date could be selected, but August 8, 2022 is the last possible Council meeting date to qualify for the November 8 election. Please recall that Council traditionally goes on recess in August and conducts only the first meeting, which would be August 1, 2022.

Possible calendar for the Committee may be as follows:

- January – April 2022 – two meetings per month on the 2nd and 4th Wednesdays for a total of 8 meetings.
- May 2022 Committee reports back to Council on results of analysis and recommendations.
- June 2022 – Town hall meeting(s) for Council to consider results of analysis and recommendations.
- July 2022 – If Council direction is to place a tax measure on the ballot, there are other administrative matters and deadlines the City Attorney and City Clerk will need to complete with regard to preparing and submitting an impartial analysis and a synopsis of the measure and handling any arguments in favor or against the measure so that they all get sent to the County Clerk/Registrar in time to be included in the voter pamphlet.
- August 8, 2022 – deadline.

D - Receive and File an update on expenditures and staffing within the Police Department over the past fifteen years.

The Finance Department is in the process of completing an analysis of expenditures and staffing in the Police Department between 2005/06 and 2019/20. A copy will be provided to City Council at the meeting on Monday, December 6, 2021.

Attachment 2 is the staff report that went to Council on November 13, 2007 that summarizes the recommendations provided to Council by the Committee. The report is provided as background information for Council for what a similar Committee analyzed between 2007 and 2008.

Ideally, Council would provide the names of their five candidates in time to have the Committee approved by Council at the December 13, 2021 meeting. Staff is currently recommending cancelling the Council meeting of December 20, 2021 as it falls on the week of a holiday. Should we not have the Committee formed until January, it could possibly delay when the Committee could begin to meet.

The venue of where the Committee meetings will be held needs to be determined and how they are conducted. The size and technical configuration of the Council Chamber is not conducive to a 25 member Committee to participate and allow for video broadcasting, such as Council Meetings are done today. One alternative that staff is considering is to select a venue such as the Emergency Operations Center (EOC) or the Senior Center, and have CMAC broadcast the meeting. The meetings would be open to the public. The video broadcasting would not allow for what we have in the Council Chambers today via Webex and two-way communication. Residents who wanted to participate in the meetings would be required to attend.

FISCAL IMPACT

At this point there is no significant impact on the budget in reviewing what is being considered in this report. If Council directs staff to find an outside facilitator, there will be costs incurred. Additionally, if the City uses CMAC to broadcast the video, there will be costs incurred.


REASON FOR RECOMMENDATION

At the November 15, 2021 Council meeting, Council provided direction to return to Council regarding the development of a Citizens' Advisory Committee to provide an analysis of expenditures and staffing within the Police Department over the past fifteen years.

ACTIONS FOLLOWING APPROVAL

Staff will implement Council direction.

Prepared by: John Holt, Assistant City Manager

Reviewed by: City Manager 



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: November 15, 2021

SUBJECT: Consider – A request from Matt Basgall for the City Council to Create a Citizens Advisory Committee for the Purpose of Evaluating Police Officer Staffing.

Staff: Luke Serpa, City Manager

Recommendation: Consider request and provide direction.

ATTACHMENTS: 1. Letter from Matt Basgall

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to provide direction to staff based on the request from Matt Basgall. If the direction is to form a committee staff would be looking for direction on the number and criteria to be used for selecting membership, as well as the scope of the committee's work and expected timeline.

EXECUTIVE SUMMARY

Staff is in receipt of a request to the Clovis City Council from former City of Clovis Police Chief Matt Basgall. The request is for the City Council to discuss creating a citizens advisory committee for the purpose of evaluating police officer staffing.

BACKGROUND

As detailed in the Police Department Staffing Study that was presented to Council on November 8, the number of sworn officers that is currently funded is well below the Department's goals. Due to the limitations on staffing, the Police Department has had to reduce or eliminate various services. In response to this situation, former Police Chief and current Clovis resident, Matt Basgall, has submitted a letter requesting that Council establish a Citizen's Advisory Committee to analyze the staffing needs for the Police Department, to provide feedback to the Council regarding what the citizens of Clovis expect from the Department, and to examine funding options to meet those expectations.

A similar Citizens Advisory Committee was established by the Clovis City Council in 2007. For reference, the following is a brief background on that process and outcome: Between April and June 2007 the City Council conducted workshops on future funding for services for Police, Fire, Street Maintenance, and Park Maintenance. By June 2007 the City Council had appointed 15 members (three each) of the public to participate on a Citizens Advisory Committee to evaluate future funding for services for Police, Fire, Street Maintenance, and Park Maintenance. The Committee met twice monthly from June through September 2007. As part of the process the city also retained a consultant to evaluate the benefits of the 1999 Measure A sales tax override and to prepare a survey to gauge the public support for a potential sales tax measure to follow the 1999 Measure A. In December 2008 the Clovis City Council adopted Ordinance 08-27 to enact a one cent sales tax for ten years and a three quarters of a cent thereafter for restoration and protection of essential city services and calling a March 2009 election for the voters to consider. The measure was a general tax and as such required a simple majority for adoption. The measure failed 68% to 32%.

Staff is currently seeking direction from Council regarding the potential establishment of Citizens Advisory Committee as requested by Matt Basgall. If Council decides to establish such a committee, specific direction would be needed regarding the make-up of the committee, the scope of the analyses that they will conduct, and the timeline for providing feedback to Council.

FISCAL IMPACT

At this point in the discussion there is no fiscal impact. Depending on Council's direction, there could be costs for additional studies or surveys to support the committee's work. The cost of any such studies would be expected to be similar in magnitude to the recently completed staffing study, and funding is available for studies of that order.

REASON FOR RECOMMENDATION

Staff is in receipt of a request to the Clovis City Council from former City of Clovis Police Chief Matt Basgall. The request is for the City Council to discuss creating a citizens advisory committee for the purpose of evaluating police officer staffing.

ACTIONS FOLLOWING APPROVAL

Staff will implement Council direction.

Prepared by: John Holt, Assistant City Manager

Reviewed by: City Manager LS

TO: Clovis City Council
FROM: Matthew Basgall
DATE: September 22, 2021
SUBJECT: Citizen Advisory Committee

This is a request to discuss a citizens advisory committee for the purpose of police officer staffing levels in the City of Clovis. The Clovis Police Department has been working understaffed since the recession of 2008. Over the past 13 years Clovis PD has seen a significant increase in both residents, businesses and hotels. In 2007-2008 the Clovis Police Department was authorized to be at 116 officers and a commitment to keep officers at a ratio of 1.3 officers per 1000 residents. As a result of the recession Clovis PD was cut to 91 officers. Currently the authorized number is 109. With a population of approximately 125,000 this gives a ratio of .87 officers per 1000 residents.

Since the Police Department relies solely on the general fund the staffing is at the mercy of those revenues. Over the past 13 years we have seen a recession, increase in retirement costs and COVID dramatically impact the police departments ability to grow with the city. The question is what will be the next thing that impacts the city and public safety.

Clovis Police Department has always prided itself on its community support and being a full-service department. With the current environment these commitments are strained and becoming unreasonable to meet. The Police Department relies on volunteers for muni-code enforcement. However with COVID many volunteers have chosen to not return to the PD.

GOALS OF COMMITTEE

Analyze staffing needs for the Police Department

- 1) Provide feedback to the City Council
- 2) Establish what the citizens of Clovis want and expect from Clovis PD
- 3) Examine funding options

QUESTIONS FOR COUNCIL:

- 1) Does the council want to participate in a workshop
- 2) Does council want to appoint members onto the committee
- 3) How many persons should be involved in the process

Clovis Police Department is in process of having a study completed to examine the needs of the department, which will be provided to the Council. The Clovis Police Officers Association has agreed to fund a survey to be sent to the citizens of Clovis that will address the hard questions. What are the citizens willing to pay for safety. What are they willing to give up and what do they want from their police department.



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
 FROM: Administration
 DATE: May 9, 2022
 SUBJECT: Receive and File - Information Related to analysis of 2020 Census data and March 2, 2021, election data.

Staff: Karey Cha, City Clerk

Recommendation: Receive and File

ATTACHMENTS: 1. Resolution 20-155, approved on November 2, 2020

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to receive and file information from the City's demographer related to analysis of the 2020 Census data and March 2, 2021, election data for purposes of determining whether it is in the public interest to convert to district-based elections.

EXECUTIVE SUMMARY

The Clovis City Council members are currently elected in at-large elections, where each of the five Council Members are elected by the registered voters of the entire City. Under the California Voting Rights Act (Elec. Code, § 14025, *et seq.*) ("CVRA"), at-large elections are permissible as long as such elections do not result in racially polarized voting.

On November 2, 2020, the City Council approved Resolution No. 20-155 (Attachment 1) committing to engage in a meaningful public evaluation of the 2020 Census data and March 2, 2021, election data to determine whether it is in the public interest to convert to district-based elections. If determined necessary and appropriate, any action towards implementing district-based elections will be taken at a future meeting.

BACKGROUND

The Clovis City Council Members are currently elected in at-large elections where each of the five Council Members are elected by the registered voters of the entire City. Under the CVRA, at-large elections are permissible as long as such elections do not result in racially polarized voting, which the CVRA defines as "voting in which there is a difference . . . in the choice of

candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate” (Elec. Code, § 14026, subd. (e)).

On September 18, 2020, the City received a letter alleging violations of the CVRA based on the City’s at-large method of election and the City’s off-cycle election, and demanding that the City immediately convert to district-based elections (“Demand Letter”). Under a district-based method of election, Council Members would only be elected by the voters residing within the election district in which the candidate resides. At the time that the Demand Letter was received, the City had an upcoming election on March 2, 2021, and was anticipating the release of the 2020 Census data in mid-2021. Together, these events would provide important information relevant to the City’s determination of whether to convert to district-based elections, including information on election results and the City’s voting age population. The impending availability of this information made any decision related to district-based elections premature at that time. In addition, applicable deadline(s) under the Elections Code, and requirements for redistricting following the release of each decennial census, made it so that any election districts created at that time were unlikely to be used in any election.

Given these factors and others (such as the impact from COVID on the public’s ability to participate in public meetings related to potential election districts), the City Council decided it was in the best interest of the City and the public to wait until after the availability of the March 2021 election and 2020 Census data to determine whether a conversion to district-based elections would be appropriate. Accordingly, on November 2, 2020, the City Council approved Resolution 20-155, committing to the following:

1. To evaluate the 2020 census data and March 2, 2021, election data as it becomes available, which is anticipated to be in the summer of 2021. Following the release of the 2020 census data, the City will undertake a meaningful, public, evaluation of the 2020 census data and March 2, 2021 election data to determine whether it is in the public interest to convert to district-based elections.
2. Provided the 2020 census data is available to the City in or about July 2021, the City commits to the following schedule:
 - a. Evaluation of 2020 census data and compilation of the demographics of City: July 2021-September 2021 (60 days).
 - b. If the data from the 2020 census and March 2, 2021, election shows evidence of racially polarized voting and there is a need to convert to district-based elections, the City Council will pass a Resolution of Intent to convert to district-based elections and commence the process: September 2021-October 2021.
 - c. Hold all required public hearings and complete the process for conversion to district-based elections: October 2021-December/January 2022 (90 days).

The census and election data were delayed beyond the schedule estimated in Resolution 20-155. However, the review of the now-available data is the first step under the above-identified process to evaluate the 2020 Census data and March 2, 2021 election data to determine whether it is in the public interest to convert to district-based elections. The City's demographer will present analysis and findings related to this data. If determined necessary and appropriate, any action towards implementing district-based elections will be taken at a future meeting.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

Pursuant to Resolution No. 20-155, the City is committed to a meaningful, public evaluation of the 2020 Census data and March 2, 2021 election data to determine whether it is in the public interest to convert to district-based elections.

Prepared by: John Holt, City Manager

Reviewed by: City Manager *JH*

RESOLUTION NO. 20-155**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF CLOVIS DECLARING ITS INTENT TO: (1) REVIEW AND EVALUATE THE 2020 CENSUS DATA AND MARCH 2, 2021 ELECTION DATA, AND CONSIDER A CONVERSION TO DISTRICT-BASED ELECTIONS IF FOUND TO BE IN THE PUBLIC INTEREST; AND (2) ESTABLISH A SCHEDULE FOR CONVERTING TO DISTRICT-BASED ELECTIONS IF DETERMINED NECESSARY AND APPROPRIATE**

WHEREAS, the City Council for the City of Clovis ("Council") is currently elected "at-large," meaning that each councilmember is elected by voters of the entire City; and

WHEREAS, based upon the most recent data available, the current demographic makeup of the City Council reasonably reflects the demographics of the City; and

WHEREAS, under the California Voting Rights Act (Elec. Code, § 14025, *et seq.*) ("CVRA"), at-large elections are not impermissible unless such elections result in racially polarized voting, which the CVRA defines as "voting in which there is a difference . . . in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate" (Elec. Code, § 14026, subd. (e)); and

WHEREAS, the City understands the importance of fair and accessible elections and greatly values the opinions and voices of all residents of the City, and to that end regularly monitors demographic and election data, with the most recent analysis occurring in 2019 ("2019 Analysis"); and

WHEREAS, the 2019 Analysis included data going back to the 2010 census and each subsequent election conducted in the City, and did not show evidence of racially polarized voting in the City's elections dating back to 2010; and

WHEREAS, the City is committed to converting to district-based elections should it become appropriate to do so; and

WHEREAS, the prior analyses were necessarily based on the City's demographic data from the 2010 census, which was and currently is the most recent census data available; and

WHEREAS, the 2020 census data is anticipated to be released by the U.S. Census Bureau in the summer of 2021, and with that data, important updated information about the City's demographics, and more particularly, updated information about the demographics of the City's voting age population will become available; and

WHEREAS, prior to the release of the 2020 census data, the City will hold its March 2, 2021 general election, which pursuant to Chapter 1.6 of the City's Municipal Code, and as authorized by Elections Code section 14052, subdivision (b), will be the City's last election held other than on a statewide election date ("Off-Cycle Election"); and

WHEREAS, consistent with its commitment to regularly monitor election results, the City is preparing to undertake an evaluation of the 2020 census data and March 2, 2021 election data once that information becomes available, and has retained a demographer to assist the City in this process; and

WHEREAS, on September 18, 2020, the City received a letter alleging violations of the CVRA based on the City's at-large method of election and the City's Off-Cycle Election, and demanding that the City immediately convert to district-based elections; and

WHEREAS, pursuant to Elections Code section 12262, changes to election boundaries must be completed no later than 125 days prior to an election and any changes occurring within 125 days before an election will not be effective for that election; and

WHEREAS, the CVRA demonstrates the Legislature's commitment to public participation in the process of establishing election districts, as evidenced by its requirement for multiple public hearings and the time periods established for a public agency's transition to district-based elections, including, but not limited to, the combined time period of 135 days afforded public agencies to establish district-based elections following receipt of a demand letter (Elec. Code, § 10010, subd. (e)(2) and (3)(B)); and

WHEREAS, pursuant to Elections Code section 10010, subdivision (a), in order to complete the process of converting to district-based elections, the City must hold a minimum of five public hearings prior to adoption of the final boundary map; and

WHEREAS, in order to comply with Elections Code section 12262 and establish the City's election boundaries in time for the March 2, 2021 election, the City would have been required to hold five public hearings by October 28, 2020; and

WHEREAS, the City determined that it was not possible to hold five public hearings between receipt of the demand letter on September 18, 2020 and prior to October 28, 2020 in a manner that would have permitted meaningful public participation in the process; and

WHEREAS, pursuant to Elections Code section 21600, *et seq.*, following each decennial federal census, cities that have established district-based elections are required to re-evaluate, and where necessary, make adjustments to, the boundaries of their election districts so that the districts are substantially equal in population; and

WHEREAS, in accordance with Elections Code section 21600, *et seq.*, any election districts formed by the City at this time would be need to be adjusted almost immediately after their formation based upon the 2020 census data; and

WHEREAS, it is well-recognized that the law neither does nor requires the performance of idle acts, and respects substance over form (Civ. Code §§ 3528 and 3532); and

WHEREAS, the City believes that it would not serve the public's interest to attempt to establish election districts at this time that could not meet the applicable deadline(s) provided under Election Code section 12262 for use in the March 2, 2021 election, and which would not likely be used in any election as a result of the availability of the 2020 census data and the requirements to adjust district boundaries thereafter; and

WHEREAS, the current public health crisis caused by COVID-19 has caused additional uncertainty relating to the public's ability to safely participate in public hearings for the establishment of election districts, and in response to which Governor Newsom, on March 20, 2020, issued executive order N-48-20, amending prior executive order N-34-20, suspending all time periods set forth in Elections Code

section 10010, subdivisions (a) and (e), including those relating to public hearings for the establishment of election districts, until further notice.

NOW THEREFORE, the City Council, for the reasons set forth herein, and to protect public health and safety and allow for meaningful public participation, hereby resolves as follows:

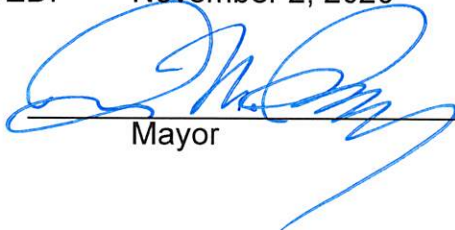
1. To evaluate the 2020 census data and March 2, 2021 election data as it becomes available, which is anticipated to be in the summer of 2021. Following the release of the 2020 census data, the City will undertake a meaningful, public, evaluation of the 2020 census data and March 2, 2021 election data to determine whether it is in the public interest to convert to district-based elections.
2. Provided the 2020 census data is available to the City in or about July 2021, the City commits to the following schedule:
 - a. Evaluation of 2020 census data and compilation of the demographics of City: July 2021-September 2021 (60 days).
 - b. If the data from the 2020 census and March 2, 2021 election shows evidence of racially polarized voting and there is a need to convert to district-based elections, the City Council will pass a Resolution of Intent to convert to district-based elections and commence the process: September 2021-October 2021.
 - c. Hold all required public hearings and complete the process for conversion to district-based elections: October 2021-December/January 2022 (90 days).

* * * * *


The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on November 2, 2020, by the following vote, to wit.

AYES: Councilmembers Ashbeck, Flores, Mouanoutoua, Whalen, Mayor Bessinger
 NOES: None
 ABSENT: None
 ABSTAIN: None


DATED: November 2, 2020



Mayor



City Clerk





CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: May 9, 2022

SUBJECT: Consider Approval – Res. 22-____, Adoption of the City of Clovis 2022-2023 Annual Action Plan for the expenditure of Community Development Block Grant Funds.

Staff: Claudia Cazares, Management Analyst
Recommendation: Approve

ATTACHMENTS: 1. Resolution
 2. 2022-2023 Annual Action Plan

CONFLICT OF INTEREST

None.

RECOMMENDATION

Consider adopting the City of Clovis 2022-2023 Annual Action Plan for the expenditure of Community Development Block Grant Funds.

EXECUTIVE SUMMARY

The U.S. Department of Housing and Urban Development (HUD) requires the City adopt the attached 2022-2023 Annual Action Plan for identifying projects for the expenditure of Community Development Block Grant Funds.

BACKGROUND

As an entitlement city for the purpose of receiving Community Development Block Grant Funds from HUD, Clovis must adopt an Annual Action Plan to identify CDBG projects for the 2022-2023 fiscal year. Last year, City Council approved the five-year Consolidated Plan. Development of the Consolidated Plan required an extensive analysis of housing and community development needs for disadvantaged populations to be completed through community input and census data analysis. Staff conducted over 50 interviews with agencies and Clovis residents to identify gaps in services for disadvantaged populations. Additionally, staff employed a consultant to analyze demographic data to determine the needs in the community. The analysis and input resulted in the following summary of needs by priority, as approved in the Consolidated Plan:

High Priority

- Job Creation/Retention
- ADA Sidewalk Improvements
- Street/Alley Improvements
- Homeless Services/Shelters
- Fire Stations/Equipment
- Code Enforcement
- Affordable Housing for Families/Seniors/Veterans
- Housing Rehabilitation
- Jobs for Youth
- Food Pantry Programs
- Programs for Foster Children Aging Out of System
- Youth Counseling/Resource Center
- First-Time Homebuyer Programs
- Youth Centers
- Community Centers

Medium Priority

- Substance Abuse Services
- Micro Loans to Small Businesses
- More Educational Opportunities
- Support Groups for Families of Disabled
- Legal Services
- Road Reconstruction
- Tenant/Landlord Fair Housing
- Parks/Recreational Facilities
- Substance Abuse Services

Low Priority

- Façade Improvements
- Utility Improvements (Water/Sewer)

In order to be eligible for CDBG funding, projects must fall into one of the following categories:

1. Directly benefit low- and moderate-income persons.
2. Aid in the prevention and elimination of slums or blight.
3. Meet an urgent need.

Based on the identified needs, and the CDBG program regulations, the following projects were previously approved by City Council to be funded (at estimated amounts) over the five-year Consolidated Plan period:

5 Year Goals and Allocations

1	Goal Name	Public Facility Improvements.
	Goal Description	The City of Clovis intends to utilize approximately \$1,500,000 in CDBG funds for the purpose of acquisition, construction, reconstruction, rehabilitation, or installation of water system improvements, sewer systems improvements, street and drainage improvements, neighborhood facilities, solid waste facilities, and/or parks and recreation facilities. In addition, a portion of those funds will be used for the removal of architectural barriers including curb cuts, park improvements, and improvements to public buildings to meet ADA requirements.
2	Goal Name	Preservation of Affordable Housing Units.
	Goal Description	The City of Clovis intends to utilize approximately \$683,421.25 in CDBG funds for the purpose of providing rehabilitation services to LMI owner-occupied units.
3	Goal Name	Job creation for low-income individuals.
	Goal Description	The City of Clovis intends to utilize approximately \$250,000 in CDBG funds for the purpose of economic development. The funds will be used to promote commercial revitalization, business expansion, and/or job creation.
4	Goal Name	Create a suitable living environment.
	Goal Description	The City of Clovis intends to utilize approximately \$561,558.75 in CDBG funds for the purpose of providing code enforcement as a public service to LMI neighborhoods within Clovis.

5	Goal Name	CDBG administration.
	Goal Description	The City will continue to administer the CDBG program in compliance with program regulations and requirements. To ensure the effective use of limited CDBG funds, the City must allocate funding towards planning and monitoring of the related projects.

While this list meets many of the high priority needs identified through the consolidated planning process, some needs were not addressed with CDBG due to lack of funds. As in years past, staff will seek out other resources to meet the needs in the community. For the 2022-2023 program year, HUD has allocated \$715,051 to the City of Clovis. In addition, Clovis has CDBG project savings of \$60,000 to allocate to 2022-2023 projects.

Through the process identified in the HUD-approved Citizen Participation Plan, a recommended list of priority projects was created. The selected projects will meet the goals of the Consolidated Plan to improve neighborhoods, create jobs, and enhance the quality of life for the citizens of Clovis. The recommended projects for the 2022-2023 program year will improve infrastructure by making street/alley and trail improvements, increase policing in CDBG-eligible census tracts throughout Clovis, support microenterprise businesses, and continue to emphasize improvements to Clovis' low- and moderate-income housing stock.

Staff recommends the proposed projects, for the 2022-2023 program year, be funded as follows:

- | | |
|--|------------|
| 1. Housing Rehabilitation | \$ 125,000 |
| 2. Brookhaven/Rosebrook Alley Reconstruction | \$ 200,000 |
| 3. Gould Canal Trail: Peach-Minnewawa | \$ 139,784 |
| 4. Microenterprise | \$ 60,000 |
| 5. Area-Based Policing (Code Enforcement) | \$ 107,257 |
| 6. Administration | \$ 143,010 |

In addition to the projects listed above, staff recommends the following projects be included as contingency projects to be funded if additional funds become available during the year:

- Housing Rehabilitation - \$50,000
- ADA Improvements - \$300,000
- Rosebrook/Brookfield Alley Reconstruction - \$150,000
- Brookfield/Cole Alley Reconstruction - \$200,000

These projects, along with the availability of both the Consolidated Plan and Annual Action Plan, were advertised for public comment in The Business Journal on April 1, 2022, and also on the City of Clovis website and social media.

FISCAL IMPACT

A total of \$715,051 in CDBG funds is available for 2022-2023. HUD distributes the funds on a reimbursement basis. The funds are included in the proposed 2022-2023 City of Clovis budget.

REASON FOR RECOMMENDATION

HUD requires the City Council to adopt an Annual Action Plan each year. The recommended action meets HUD's requirements to receive CDBG funds as an entitlement city.

ACTIONS FOLLOWING APPROVAL

Staff will submit the 2022-2023 Annual Action Plan to HUD. Staff will then begin operation of the 2022-2023 CDBG Program, and projects will be completed during the 2022-2023 fiscal year.

Prepared by: Claudia Cazares, Affordable Housing Management Analyst

Reviewed by: City Manager *JH*

RESOLUTION NO. 22-____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
ADOPTING THE 2022-2023 COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG) ANNUAL ACTION PLAN

WHEREAS, the City Council of the City of Clovis is a U. S. Department of Housing and Urban Development (HUD) entitlement city for the purpose of receiving Community Development Block Grant funds; and

WHEREAS, HUD requires the City of Clovis to adopt an Annual Action Plan to identify projects for the 2022-2023 program year for use of Community Development Block Grant funds.

NOW, THEREFORE, BE IT RESOLVED that the City of Clovis approves and adopts the 2022-2023 Annual Action Plan.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 9, 2022, by the following vote, to wit:

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

DATED: May 9, 2022

Mayor

City Clerk



Annual Action Plan 2022-2023

Clovis City Council

Jose Flores, Mayor

Lynne Ashbeck, Mayor Pro Tem

Drew Bessinger

Vong Mouanoutoua

Bob Whalen

John Holt, City Manager

Andrew Haussler, Assistant City Manager

May 9, 2022

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The Action Plan is a document submitted to HUD on an annual basis that serves as a comprehensive housing affordability strategy, community development plan, and submissions for funding under any of HUD's entitlement formula grant programs.

As a CDBG Entitlement City, Clovis' Community and Economic Development Department has developed a five-year strategic plan that identifies and prioritizes the future use of the City's Community Development Block Grant (CDBG) funds. The five-year plan became effective July 1, 2021, and will end on June 30, 2026. This Annual Action Plan represents year two of the five-year plan.

In preparing the Consolidated Plan, the City utilized several methods to analyze the housing and community development needs of Clovis. Methods included, conducting interviews of community residents, stakeholders, community organizations, and multi-family unit property owners, analyzing U.S. census data, and utilizing information in several city and county planning documents. The City hosted community meetings, hearings and met with organizations as an effort to outreach to and encourage participation of all residents, particularly low- and moderate-income residents, elderly persons, and persons with disabilities. The purpose of the meetings was to inform the community about the Consolidated Plan process and to identify opportunities to improve collaborative efforts, eliminate service delivery gaps in order to develop and sustain decent and affordable housing, suitable living environments, and expanded community and economic opportunities.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

Clovis estimates that it will receive CDBG funding of \$3,750,000 over the next five years. It is anticipated that 20% of those funds will be used for Administrative costs. Those CDBG funds are anticipated to be divided between four prioritized goals, as follows:

Goal 1: Housing - \$750,000 (24%) to be used to improve the quality of owner-occupied units, increase multi-family units for low- to moderate-income households, support transitional and permanent housing for homeless persons, and support regional efforts to end chronic homelessness.

Goal 2: Economic Development - \$250,000 (6%) to be used to support projects that create jobs for low- to moderate-income persons.

Goal 3: Infrastructure - \$1,337,500 (35%) to be used to improve the quality and increase the quantity of public improvements that benefit low- to moderate-income residents and neighborhoods, improve the quality and increase the quantity of facilities that benefit neighborhoods, seniors, and those with special needs, and provide funds to bring public facilities into ADA compliance.

Goal 4: Public Services - \$562,500 (15%) to be used to provide crime awareness and additional policing that benefits low- to moderate-income neighborhoods, support senior and youth programs, support programs and activities that benefit those with special needs, and to support food pantry programs.

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

The City of Clovis, as an Entitlement, is responsible for ensuring compliance with all rules and regulations associated with the CDBG Program. Clovis' Annual Action Plans and CAPERs have provided many details about the goals, projects, program expenditures and program performance. The following is an overview of the prior year performance and goals:

Goal 1 Affordable Housing Development

Solivita Commons

In cooperation with the Fresno Housing Authority, construction began in 2020 on a 60-unit affordable multifamily housing complex. The complex is located at the northeast corner of Willow and Alluvial Avenues in Clovis. Through the City's Affordable Housing Impact Fee Reduction Program, Clovis committed \$1,000,000 to the project. Construction is completed and the property is leased.

In 2020 the City signed a contract with the State of California to receive \$1,000,000 in HOME funds for a First-Time Homebuyer Down Payment Assistance Program. Marketing material is currently being developed.

Goal 2 Housing Rehabilitation

The City provides grants of up to \$6,000 for health and safety repairs to low-income, owner-occupied households in the City of Clovis. This program served almost 300 households during the previous Consolidated Planning Period.

Recently the City was awarded an additional \$5,000,000 in CalHome grant funds for the rehabilitation of low-income owner-occupied homes in Clovis.

Goal 3 Area-Based Policing/Crime Awareness

Additional policing has been continued with a dedicated Community Service Officer. The officer has been focusing on improving neighborhood conditions in CDBG eligible census tracts. During the previous Consolidated Planning Period significant improvement was made in struggling neighborhoods. The officer continues to develop relationships with apartment managers to improve conditions of dwelling units and reduce crime. The officer utilizes neighborhood watch programs in eligible neighborhoods, code enforcement actions, and actively works to improve neighborhood conditions.

Goal 4 Economic Development/Job Creation

The City invests heavily in economic development activities using local resources to attract and retain businesses that provide high wage jobs for its citizens. During the previous planning period Clovis created a commercial kitchen. CDBG funds were used to pay the rental fees for low-income entrepreneurs owning food-based microbusinesses. Utilization of the commercial kitchen has allowed these entrepreneurs to expand their businesses.

Goal 5 Capital Improvements

The following projects were completed in the previous Consolidated Planning Period:

- ADA Improvements: Various Locations
- Helm/Lincoln Alley Reconstruction
- Alamos/Santa Ana Alley Reconstruction
- Cherry Lane/Oxford Alley Reconstruction
- Minnewawa/Cherry Lane Alley Reconstruction
- Helm/Ashlan Alley Reconstruction
- Ashcroft/Holland Alley Reconstruction
- Two additional alley reconstruction projects are currently in the design stage and will replace 4 separate alleys in low-income areas.

Affirmatively Furthering Fair Housing

HUD requires any jurisdiction receiving funds to commit to affirmatively further fair housing. In accordance with federal requirements, the City of Clovis completed the Analysis of Impediments to Fair Housing Choice in November of 2019, and submitted the Analysis to HUD for their review and approval.

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

Clovis developed a Citizen Participation Plan that was approved by City Council in 2006, and subsequently approved by HUD. Citizens, nonprofits, and all interested parties were provided adequate opportunity to review and comment on the plan. The purpose of the plan is to encourage citizens, particularly LMI residents, to participate in the development of the Consolidated Plan, Action Plans, Substantial Amendments, and Annual Performance Reports. Citizens are engaged through community meetings, public hearings, and individual interviews. The primary goals of Clovis' Citizen Participation Plan are 1) to generate significant public participation, specifically from LMI residents and those residing in LMI neighborhoods; 2) to gather data that accurately describes and quantifies housing and community development needs and to suggest workable solutions; and 3) to obtain comments on proposals for allocating resources. Throughout the determination of needs and allocation of resources relative to the Consolidated Plan, and the development of this action plan the City consulted with both internal and external departments, agencies, and individuals to understand Clovis' needs and available resources. Internally, Clovis met with several department representatives to provide information about the Consolidated Plan and the Community Development Block Grant. Department staff provided input on how CDBG resources can be utilized and leveraged to provide services such as housing programs, code enforcement, and infrastructure improvements.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

One public input meeting and one public hearing to obtain citizen input and to respond to proposals and questions were scheduled. The City of Clovis held a CDBG Public Input Virtual Meeting on March 8, 2022, to obtain the community's input and feedback on the needs within Clovis. The workshop was announced on Clovis social media and website on March 1, 2022. While there were no attendees at the public input meeting, the City received one comment via social media which suggested the City consider funding programs for adults with special needs and additional housing.

A public hearing was noticed on April 1, 2022, for a public hearing on May 9, 2022. Citizens were also noticed about the public hearing through the City's social media and City website. No comments, written or oral, were received during the month-long public comment period. The public hearing notice included information about the locations at which the action plan would be available for review and was published in both English and Spanish in *The Business Journal*, which services Clovis and the surrounding areas. Clovis was prepared to provide interpreters for non-English speaking citizens upon request. However, no requests were made. Both the public input meeting and the public hearing were held during evening hours at convenient locations that accommodated persons with disabilities.

6. Summary of comments or views not accepted and the reasons for not accepting them

The City received one comment, and it was accepted for inclusion in this Action Plan.

7. Summary

Citizens were encouraged to participate in public input meetings/public hearing held virtually due to COVID-19 restrictions. Clovis staff was prepared to provide extensive information relative to the CDBG program, the preparation of the Consolidated Plan and Annual Action Plans, and the Citizen Participation process and its importance. Even though great effort on the part of the City went into their preparation, the public input meetings did not facilitate any comments. However, the City does conduct scientifically sampled surveys every two years to provide feedback to the City on services needed. This feedback was incorporated into the needs assessment for the community.

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	CLOVIS	Administration

Table 1 – Responsible Agencies

Narrative (optional)

The City of Clovis Community & Economic Development Department serves as the lead agency for the Consolidated Plan, 2022-23 Action Plan and the administration of CDBG funds. The City’s institutional structure consists of a council-manager form of government. Under the council-manager form of government, adopted by municipal code, the City Council provides policy direction to the city manager who is responsible for administering city operations. The council is the legislative body; which approves the budget and determines the tax rate, for example. The council also focuses on the community's goals, major projects, and such long-term considerations as community growth, land use development, capital improvement plans, capital financing, and strategic planning. The council hires a professional manager to carry out administrative responsibilities and supervises the manager's performance.

Consolidated Plan Public Contact Information

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AP-10 Consultation – 91.100, 91.200(b), 91.215(I)

1. Introduction

Throughout the determination of needs and allocation of resources relative to this Action Plan, the City consulted with both internal and external departments, agencies, and individuals to understand Clovis' needs and available resources. Internally, Clovis met with several department representatives to provide information about the Consolidated Plan and the Community Development Block Grant. Department staff provided input on how CDBG resources can be utilized and leveraged to provide services such as housing programs, code enforcement, and infrastructure improvements.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I))

The City of Clovis currently does not have publicly-owned housing. However, the Fresno Housing Authority recently completed construction on a 60-unit apartment complex for low-income tenants. The project is called Solivita Commons, and is located at the northeast Corner of Willow and Alluvial Avenues in Clovis and is now fully leased. Clovis provided \$1,000,000 toward the construction of the project through its Affordable Housing Development Impact Fee Reduction Program. In addition, the City works closely with the Housing Authority to provide referrals for Section 8 vouchers to Clovis residents.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The City of Clovis is an active member of the Fresno Madera Continuum of Care (FMCoC), which is the organization that acts as the regional planning body to address homelessness. This collaborative group addresses homeless issues including chronic homelessness, homelessness prevention, and discharge coordination policies on the region-wide basis of Fresno and Madera Counties, which includes the City of Clovis. Based upon the consultation process, the City has recognized a need for shelters for other at-risk populations such as youth and veterans, and will pursue projects to serve these populations.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The City of Clovis does not receive ESG funding.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction’s consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Fresno Madera Continuum of Care
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Based upon the consultation process, the City has recognized a need for shelters and other housing for at-risk populations such as youth and veterans, and will pursue projects to serve these populations.
2	Agency/Group/Organization	FRESNO HOUSING AUTHORITY
	Agency/Group/Organization Type	Housing PHA Services - Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Market Analysis
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Based upon the consultation process, the City has recognized a need for public housing.

Identify any Agency Types not consulted and provide rationale for not consulting

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Fresno Madera Continuum of Care	This effort aligns with the strategic plan goal to support activities to respond to homelessness and its impacts on the community.
City of Clovis Housing Element (2015-23)	City of Clovis	Government Code Section (GSC) 65300 requires cities and counties to adopt and maintain a General Plan with a minimum of seven mandatory elements: Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety.
SVVHC Goals & Objectives	Fresno State University - Community & Economic Development	The San Joaquin Valley Housing Collaborative (SVVHC) serves as a regional voice for effective affordable housing policy in the San Joaquin Valley. The group establishes and supports a broad network of partners to promote and increase the development of affordable and workforce housing in the Valley.

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

N/A

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

Clovis developed a Citizen Participation Plan that was approved by City Council in 2006, and subsequently approved by HUD. Citizens, nonprofits, and all interested parties were provided adequate opportunity to review and comment on the plan. The purpose of the plan is to encourage citizens, particularly LMI residents, to participate in the development of the Consolidated Plan, Action Plans, Substantial Amendments, and Annual Performance Reports. Citizens are engaged through community meetings, public hearings, and individual interviews. The primary goals of Clovis' Citizen Participation Plan are 1) to generate significant public participation, specifically from LMI residents and those residing in LMI neighborhoods; 2) to gather data that accurately describes and quantifies housing and community development needs and to suggest workable solutions; and 3) to obtain comments on proposals for allocating resources. Throughout the determination of needs and allocation of resources relative to the Consolidated Plan, and the development of this action plan the City consulted with both internal and external departments, agencies, and individuals to understand Clovis' needs and available resources. Internally, Clovis met with several department representatives to provide information about the Consolidated Plan and the Community Development Block Grant. Department staff provided input on how CDBG resources can be utilized and leveraged to provide services such as housing programs,

One public input meeting and one public hearing to obtain citizen input and to respond to proposals and questions were scheduled. The City of Clovis held a CDBG Public Input Virtual Meeting on March 8, 2022, to obtain the community's input and feedback on the needs within Clovis. The workshop was announced on Clovis social media and website on March 1, 2022. While there were no attendees at the public input meeting, the City received one comment via social media which suggested the City consider funding programs for adults with special needs and additional housing.

A public hearing was noticed on April 1, 2022, for a public hearing on May 9, 2022. Citizens were also noticed about the public hearing through the City's social media and City website. No comments, written or oral, were received during the month-long public comment period. The public hearing notice included information about the locations at which the action plan would be available for review and was published in both English and Spanish in *The Business Journal*, which services Clovis and the surrounding areas. Clovis was prepared to provide interpreters for non-English speaking citizens upon request. However, no requests were made. Both the public input meeting and the public hearing were held during evening hours at convenient locations that accommodated persons with disabilities.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Meeting	Minorities Non-English Speaking - Specify other language: Spanish Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	No Public Attendance	City should consider funding programs for adults with special needs and additional housing.	N/A	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
2	Public Meeting	Minorities Non-English Speaking - Specify other language: Spanish Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	No Public Attendance	N/A	N/A	

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

The City of Clovis is committed to leveraging as many funds as possible against the CDBG allocation, including the following:

- State of California CalHome funds for housing rehabilitation and homeownership assistance
- Permanent Local Housing Allocation Funds for housing development
- HOME program funds through a State allocation for housing assistance
- Remnant Redevelopment Agency funds for housing assistance

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	715,000	0	60,000	775,000	2,285,000	0 See introduction

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

There is no matching requirement for the use of CDBG funds. However, Clovis strives to leverage as many funding sources as possible when planning community and economic development activities. For example, in the previous funding year Clovis used remnant Redevelopment Agency funds, State HOME funds, and State CalHome funds for the purpose of expanding and preserving Clovis' affordable housing stock.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The City of Clovis donated three publicly-owned lots (purchased with RDA funds) in the Stanford Addition to the local Habitat for Humanity affiliate for construction of three affordable housing units. All three homes are now completed and occupied by low-income households. Clovis recently purchased a vacant, dilapidated home at the Northeast Corner of 4th Street and Sunnyside Avenue in Clovis. The City partnered with an affordable housing developer to construct two new single-family homes. Both homes were completed in 2022, and will be occupied by low-income households.

Discussion

The City of Clovis is committed to leveraging as many funds as possible against the CDBG allocation. In addition to the narrative above, the City provided \$1,000,000 to the Fresno Housing Authority for the construction of 60 units of affordable housing. The funding was provided through the City's Affordable Housing Development Impact Fee Reduction Program. In addition, a supportive housing project is under construction with the support of \$300,000 in funding from the City's Affordable Housing Development Impact Fee Reduction Program.

The City was recently awarded \$5,000,000 in funds from the State of California CalHome program. These funds are focused on owner-occupied rehabilitation including mobile home replacements which house extremely low-income seniors who are at high risk of homelessness. In addition, a small portion of the funds will be used for down-payment assistance. The City also received and will be implementing an award of \$1,000,000 in State of California HOME funds for a down-payment assistance in the fall of 2021. The City applied for and was awarded State of California Permanent Local Housing Allocation funds. This will provide just over \$2 million over 5 years for a variety of affordable housing efforts. The initial plan is to support multi-family and/or supportive housing projects with residual receipt loans to leverage state and federal tax credit programs. The City has provided a preliminary commitment to a not-for-profit developer for the construction of a 59-unit affordable multi-family housing project, to help secure additional project financing, and will consider other projects if this particular project is unsuccessful in obtaining the additional financing needed to develop the project.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Administration	2021	2025	Administration			CDBG: \$143,010	
2	Affordable Housing	2021	2025	Affordable Housing		Increase, Improve, and Preserve Affordable Housing	CDBG: \$125,000	Homeowner Housing Rehabilitated: 20 Household Housing Unit
3	Infrastructure	2021	2025	Non-Housing Community Development	City of Clovis Low-Moderate Census Tracts	Improve Public Facilities	CDBG: \$339,784	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit: 2915 Households Assisted
4	Economic Development	2021	2025	Non-Housing Community Development		Job Creation/Retention	CDBG: \$60,000	Jobs created/retained: 10 Jobs
5	Public Services	2021	2025	Crime Awareness	City of Clovis Low-Moderate Census Tracts	Code Enforcement	CDBG: \$107,257	Other: 26945 Other

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Administration
	Goal Description	Provide administration to implement the CDBG program.
2	Goal Name	Affordable Housing
	Goal Description	Provide rehabilitation services to LMI owner-occupied households.
3	Goal Name	Infrastructure
	Goal Description	Reconstruct Brookhaven/Rosebrook Alley and construct park/trail facilities along the Gould Canal (Minnewawa to Peach).
4	Goal Name	Economic Development
	Goal Description	Provide grants for low-income individuals to start businesses at the Clovis Culinary Center - Micro - enterprise
5	Goal Name	Public Services
	Goal Description	Provide code enforcement activities in low/mod census tracts.

Projects

AP-35 Projects – 91.220(d)

Introduction

The Consolidated Plan goals described in the SP-45 Goals section represent high priority needs for the City of Clovis, and serve as the basis for the strategic actions the City will use to meet those needs. It is our goal that meeting these needs will expand and preserve the affordable housing stock in Clovis, as well as provide public facilities improvements and public services that will strengthen neighborhood revitalization. The City of Clovis Consolidated Plan preparation coincided with the development of the first year of the Action Plan. This Annual Action Plan represents year two of the five-year plan. The City implements all CDBG-funded projects in-house.

Projects

#	Project Name
1	Administration
2	Brookhaven/Rosebrook Alley Reconstruction
3	Gould Canal Trail: Minnewawa - Peach
4	Microenterprise
5	Area-Based Policing
6	Housing Rehabilitation Grants

Table 7 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The projects have been selected based on internal consultation with city agencies, the emerging needs from the assessments made in the needs assessment section of the 2021-2025 consolidated plan as well as public consultations through the annual City of Clovis development survey. These priorities have been selected based on the most pressing needs of the City.

AP-38 Project Summary

Project Summary Information

1	Project Name	Administration
	Target Area	
	Goals Supported	Administration
	Needs Addressed	
	Funding	CDBG: \$143,010
	Description	
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	
2	Project Name	Brookhaven/Rosebrook Alley Reconstruction
	Target Area	City of Clovis Low-Moderate Census Tracts
	Goals Supported	Infrastructure
	Needs Addressed	Improve Public Facilities
	Funding	CDBG: \$200,000
	Description	Reconstruct the Brookhaven/Rosebrook Alley
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	1,855 low-income persons will benefit from this project.
	Location Description	Alley between Rosebrook Drive and Brookhaven Drive, from Jefferson Avenue to Brookside Drive.
	Planned Activities	Reconstruct the Alleys
3	Project Name	Gould Canal Trail: Minnewawa - Peach
	Target Area	
	Goals Supported	Infrastructure
	Needs Addressed	Improve Public Facilities

	Funding	CDBG: \$139,784
	Description	Construct trail along the Gould Canal between Minnewawa & Peach Avenues
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	1,060 persons in the block will benefit from this activity.
	Location Description	Gould Canal between Minnewawa & Peach Avenues
	Planned Activities	Construct pedestrian/bike trail, and amenities, along the Gould Canal
4	Project Name	Microenterprise
	Target Area	
	Goals Supported	Economic Development
	Needs Addressed	Job Creation/Retention
	Funding	CDBG: \$60,000
	Description	Provide grants to low-income individuals to start a business.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	10 jobs will be created for low-income individuals.
	Location Description	This will be conducted at the Clovis Culinary Center, a non-profit food business incubator.
	Planned Activities	Provide space, business coaching, and equipment to low-income individuals to start a business.
5	Project Name	Area-Based Policing
	Target Area	City of Clovis Low-Moderate Census Tracts
	Goals Supported	Public Services
	Needs Addressed	Code Enforcement
	Funding	CDBG: \$107,257
	Description	Provide code enforcement activities in low-mod census tracts in the City of Clovis.

	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	26,945 persons reside in the eligible low-mod census tracts.
	Location Description	All low-mod census tracts in Clovis, CA.
	Planned Activities	Conduct code enforcement activities.
6	Project Name	Housing Rehabilitation Grants
	Target Area	
	Goals Supported	Affordable Housing
	Needs Addressed	Increase, Improve, and Preserve Affordable Housing
	Funding	CDBG: \$125,000
	Description	Conduct health and safety repairs for 20 homes owned by low/mod families.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	20 households will benefit.
	Location Description	To be determined based on need and location of low/mod family
	Planned Activities	Conduct health and safety repairs.

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Home rehabilitation assistance will be open to all LMI owner-occupied households throughout Clovis. Alley reconstruction, the trail construction and area-based policing will take place only in LMI Census Tracts/Block Groups. Area-based policing will be done in LMI census tracts/block groups in Clovis. The microenterprise program will be open to LMI small business entrepreneurs and will take place in Clovis.

Geographic Distribution

Target Area	Percentage of Funds
City of Clovis Low-Moderate Census Tracts	100

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

CDBG investments will be made in Census Tracts where at least 51% of the residents are low- to moderate-income.

Discussion

A map identifying low- to moderate-income census tracts is attached as an appendix.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

Clovis’ first public housing authority project, Solivita Commons was completed in the summer of 2021. The project provides 59 subsidized units affordable to households earning less than 60% of area median income. In addition, Butterfly Gardens, a 75-unit supportive housing project targeting disabled individuals and at-risk homeless individuals began construction in May of 2021. This project is in partnership with the County of Fresno Behavioral Health Department and a private not-for-profit developer. The City works closely with the Fresno Housing Authority to provide Section 8 vouchers to Clovis residents. As population demographics continue to change and need continues to rise, Clovis will explore further partnerships with the housing authority and private funding to developers to develop additional affordable housing projects in Clovis.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	20
Special-Needs	0
Total	20

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	20
Acquisition of Existing Units	0
Total	20

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

See Narratives above

AP-60 Public Housing – 91.220(h)

Introduction

The City of Clovis does not currently own or manage public housing.

Actions planned during the next year to address the needs to public housing

Clovis' first public housing authority project, Solivita Commons was completed in the summer of 2021. The project provides 59 subsidized units affordable to households earning less than 60% of area median income.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

The City of Clovis recently received \$1,000,000 from the State of California for a first-time homebuyer program. The program will be advertised throughout the City. Also, the City was awarded an additional \$5,000,000 in CalHome grant funds for the rehabilitation of low-income owner-occupied homes in Clovis.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

The Fresno County Housing Authority is not considered to be troubled.

Discussion

Please refer to the narrative above.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The City of Clovis does not receive funding specifically to assist the homeless population. The City of Clovis is an active member of the Fresno Madera Continuum of Care (FMCoC), which is the organization that acts as the regional planning body to address homelessness in the region. This collaborative group addresses homeless issues including chronic homelessness, homelessness prevention, and discharge coordination policies on the region-wide basis of Fresno and Madera Counties, which includes the City of Clovis. Through active membership, the City of Clovis supports the FMCoC's plan to achieve net zero for chronic homelessness by 2017. Based upon the consultation process, the City has recognized a need for shelters for other at-risk populations such as youth and veterans, and will pursue projects to serve these populations. Clovis shares tax revenue with Fresno County that helps support programs such as the Marjaree Mason Center, which reports servicing over 300 battered women from the Clovis area per year. In addition, the tax revenue supports the EOC Sanctuary Youth Center that reports sheltering over 200 homeless youths ages 11-17 annually.

The June 2020, the Fresno-Madera Continuum of Care (FMCoC) released the Point-in-Time Count, the annual count of the region's sheltered and unsheltered homeless individuals and families. Despite the FMCoC's efforts to expand its housing and services, the overall count of the number of persons experiencing homelessness increased significantly compared to the 2019 PIT Count. At 3,641 homeless individuals, this year's report represents an increase of 45% or 1,133 homeless individuals in comparison to the 2019 count of 2,508.

Much of the increase in the total 2020 PIT Count is driven by an increase in the population of the FMCoC's emergency shelters. In 2019, the sheltered population count was 439 and in 2020, it was 588. This was achieved by increasing the number of emergency shelter beds in 2019, thus bringing people off the streets allowing the rehousing process to begin.

Although the total count of people experiencing homelessness has increased, many people during the past year have exited homelessness through FMCoC programs to permanent housing. During the 2019 calendar year, FMCoC successfully helped 1,284 people exit to permanent housing. This includes 75% of the people who were served by the FMCoC's Permanent Supportive Housing (PSH), Rapid Rehousing (RRH), and Transitional Housing (TH) programs.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of Clovis has begun construction on its first dedicated homeless housing facility, Butterfly

Gardens. The project began construction in May of 2021, and is anticipated to be completed in 2022. Butterfly Gardens is a 75-unit supportive housing development targeting disabled individuals and at-risk homeless individuals. This project is in partnership with the County of Fresno Behavioral Health Department and a private not-for-profit developer.

In addition, the City is an active supporter of the MAP Point at POV, and those needing homeless services within Clovis are provided an opportunity to utilize the MAP services. Operated by The Poverello Housing (POV - a homeless shelter), MAP (Multi-Agency Access Program) is an integrated intake process that connects individuals facing housing, substance abuse, physical health and/or mental health challenges to supportive services. MAP Point at POV is a physical intake location for the community's homeless population that can travel to different points of need and access many areas of the community.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City of Clovis amended their Development Code to allow emergency shelters and transitional housing, by-right, in any area that allows residential development. The first project to come to fruition is Butterfly Gardens as describe above.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City of Clovis has begun construction on its first dedicated homeless housing facility, Butterfly Gardens. The project began construction in May 2021, and will provide a 75-unit supportive housing project targeting disabled individuals and at-risk homeless individuals. This project is in partnership with the County of Fresno Behavioral Health Department and a private not-for-profit developer.

In addition, the City is an active supporter of the MAP Point at POV, and those needing homeless services within Clovis are provided an opportunity to utilize the MAP services. Operated by The Poverello Housing (a homeless shelter), MAP (Multi-Agency Access Program) is an integrated intake process that connects individuals facing housing, substance abuse, physical health and/or mental health challenges to supportive services. MAP Point at POV is a physical intake location for the community homeless population.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster

care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The City of Clovis has begun construction on its first dedicated homeless housing facility, Butterfly Gardens. The project began construction in May of 2021, and is anticipated to be completed in 2022. Butterfly Gardens is a 75-unit supportive housing development targeting disabled individuals and at-risk homeless individuals. This project is in partnership with the County of Fresno Behavioral Health Department and a private not-for-profit developer.

In addition, Clovis residents have access to many facilities within Fresno County, including assisted and independent residential facilities for both the general adult population and the elderly. There are 213 residential elderly care facilities in the County of Fresno, with capacity for over 5,000 persons. There are 161 Adult residential facilities, with capacity for over 900 persons.

- Residential Care Facilities for the Elderly provide care, supervision and assistance with activities of daily living, such as bathing and grooming. They may also provide incidental medical services under special care plans. The facilities provide services to person 60 years of age and over, and persons under 60 with comparable needs. These facilities can also be known as assisted living facilities, nursing homes, and board and care homes.
- Adult Residential Facilities are facilities of any capacity that provide 24-hour non-medical care for adults ages 18-59, who are unable to provide for their own daily needs. Adults may be physically handicapped, developmentally disabled, and/or mentally disabled.

Discussion

The City of Clovis in partnership with the County of Fresno and a private developer recently broke ground on a 75-unit supportive housing project, Butterfly Gardens. The facility is expected to be completed in 2022 and will house homeless, those at-risk of homelessness, and individuals with mental health or disabilities. The City provided a grant to the project and coordinated land use approvals and supported funding applications. Full supportive services will be made available to the occupants.

The City of Clovis granted funds to the Fresno Housing Authority for the development of Solivita Commons, a 60-unit affordable multi-family project. The project is 100% deed-restricted for affordable housing. The City provided land use support, application for funding support, and the grant of funds to make the project possible. Construction is now complete, and the property is leased.

The City was recently awarded \$5,000,000 in funds from the State of California CalHome program. These funds are focused on owner-occupied rehabilitation including mobile home replacements which house extremely low-income seniors who are at high risk of homelessness. In addition, a small portion the funds will be used for down-payment assistance. The City also received and will be implementing an award of

\$1,000,000 in State of California HOME funds for a down-payment assistance in the fall of 2021. The City applied for and was awarded State of California Permanent Local Housing Allocation funds. This will provide just over \$2 million over 5 years for a variety of affordable housing efforts. The initial plan is to support multi-family and/or supportive housing projects with residual receipt loans to leverage state and federal tax credit programs. The City has provided a preliminary commitment to a not-for-profit developer for the construction of a 59-unit affordable multi-family housing project, to help secure additional project financing, and will consider other projects if this particular project is unsuccessful in obtaining the additional financing needed to develop the project.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

Clovis faces barriers to affordable housing that are common across housing markets, including decreasing supply of developable land, which increases the cost of acquisition and development of the land. Another common barrier is negative reaction from neighbors regarding affordable housing development based upon a misconception that property values will decline and an increase in parking and traffic. Most crucial, over the last two years, the region has experienced a rapid rise in home values, thereby pricing out first time homebuyers from the home ownership market. Though home values are still significantly below what can be found in surrounding areas, such as the Bay Area, Central Coast and Southern California, the asking prices for homes in the Central Valley are still beyond reach for most lower income families. Additionally, sales inventory which typically holds three months worth of home sales, now has 1-7 days worth of inventory. The lack of available inventory ultimately adds to the lack of access and additional barriers to secure affordable homeownership for the Valley's lower income families.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

In its 2015-2023 Housing Element, Clovis identified several governmental constraints to the development, maintenance, and improvement of housing and affordable housing, as follows: Zoning Code Amendments, Lot Consolidation and Lot Splits, and Monitoring of Planning and Development Fees. Nongovernmental constraints were identified as follows: Land Costs, Construction Costs, and Availability of Financing.

Discussion:

Please see discussion above.

AP-85 Other Actions – 91.220(k)

Introduction:

Actions planned to address obstacles to meeting underserved needs

Actions planned to foster and maintain affordable housing

Actions planned to reduce lead-based paint hazards

Actions planned to reduce the number of poverty-level families

Actions planned to develop institutional structure

Actions planned to enhance coordination between public and private housing and social service agencies

Discussion:

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

Introduction:

**Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(I)(1)**

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

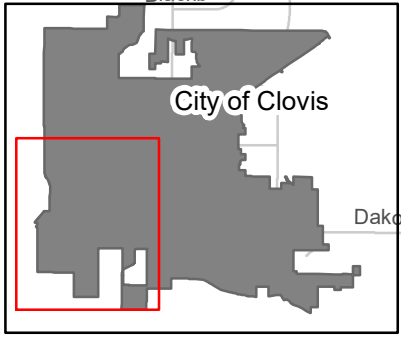
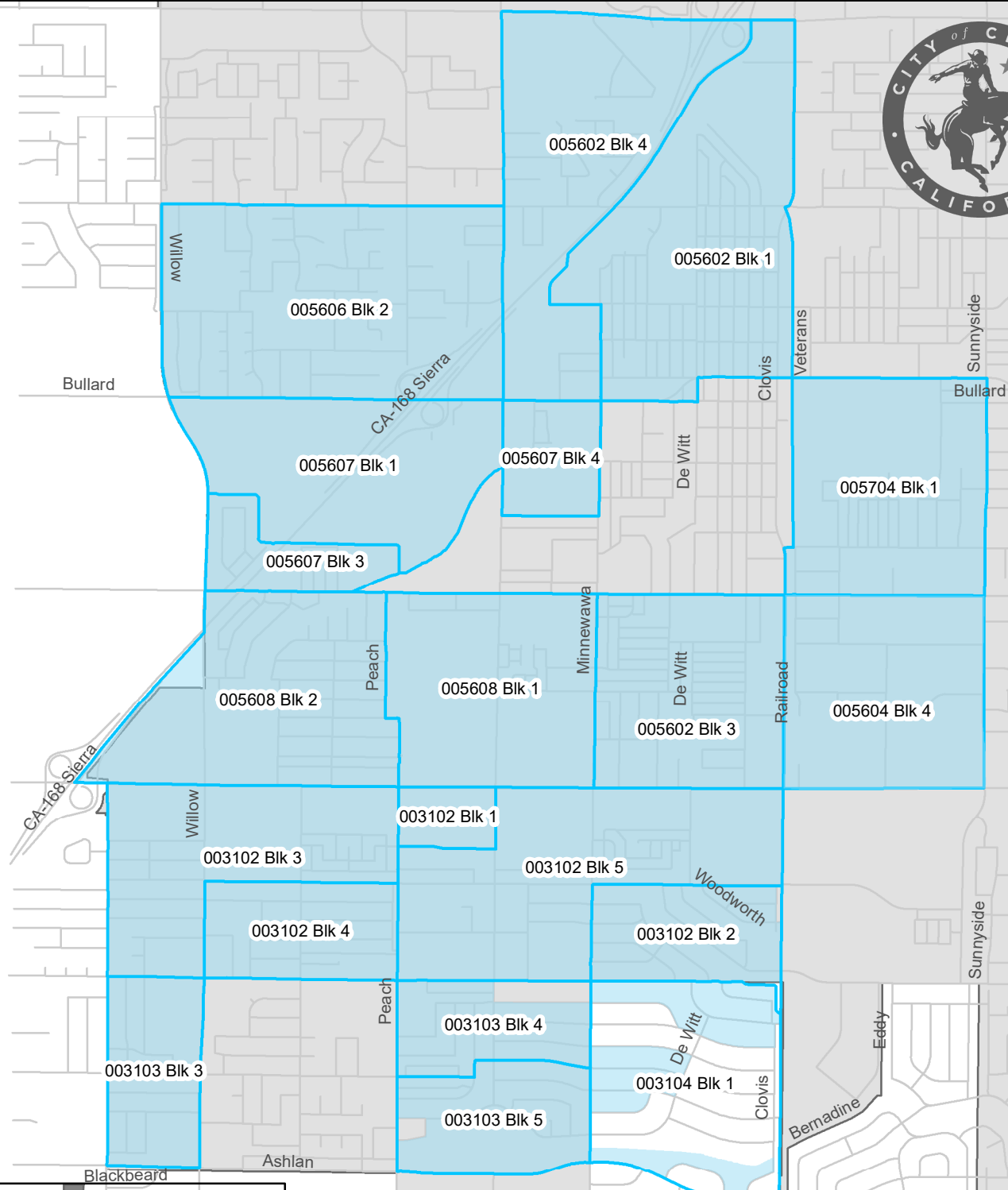
Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	100.00%




100% of the CDBG funds used during the 2022-2023 program year will be for the benefit of LMI persons. The City has assumed \$60,000 in administrative savings from the 2021-22 program year that is being programmed for 2022-23 projects.

APPENDICES

Eligible CDBG Areas



Legend

-  2021 Census Tract CDBG Eligible
-  Clovis Streets
-  Clovis City Limits





CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: May 9, 2022

SUBJECT: Consider Introduction – Ord. 22-____, An ordinance adding section 1.9.03 (Electronic Filing) to Title 1 Chapter 9 of the Clovis Municipal Code relating to Campaign Contribution Limits to provide for electronic filing of campaign statements and Statements of Economic Interests (Form 700).

Staff: Karey Cha, City Clerk
Recommendation: Approve

ATTACHMENTS: 1. Ord. 22-____

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to approve the introduction of Ordinance 22-____, adding section 1.9.03 to Title 1 Chapter 9 of the Clovis Municipal Code to provide for electronic filing of campaign statements and Statements of Economic Interests (Form 700).

EXECUTIVE SUMMARY

Effective January 1, 2021, Assembly Bill (AB) 2151 required cities to post any campaign statement, report, or other document required by the Political Reform Act, filed within 72 hours of its filing, onto its city website. The City Clerk's office currently accepts all paper filings of Fair Political Practices Commission (FPPC) campaign disclosure statements and FPPC Form 700 Statements of Economic Interests. Although these filings are readily available for public viewing at the City Clerk's Office, these same filings have not been made available online prior to January 1, 2021. Since January 1, 2021, staff has been manually redacting and uploading forms to the City website. The proposed ordinance will mandate electronic filings to ensure compliance with AB 2151, provide more transparency to the public, and offer an easier way for all filers to complete their required filings to the City Clerk's Office. The City Clerk's office has entered into an agreement with NetFile for the use of its electronic filing and administration system.

BACKGROUND

Government Code section 84615 allows local government agencies to require an elected and appointed official, candidate, or committee to file FPPC campaign statements, reports, or other documents online or electronically with a local filing officer. The City Clerk is the local filing officer for the City of Clovis.

In order for the City of Clovis to accept electronically filed statements, the City Council must adopt an ordinance permitting the use of an online filing system as the requirement for filing and designating the filings received electronically by the City Clerk's Office as the filings of record for the City. In addition, the system must operate securely and effectively, be no cost to filers, be available to the public to view filings, not place an undue burden on filers, and include procedures for filers to comply with the requirement that they sign statements and reports under penalty of perjury.

The NetFile system is created specifically for cities and counties responsible for administering campaign finance filings and Statements of Economic Interest (Form 700); meets the requirements of the Secretary of State; and allows for electronic and paperless filing of campaign statements.

Adoption of the proposed ordinance is required to implement electronic filings of FPPC Form 700 "Statement of Economic Interest" and the campaign finance component of the NetFile system, and will only apply to those filers that exceed a threshold of \$2,000 for expending or receiving campaign funds. This threshold is consistent with the Political Reform Act (PRA), which recognizes campaigns that spend or raise more than \$2,000 as "Controlled Committees." Under the PRA, these types of committees are obligated to file detailed campaign finance disclosure statements, also known as Form 460s. For those smaller campaigns that do not exceed the \$2,000 threshold, they may continue to file paper versions of the Form 470 disclosure forms. It should be noted that the NetFile system is able to accommodate the online filing of several types of required forms by the FPPC, including Forms 460, 470, 496, and 497, which are the most commonly used in local election campaigns.

Government Code 84615 authorizes a local agency to mandate electronic filing. Staff recommends upon adoption of the proposed ordinance (Attachment 1). Form 700 filers and elected officers, candidates, and committees required to file Campaign Finance Statements must file such Statements using the online system, unless exempt from the requirement to file online pursuant to Government Code Section 84615(a) because the officer, candidate, or committee receives less than \$2,000 in contributions and makes less than \$2,000 in expenditures in a calendar year.

To ensure a smooth transition, and as part of the agreement and acquisition of the system, NetFile and the City Clerk's Office can offer extensive training to filers and committees. Staff can schedule one-on-one training with NetFile staff and individual filers and treasurers that will cover the entire electronic filing process. This can include the set-up of filer accounts, explaining the online filing process, showing how to input data and save reports, preparing statements for e-signature, and finalizing statements for electronic filing.

In terms of security, the NetFile system is a web-based, vendor-hosted application that utilizes “industry best practices” for securing data, using the same data encryption for online filings that is used by banks for online banking. NetFile stores and backs up data at three separate locations, creating the essential safety measures and redundancy that will allow for recovery of information in the event of an emergency or disaster. The City’s data will be retained for the required minimum 10-year period. For professional treasurers that have already purchased campaign software, NetFile is able to receive uploaded data from certain types of third-party applications for electronic filing purposes.

Implementation of the NetFile system will promote transparency and make it more convenient for committees, individuals, and the public. It provides 24-hour filing and viewing accessibility of campaign finance information from any computer, anywhere. In certain instances, the NetFile program will also increase the accuracy of filed campaign statements by prohibiting any filings that may have inadvertently omitted required information under the PRA (e.g. missing addresses or the stated occupation of individual donors).

Statement of Economic Interest (Form 700)

This component of NetFile does not require an ordinance and is simply an internal procedure change. However, with the transition to electronic filing of Campaign Disclosure Statements staff recommends all future reports and other documents filed on behalf of Statement of Economic Interest filers be filed electronically. The City Clerk is currently responsible for the annual filing of all Form 700s, which include the City Council, Planning and Personnel Commissions, City Manager, City Attorney, Finance Director/Treasurer, and designated City employees. Form 700s occasionally need amendments or are submitted incomplete or without marked schedules attached. The Form 700 electronic filing incorporates an initial review process and alerts the filer of errors at the time he or she is entering information, thereby minimizing the need for the City Clerk to request amendments.

FISCAL IMPACT

Beginning Fiscal Year 2022-23, the cost will be \$8,100 per year and is budgeted for in the City Clerk’s budget.

REASON FOR RECOMMENDATION

Effective January 1, 2021, Assembly Bill (AB) 2151 requires agencies to post any campaign statement, report, or other document required by the Political Reform Act, filed within 72 hours of its filing, onto its city website. The City Clerk’s office currently accepts all paper filings of Fair Political Practices Commission (FPPC) campaign disclosure statements and FPPC Form 700 Statements of Economic Interests. Although these filings are readily available for public viewing at the City Clerk’s Office, these same filings have not been made available online prior to January 1, 2021. Since January 1, 2021, staff has been manually redacting and uploading forms to the City website. The proposed ordinance (Attachment 1) will mandate electronic filings to ensure compliance with AB 2151, provide more transparency to the public, and offer an easier way for all filers to complete their required filings to the City Clerk’s Office.

ACTIONS FOLLOWING APPROVAL

Staff will move forward with implementation of the new filing system and provide training in preparation for the November 2022 election.

Prepared by: Karey Cha, City Clerk

Reviewed by: City Manager JK

ORDINANCE 22-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS ADDING SECTION 1.9.03 OF CHAPTER 9 OF TITLE 1 OF THE CLOVIS MUNICIPAL CODE RELATING TO CAMPAIGN CONTRIBUTION LIMITS TO ALLOW FOR ELECTRONIC FILING OF CAMPAIGN STATEMENTS AND STATEMENTS OF ECONOMIC INTERESTS

WHEREAS, Government Code Section 84615 currently provides that a local agency may adopt an ordinance to require an elected officer, candidate, committee, or other person required to file statements, reports, or other documents required by Chapter 4 of the Political Reform Act (commencing with Section 84100 of the Government Code), except an elected officer, candidate, committee, or other person who receives contributions totaling less than \$2,000 and who makes independent expenditures totaling less than \$2,000 in a calendar year, to file those statements, reports, or other documents online or electronically with the local filing officer; and

WHEREAS, the City has entered into an agreement with NetFile, Inc., a vendor approved by the California Secretary of State, to provide an online electronic filing system ("System") for campaign disclosure statements and Statements of Economic Interest forms; and

WHEREAS, the System will operate securely and effectively and will not unduly burden filers. Specifically: (1) the System will ensure the integrity of the data and includes safeguards against efforts to tamper with, manipulate, alter, or subvert the data; (2) the System will only accept a filing in the standardized record format developed by the Secretary of State and compatible with the Secretary of State's system for receiving an online or electronic filing; and (3) the System will be available free of charge to filers and to the public for viewing filings; and

WHEREAS, the City of Clovis desires to amend the Clovis Municipal Code to add a new Section relating to electronic filing of Campaign Disclosure Statements and Statements of Economic Interests;

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

Section 1 That the purpose of this Ordinance is to require the filing of Campaign Disclosure Statements and Statements of Economic Interest by elected officials, candidates, staff, consultants, commissions, or committees to be completed electronically. The City Council enacts this Ordinance in accordance with the authority granted to cities by state law. This ordinance is intended to supplement, and not conflict with, the Political Reform Act.

Section 2 Section 1.9.03 of Chapter 9 of Title 1 of the Clovis Municipal Code is hereby added to read as follows:

1.9.03 Electronic filing of Campaign Disclosure Statements and Statements of Economic Interests

(a) Any elected officer, candidate, commission, committee, or other person required to file statements, reports, or other documents required by Government Code Chapter 4 – Political Reform Act (commencing with Section 84100) shall file those statements, reports, or other documents online or electronically with the City Clerk. Elected officers, candidates, or committees required to file statements must file such Statements using the City Clerk's online

system, unless exempt from the requirement to file online pursuant to Government Code Section 84615(a) because the officer, candidate, or committee receives less than \$2,000 in contributions and makes less than \$2,000 in expenditures in a calendar year. All other individuals required to file Statements of Economic Interest according to the City's adopted Code of Conflict of Interest must file electronically using the City Clerk's online system.

(b) Any person holding a position listed in Government Code Section 87200 or designated in the city's local conflict of interest code adopted pursuant to Government Code section 87300, shall file any required Statement of Economic Interest reports (Form 700) online or electronically with the City Clerk.

(c) In any instance in which an original statement, report or other document must be filed with the California Secretary of State and a copy of that statement, report or other document is required to be filed with the City Clerk, the filer may, but is not required to, file the copy electronically.

(d) The online filing system shall ensure the integrity of the data transmitted and shall include safeguards against efforts to tamper with, manipulate, alter, or subvert the data.

(e) The online filing system shall only accept a filing in the standardized record format that is developed by the California Secretary of State pursuant to Section 84602(a)(2) of the California Government Code and that is compatible with the Secretary of State's system for receiving an online or electronic filing.

(f) The online filing system shall include a procedure for filers to comply with the requirement that they sign statements and reports under penalty of perjury pursuant to Section 81004 of the Government Code.

(g) Any elected officer, candidate, or committee who has electronically filed a statement using the City Clerk's online system is not required to file a copy of that document in paper format with the City Clerk.

(h) The City Clerk shall issue an electronic confirmation that notifies the filer that the Statement was received, the notification shall include the date and the time that the Statement was received and the method by which the filer may view and print the data received by the City Clerk. The date of filing for a Statement filed online shall be the day that it is received by the City Clerk.

(i) If the City Clerk's system is not capable of accepting a Statement due to technical difficulties, an elected officer, candidate, or committee shall file that Statement in paper format with the City Clerk.

(j) The online filing system shall enable electronic filers to complete and submit filings free of charge.

(k) The City Clerk's system shall make all the data filed available on the City's webpage in an easily understood format that provides the greatest public access. The data shall be made available free of charge and as soon as possible after receipt. The data made available on the City's webpage shall not contain the street name and building number of the persons or entity representatives listed on the electronically filed forms or any bank account number required to be disclosed by the filer. The City Clerk's office shall make a complete, unredacted copy of the statement, including any street names, building numbers, and bank account numbers disclosed by the filer, available to any person upon request.

(l) The City Clerk's office shall maintain, for a period of at least 10 years commencing from the date filed, a secured, official version of each online or electronic statement which shall serve as the official version of that record for purpose of audits and any other legal purpose.

Section 3 This Ordinance shall go into effect and be in full force from and after thirty (30) days after its final passage and adoption.

APPROVED: May 9, 2022

Mayor

City Clerk

* * * * *

The foregoing Ordinance was introduced and read at a regular meeting of the City Council held on May 9, 2022, and was adopted at a regular meeting of said Council held on May 16, 2022, by the following vote, to wit:

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

DATED: May 16, 2022

City Clerk