



# CITY of CLOVIS

## AGENDA • CITY COUNCIL MEETING

Council Chamber, 1033 Fifth Street, Clovis, CA 93612 (559) 324-2060  
[www.cityofclovis.com](http://www.cityofclovis.com)

May 4, 2020

6:00 PM

Council Chamber

### **\*SPECIAL NOTICE REGARDING PUBLIC PARTICIPATION DUE TO COVID-19\***

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

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

### **Written Comments**

- Members of the public are encouraged to submit written comments at: <https://cityofclovis.com/government/city-council/city-council-agendas/> at least one (1) hour before the meeting (5:00 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 specify if you would like to have your written comment read into the record. If so, your comment will be read into the record during the public comment portion when the item is heard. Any portion of your comment extending past three (3) minutes may not be read aloud due to time restrictions, but will be made part of the record of proceedings.

- 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 5:00 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 5:00 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 5:00 p.m. the day of the meeting.
- You will be asked to provide your name, phone number, and your email. You will be emailed instructions to log into Webex to participate in the meeting. Staff recommends participants log into the Webex at 5:30 p.m. the day of the meeting to perform an audio check.
- All callers will be placed on mute, and at the appropriate time for your comment your microphone will be unmuted.
- You will be able to speak to the Council for up to three (3) minutes.

### **Webex Participation**

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

### **CALL TO ORDER**

### **FLAG SALUTE - Councilmember Flores**

### **ROLL CALL**

### **PUBLIC COMMENT**

**ORDINANCES AND RESOLUTIONS** - With respect to the approval of resolutions and ordinances, the reading of the title shall be deemed a motion to waive a reading of the complete resolution or ordinance and unless there is a request by a Councilmember that the resolution or ordinance be read in full, further reading of the resolution or ordinance shall be deemed waived by unanimous consent of the Council.

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

1. Administration - Approval - Minutes from the April 20, 2020 Council Meeting.
2. Finance - Approval – Res. 20-\_\_\_\_, A Resolution of Intention (ROI) to Annex Territory (Annexation #60) (Solivita Commons-Northeast Corner of Willow and Alluvial), to the Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes Therein and Setting the Public Hearing for June 15, 2020.
3. Finance - Approval – Res. 20-\_\_\_\_, A Resolution of Intention (ROI) to Annex Territory (Annexation #62) (T6239-Northeast Corner of Locan and Loyola), to the Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes Therein and Setting the Public Hearing for June 15, 2020.
4. General Services - Approval – Res. 20-\_\_\_\_, Approving Amendments to the City's Internal Revenue Code Section 125 Flexible Benefits Plan.
5. Planning and Development Services - Approval - Bid Award for CIP 18-08, Minnewawa Avenue Street Improvements, and; Authorize the City Manager to execute the contract on behalf of the City.
6. Planning and Development Services - Approval - Bid Award for CIP 20-01, Rubberized Cape Seal 2020, and; Authorize the City Manager to execute the contract on behalf of the City.
7. Public Utilities – Approval – Bid Award for CIP 20-02 Electric Vehicle Bus Chargers; Authorize the City Manager to execute the contract on behalf of the City; and Res. 20-\_\_\_\_, amending the 2019-2020 General Government Facilities budget in the Community Investment Program to allocate funds for the project.
8. Public Utilities – Approval – Letter of Support on behalf of Fresno Metropolitan Flood Control District for AB 2050, regarding amendments to the Fresno Metropolitan Flood Control District Principal Act.

**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.

9. Consider Approval – Res. 20-\_\_\_\_, Adoption of the City of Clovis 2020-21 Annual Action Plan for expenditure of Community Development Block Grant Funds. (Continue to the May 11, 2020 meeting)

**Staff:** Andrew Haussler, Community and Economic Development Director  
**Recommendation:** Approve

10. Consider Approval - Res. 20-\_\_\_\_, A Resolution Confirming the Diagram and Assessments for the Annual Levy for Landscape Maintenance District No. 1 for 2020-2021.

**Staff:** Scott Redelfs, Public Utilities Director

**Recommendation:** Approve

11. Consider Introduction – Ord. 20-\_\_\_\_, Amending Title 4, Chapter 4.4 Article 1 of the Clovis Municipal Code relating to the California Fire Code.

**Staff:** John Binaski, Fire Chief

**Recommendation:** Approve

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

12. Receive and File – 2019 Fire Department Annual Report and Council Presentation.

**Staff:** John Binaski, Fire Chief

**Recommendation:** Receive and File

13. Consider Various Actions Regarding the Financial Impact on the City of Clovis due to the COVID-19 State of Emergency:

a. Receive and File – Update on the Impact to the City of Clovis local Economy due to the COVID-19 State of Emergency

**Staff:** Andrew Haussler, Economic Development Director

**Recommendation:** Receive and File

b. Receive and File – A Summary and Projection of the impact on the General Fund due to the State of Emergency and preparing the 2020-2021 Budget.

**Staff:** Jay Schengel, Finance Director

**Recommendation:** Receive and File

## COUNCIL ITEMS

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

a. Consider Approval – Res. 20-\_\_\_\_, A Resolution adopting Emergency Order 2020 – 13 in order to add clarity to the city’s roles and responsibilities under the governor’s stay at home order by: (1) repealing emergency orders 2020-01 (bars and restaurant closures), 2020-02 (gyms and places of amusement), and 2020-10 (city parks) as unnecessarily duplicative as the statewide stay at home order covers these and other items; and (2) clarifying the city’s enforcement responsibilities;

b. Consider Approval – A letter to Governor Newsom regarding the reopening of businesses in the City of Clovis.

c. Consider Approval -A letter to Governor Newsom seeking to establish various actions in support of local funding for cities impacted by the COVID-19 State of Emergency

**Staff:** Luke Serpa, City Manager

**Recommendation:** Approve

## **CITY MANAGER COMMENTS**

## **COUNCIL COMMENTS**

## **ADJOURNMENT**

## **MEETINGS AND KEY ISSUES**

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

May 11, 2020 (Mon.)

May 18, 2020 (Mon.) (Budget Introduction)

June 1, 2020 (Mon.)

June 8, 2020 (Mon.)

June 15, 2020 (Mon.)

**CLOVIS CITY COUNCIL MEETING**

**April 20, 2020**

**6:00 P.M.**

**Council Chamber**

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

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

1. 6:05 P.M. - APPROVED – REVISED CITY COUNCIL MEETING PROTOCOL IMPOSED DURING COVID-19 STATE OF EMERGENCY

Assistant City Manager John Holt presented a report on proposed changes to the city council meeting protocol imposed during the state of emergency. John Holt summarized potential changes to allow greater public input on the meetings during the state of emergency. There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Whalen, seconded by Councilmember Flores, for the Council:

1. To approve the recommended changes to the city council meeting protocol imposed during the state of emergency.
2. To direct staff to work on having members of the public participate in meetings using the Webex software to allow people make verbal public comment as allowed by having the host communicating with those logged into the meeting and desiring to make a verbal public comment.
3. To open up the council chambers to the public and manage social distancing beginning with the May 4, 2020 meeting.
4. Authorize staff to begin video streaming the council meetings beginning with the May 4, 2020 meeting.

Motion carried 4-1 with Councilmember Ashbeck voting no.

**PUBLIC COMMENTS - 6:38**

Dennis Ward – Recommends that all store employees and customers should be required to wear a mask.

Christine Barnum would like the opportunity to return to work in her 700 sq. ft. salon (Hair Abduction) working 1 on 1 with a client.

**CONSENT CALENDAR – 6:39**

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, that the items on the Consent Calendar be approved, including the waiver of the reading of the ordinance. Motion carried by unanimous vote.

2. Administration - Approved - Minutes from the April 13, 2020 Council Meeting.
3. Administration – Adopted - **Ord. 20-08**, Authorize Levy of Special Taxes Solely within and Relating to Community Facilities District No. 2020-1 (Dry Creek Preserve Sewer Facilities and Services). (Vote: 5-0)
4. Planning and Development Services – Approved – **Res. 20-43**, Adopt a list of projects funded by SB1: The Road Repair and Accountability Act.
5. Public Utilities – Approved – Preliminary Engineer’s Report; and Approved – **Res. 20-44**, A Resolution Declaring the City’s Intention to Levy and Collect the Annual Assessments for Landscape Maintenance District No. 1.

**PUBLIC HEARINGS**

- 6A. 6:40 - APPROVED - **RES. 20-45**, A RESOLUTION ANNEXING TERRITORY (ANNEXATION #61) (T6262 - NORTHWEST CORNER OF PEACH AND SPRUCE) TO THE CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES) AND CALLING A SPECIAL LANDOWNER ELECTION TO ANNEX TERRITORY (ANNEXATION #61) TO CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES); AND ITEM 6B. APPROVED - **RES. 20-46**, A RESOLUTION OF THE CITY OF CLOVIS DECLARING THE RESULTS OF A SPECIAL LANDOWNER ELECTION AND DIRECTING RECORDING OF THE NOTICE OF SPECIAL TAX LIEN FOR CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES).

Finance Director Jay Schengel presented a report on actions related to annexation of Territory (Annexation #61 - T6262 - northwest corner of Peach and Spruce) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services). Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004 must petition to be annexed to the existing CFD. This action is required to begin the process of annexation provided by the conditions of approval of the development entitlements. Gina Daniels provided an overview of Annexation #61. There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve **Resolution 20-45**, for the Council to approve a resolution annexing territory (Annexation #61 - T6262 - northwest corner of Peach and Spruce) to the City of Clovis Community Facilities District (CFD) No. 2004-1 (Police and Fire Services) and calling a special landowner election to annex territory (Annexation #61) to City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services). Motion carried by unanimous vote.

City Clerk John Holt reported out that he was in receipt of one ballot representing 12 votes all in favor and noted unanimous passage of the ballot measure. There being no comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve **Resolution 20-46**, a Resolution of the City of Clovis declaring the results of a special landowner election and directing recording of the Notice of Special Tax Lien for City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services). Motion carried by unanimous vote.

**ADMINISTRATIVE ITEMS**

- 7. 6:45 - RECEIVED AND FILED – UPDATE FROM THE POLICE DEPARTMENT REGARDING POTENTIAL USE OF NEW TECHNOLOGY.

Police Chief Curt Fleming and Police Lieutenant Jim Munro provided an update on the Police Department regarding potential use of new technology. The Police Department has begun a 90-day pilot program where drones will be deployed as a first responder. The department will use a drone launched from a city building rooftop to respond to emergency calls. The drone will provide officers responding to certain scenes an extra set of eyes from above, help catch suspects fleeing, and allow some calls to be cleared without an officer response. During the current COVID-19 emergency, we hope the drone response will decrease the need for an officer to make in-person contact in some situations.

The pilot program is modeled after a similar program currently in operation in the City of Chula Vista, CA. Since October 2018, Chula Vista PD drones have responded to over 2,000 emergency calls. The drone program is credited with assisting in over 270 arrests and arrives on scene before patrol officers 50% of the time. Additionally, the drone has allowed Chula Vista to avoid sending patrol officers to over 480 calls, freeing up officers to respond to other emergencies. Since 2018, the Clovis Police Department has operated a patrol drone program authorized by the Federal Aviation Administration. With 9 trained pilots and 15 drones, the program has been successful in the apprehension of many criminals and the drones have helped keep our officers and city safe. We hope the same of this new pilot program. Upon conclusion of the 90-day pilot, the Chief of Police will use data collected from the pilot to determine if the program will be extended into the future. There being no public comment, Mayor Bessinger closed the public portion. It was the consensus of the Council to receive and file the report.

**COUNCIL ITEMS**

- 8. 7:04 - APPROVED – APPOINTMENTS TO PERSONNEL AND PLANNING COMMISSIONS

City Manager Luke Serpa presented a report on appointments to Personnel and Planning Commissions. Personnel Commissioners Diane Staebler and Jose Reyes, whose terms of office expire in May of 2020, have requested to be reappointed. Mayor Bessinger is recommending that the Personnel Commissioners be reappointed. Planning Commissioner Paul Hinkle, whose term of office expires in May of 2020, has requested to



be reappointed. Mayor Bessinger is recommending that the Planning Commissioner be reappointed. The reappointments are for a four-year term of office which would expire in May of 2024. There being no comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Whalen, seconded by Councilmember Flores, for the Council to confirm Mayor Bessinger’s reappointment of Personnel Commissioners Diane Staebler and Jose Reyes, and Planning Commissioner Paul Hinkle for a term through May 2024. Motion carried by unanimous vote.

9. 7:06 - APPROVED - **RES. 20-47**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS CONFIRMING THE DIRECTOR OF EMERGENCY SERVICES' ORDERS

City Manager Luke Serpa presented a report on a request to approve a resolution confirming the Director of Emergency Services' Order 2020-08A, an addendum to suspension of vacation cap order 2020-08 related to suspension of employee vacation caps during the declared emergency. There being no comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve a resolution confirming the Director of Emergency Services' Order 2020-08A. Motion carried by unanimous vote.

10. 7:08 - WORKSHOP – FOR THE CLOVIS CITY COUNCIL TO CONDUCT A WORKSHOP TO DISCUSS THE IMPACT ON ONGOING CITY OPERATIONS DURING THE COVID-19 STATE OF EMERGENCY AS DECLARED BY THE FEDERAL GOVERNMENT, STATE OF CALIFORNIA, COUNTY OF FRESNO, AND CITY OF CLOVIS; AND TO EXPLORE ACTIONS THE CITY MAY TAKE IN RESPONSE TO THE CRISIS

City Manager Luke Serpa provided Council an update on COVID-19 State of Emergency related City activity since the last meeting on April 13, 2020. Luke Serpa presented an update on possible impacts on the budget during the state of emergency. Council commented on what our local economy may look like as we begin to come out of this state of emergency and requested staff reach out to local businesses for feedback. Council suggested recognizing some local businesses for doing great things during the state of emergency.

Resident Jacob Ulum, commented on the Mayor’s letter to Governor Newsom opposing the possible closure of gun stores and urging a balanced approach to reopening the local economy. Discussion by the Council. Council provided staff direction, but no formal action was taken during the workshop.

Mayor Bessinger adjourned the meeting of the Council to May 4, 2020

Meeting adjourned: 7:45 p.m.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



# CITY of CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: May 4, 2020

SUBJECT: Finance - Approval – Res. 20-\_\_\_\_, A Resolution of Intention (ROI) to Annex Territory (Annexation #60) (Solivita Commons-Northeast Corner of Willow and Alluvial), to the Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes Therein and Setting the Public Hearing for June 15, 2020.

ATTACHMENTS: 1. Res. 20-\_\_\_\_, Intention to Annex Territory to CFD  
2. Annexation Map

**CONFLICT OF INTEREST**  
None.

**RECOMMENDATION**  
That the Council approve Res. 20-\_\_\_\_, A Resolution of Intention to Annex Territory (Annexation #60) to Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes therein and setting the Public Hearing for June 15, 2020.

**EXECUTIVE SUMMARY**  
Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004, must petition to be annexed to the existing CFD. This action is required to begin the process of annexation provided by the conditions of approval of the development entitlements.

**BACKGROUND**  
Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004, must petition to be annexed to the existing CFD. Recently, a developer has submitted a petition to annex territory to the Community Facilities District 2004-1 and to include his subdivision within the District as provided by the conditions of approval of the development entitlements. To initiate the process for annexation of territory to a CFD, the Council must approve a Resolution of Intention (ROI) to annex territory to the CFD. The ROI included with this report includes

various actions necessary for the annexation to the CFD. The Rate and Method of Apportionment (RMA) referred to in the ROI is as adopted by the Council with the Resolution of Formation adopted March 8, 2004.

The area to be annexed, Solivita Commons-Northeast Corner of Willow and Alluvial, is shown in the attached map.

**FISCAL IMPACT**

No fiscal impact by this action.

**REASON FOR RECOMMENDATION**

All requirements to begin the process for annexation of territory to the CFD have been completed, and the Council may take action on the ROI.

**ACTIONS FOLLOWING APPROVAL**

The Staff will take appropriate steps to schedule the Public Hearing on the Annexation of Territory to the CFD for June 15, 2020 and will provide the notices in accordance with the law.

Prepared by: Steve Nourian, Senior Accounting Systems Technician

Reviewed by: City Manager *JH*

RESOLUTION 20-\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS  
APPROVING THE INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES  
DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN

CITY OF CLOVIS  
Community Facilities District No. 2004-1  
(Police and Fire Services)  
Annexation No. 60

**WHEREAS**, this Council has conducted proceedings to establish Community Facilities District No. 2004-1 (Police and Fire Services) (the "CFD") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing at Section 53311, of the California Government Code; and

**WHEREAS**, under the Act, this Council, as the legislative body for the CFD, is empowered with the authority to annex territory to the CFD, and now desires to undertake proceedings to annex territory to the CFD.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Clovis:

1. **Findings.** This Council hereby finds and determines that public convenience and necessity require that territory be added to the CFD.
2. **Territory Described.** The name of the existing CFD is "Community Facilities District No. 2004-1 (Police and Fire Services)". The territory included in the existing CFD is as shown on the map thereof filed in Book 40 of Maps of Assessment and Community Facilities Districts at Page 57, in the office of the County Recorder, County of Fresno, State of California, to which map reference is hereby made. The territory now proposed to be annexed to the CFD is as shown on the Annexation Map No. 60 to the CFD, on file with the Clerk, the boundaries of which territory are hereby preliminarily approved and to which map reference is hereby made for further particulars. The City Clerk is hereby directed to cause to be recorded said Annexation Map No. 60 to the CFD, showing the territory to be annexed, in the office of the County Recorder of the County of Fresno within fifteen days of the date of adoption of this resolution.
3. **The Services.** The types of public services financed by the CFD and pursuant to the Act consist of those of the police and fire services (the "Services") as described in Exhibit A to Resolution No. 04-33, adopted by the Council on March 8, 2004 (the "Resolution of Formation"). It is presently intended that the Facilities (and the Services) will be shared, without preference or priority, by the existing territory in the CFD and the territory proposed to be annexed to the CFD.

**4. Special Tax.** Except to the extent that funds are otherwise available to the CFD to pay for the Services, a special tax sufficient to pay the costs thereof is intended to be levied annually within the CFD, and collected in the same manner as ordinary *ad valorem* property taxes. The proposed rate and method of apportionment of the special tax among the parcels of real property within the CFD, as now in existence and following the annexation proposed herein, in sufficient detail to allow each landowner within the territory proposed to be annexed to the CFD to estimate the maximum amount such owner will have to pay, are described in Exhibit B attached to the Resolution of Formation, by which this reference is incorporated herein.

**5. Hearing.** Monday, June 15, 2020 at 6:00 p.m. or as soon as possible thereafter, in the City Hall, Council Chambers, 1033 Fifth Street, Clovis, California, be, and the same are hereby appointed and fixed as the time and place when and where this Council, as legislative body for the CFD, will conduct a public hearing on the annexation of territory to the CFD and consider and finally determine whether the public interest, convenience and necessity require said annexation of territory to the CFD and the levy of such special tax therein.

**6. Notice.** The City Clerk is hereby directed to cause notice of said public hearing to be given by publication one time in a newspaper of general circulation in the area of the CFD. The publication of said notice shall be completed at least seven (7) days before the date herein set for said hearing. The City Clerk shall also cause a copy of such notice and a copy of the Resolution of Formation to be mailed to each landowner (and to each registered voter, if any) within the territory proposed to be annexed, which notice and resolution shall be mailed at least fifteen (15) days before the date of said hearing. Such notice shall be substantially in the form specified in Section 53339.4 of the Act, with a summary form specifically authorized.

**7. Annexation Contingency.** Section 53316 of the Act shall apply to the proceedings of the Council for the CFD to the extent that the proceedings, if appropriate, include territory which on the date of adoption of this Resolution of Intention are not annexed to the City and which territory is proposed to be annexed to the City. This Council determines that the City has filed appropriate documents, including a “resolution of application”, with the Fresno County Local Agency Formation Commission (“LAFCO”) for the annexation of territory as therein described, which territory includes all or a portion of the lands proposed for inclusion in the boundaries of the CFD as herein described. A certificate of filing of such application has been issued by the official who is the executive officer of LAFCO, a copy of which certificate of filing is on file with the City Clerk. It is hereby specifically provided that these proceedings for the CFD, to the extent applicable to such territory subject to such LAFCO annexation to the City, shall be contingent upon and shall be completed only if the annexation of such territory to the City by LAFCO is completed. It is further provided that this Council shall not authorize the levy of the Special Tax nor cause any amended notice of special tax lien to be recorded for the territory to be annexed to the CFD unless and until such annexation proceedings through LAFCO are completed to the satisfaction of this Council.

**8. Effective Date.** This resolution shall take effect upon its adoption.

\* \* \* \* \*

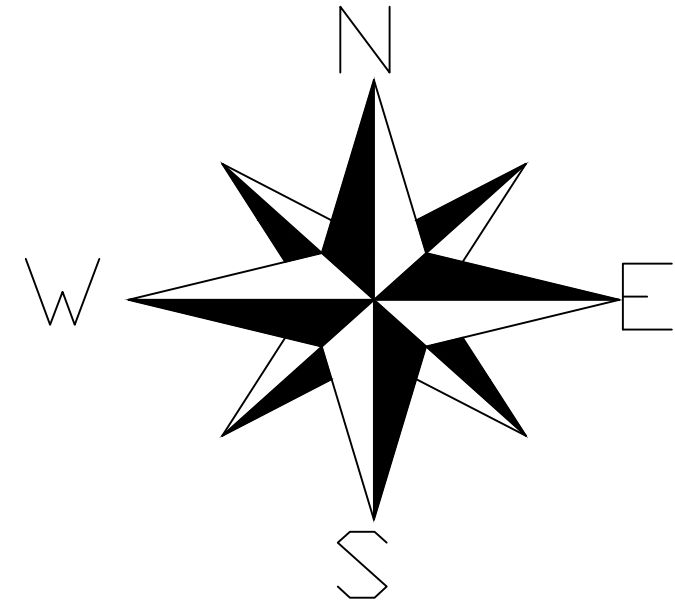
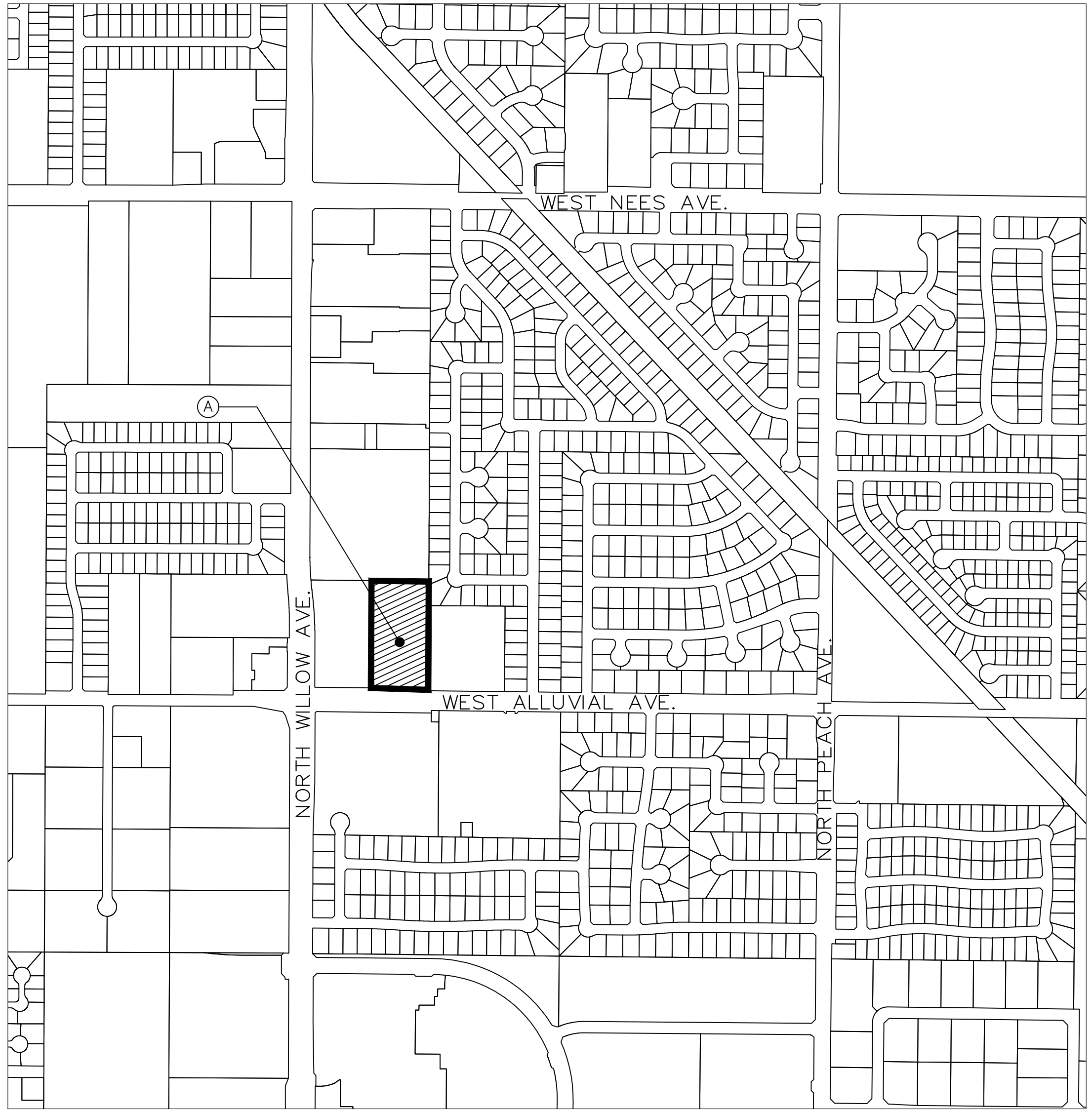
The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 04, 2020, by the following vote, to wit.

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

DATED: May 4, 2020

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



LEGEND  
 \_\_\_\_\_ PARCEL  
 \_\_\_\_\_ ANNEXATION BOUNDARY  
 (A) APN 561-061-19S

FILED IN THE OFFICE OF THE CITY CLERK THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020. I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. 60 TO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES), CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLOVIS AT A REGULAR MEETING THEREOF, HELD ON THE \_\_\_ DAY OF \_\_\_\_\_, 2020, BY ITS RESOLUTION NO. 20-\_\_\_\_.

\_\_\_\_\_  
 JOHN HOLT  
 CITY CLERK  
 CITY OF CLOVIS

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, AT THE HOUR OF \_\_\_\_\_ O'CLOCK \_\_\_\_ M. IN THE BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AND AS INSTRUMENT NO. \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA.

\_\_\_\_\_  
 PAUL A. DICTOS, C.P.A. BY: DEPUTY COUNTY RECORDER  
 COUNTY ASSESSOR-RECORDER  
 COUNTY OF FRESNO  
 STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF COMMUNITY FACILITIES DISTRICT NO 2004-1 (POLICE AND FIRE SERVICES) OF THE CITY OF CLOVIS RECORDED WITH THE FRESNO COUNTY RECORDER'S OFFICE ON FEBRUARY 19, 2004, IN BOOK 40 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 57.

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE FRESNO COUNTY ASSESSORS MAPS FOR THOSE PARCELS LISTED.

THE FRESNO COUNTY ASSESSORS MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OF PARCELS.

ANNEXATION MAP NO. 60

COMMUNITY FACILITIES DISTRICT NO. 2004-1  
 (POLICE AND FIRE SERVICES)

0 250' 500'  
 SCALE : 1" = 500'

CITY OF CLOVIS  
 COUNTY OF FRESNO  
 STATE OF CALIFORNIA



# CITY of CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: May 4, 2020

SUBJECT: Finance - Approval – Res. 20-\_\_\_\_, A Resolution of Intention (ROI) to Annex Territory (Annexation #62) (T6239-Northeast Corner of Locan and Loyola), to the Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes Therein and Setting the Public Hearing for June 15, 2020.

ATTACHMENTS: 1. Res. 20-\_\_\_\_, Intention to Annex Territory to CFD  
2. Annexation Map

**CONFLICT OF INTEREST**  
None.

**RECOMMENDATION**  
That the Council approve Res. 20-\_\_\_\_, A Resolution of Intention to Annex Territory (Annexation #62) to Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes therein and setting the Public Hearing for June 15, 2020.

**EXECUTIVE SUMMARY**  
Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004, must petition to be annexed to the existing CFD. This action is required to begin the process of annexation provided by the conditions of approval of the development entitlements.

**BACKGROUND**  
Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004, must petition to be annexed to the existing CFD. Recently, a developer has submitted a petition to annex territory to the Community Facilities District 2004-1 and to include his subdivision within the District as provided by the conditions of approval of the development entitlements. To initiate the process for annexation of territory to a CFD, the Council must approve a Resolution of Intention (ROI) to annex territory to the CFD. The ROI included with this report includes



various actions necessary for the annexation to the CFD. The Rate and Method of Apportionment (RMA) referred to in the ROI is as adopted by the Council with the Resolution of Formation adopted March 8, 2004.

The area to be annexed, T6239-Northeast Corner of Locan and Loyola, is shown in the attached map.

**FISCAL IMPACT**

No fiscal impact by this action.

**REASON FOR RECOMMENDATION**

All requirements to begin the process for annexation of territory to the CFD have been completed, and the Council may take action on the ROI.

**ACTIONS FOLLOWING APPROVAL**

The Staff will take appropriate steps to schedule the Public Hearing on the Annexation of Territory to the CFD for June 15, 2020 and will provide the notices in accordance with the law.

Prepared by: Steve Nourian, Senior Accounting Systems Technician

Reviewed by: City Manager *SN*

RESOLUTION 20-\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS  
APPROVING THE INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES  
DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN

CITY OF CLOVIS  
Community Facilities District No. 2004-1  
(Police and Fire Services)  
Annexation No. 62

**WHEREAS**, this Council has conducted proceedings to establish Community Facilities District No. 2004-1 (Police and Fire Services) (the "CFD") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing at Section 53311, of the California Government Code; and

**WHEREAS**, under the Act, this Council, as the legislative body for the CFD, is empowered with the authority to annex territory to the CFD, and now desires to undertake proceedings to annex territory to the CFD.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Clovis:

1. **Findings.** This Council hereby finds and determines that public convenience and necessity require that territory be added to the CFD.
2. **Territory Described.** The name of the existing CFD is "Community Facilities District No. 2004-1 (Police and Fire Services)". The territory included in the existing CFD is as shown on the map thereof filed in Book 40 of Maps of Assessment and Community Facilities Districts at Page 57, in the office of the County Recorder, County of Fresno, State of California, to which map reference is hereby made. The territory now proposed to be annexed to the CFD is as shown on the Annexation Map No. 62 to the CFD, on file with the Clerk, the boundaries of which territory are hereby preliminarily approved and to which map reference is hereby made for further particulars. The City Clerk is hereby directed to cause to be recorded said Annexation Map No. 62 to the CFD, showing the territory to be annexed, in the office of the County Recorder of the County of Fresno within fifteen days of the date of adoption of this resolution.
3. **The Services.** The types of public services financed by the CFD and pursuant to the Act consist of those of the police and fire services (the "Services") as described in Exhibit A to Resolution No. 04-33, adopted by the Council on March 8, 2004 (the "Resolution of Formation"). It is presently intended that the Facilities (and the Services) will be shared, without preference or priority, by the existing territory in the CFD and the territory proposed to be annexed to the CFD.

4. **Special Tax.** Except to the extent that funds are otherwise available to the CFD to pay for the Services, a special tax sufficient to pay the costs thereof is intended to be levied annually within the CFD, and collected in the same manner as ordinary *ad valorem* property taxes. The proposed rate and method of apportionment of the special tax among the parcels of real property within the CFD, as now in existence and following the annexation proposed herein, in sufficient detail to allow each landowner within the territory proposed to be annexed to the CFD to estimate the maximum amount such owner will have to pay, are described in Exhibit B attached to the Resolution of Formation, by which this reference is incorporated herein.

5. **Hearing.** Monday, June 15, 2020 at 6:00 p.m. or as soon as possible thereafter, in the City Hall, Council Chambers, 1033 Fifth Street, Clovis, California, be, and the same are hereby appointed and fixed as the time and place when and where this Council, as legislative body for the CFD, will conduct a public hearing on the annexation of territory to the CFD and consider and finally determine whether the public interest, convenience and necessity require said annexation of territory to the CFD and the levy of such special tax therein.

6. **Notice.** The City Clerk is hereby directed to cause notice of said public hearing to be given by publication one time in a newspaper of general circulation in the area of the CFD. The publication of said notice shall be completed at least seven (7) days before the date herein set for said hearing. The City Clerk shall also cause a copy of such notice and a copy of the Resolution of Formation to be mailed to each landowner (and to each registered voter, if any) within the territory proposed to be annexed, which notice and resolution shall be mailed at least fifteen (15) days before the date of said hearing. Such notice shall be substantially in the form specified in Section 53339.4 of the Act, with a summary form specifically authorized.

7. **Annexation Contingency.** Section 53316 of the Act shall apply to the proceedings of the Council for the CFD to the extent that the proceedings, if appropriate, include territory which on the date of adoption of this Resolution of Intention are not annexed to the City and which territory is proposed to be annexed to the City. This Council determines that the City has filed appropriate documents, including a "resolution of application", with the Fresno County Local Agency Formation Commission ("LAFCO") for the annexation of territory as therein described, which territory includes all or a portion of the lands proposed for inclusion in the boundaries of the CFD as herein described. A certificate of filing of such application has been issued by the official who is the executive officer of LAFCO, a copy of which certificate of filing is on file with the City Clerk. It is hereby specifically provided that these proceedings for the CFD, to the extent applicable to such territory subject to such LAFCO annexation to the City, shall be contingent upon and shall be completed only if the annexation of such territory to the City by LAFCO is completed. It is further provided that this Council shall not authorize the levy of the Special Tax nor cause any amended notice of special tax lien to be recorded for the territory to be annexed to the CFD unless and until such annexation proceedings through LAFCO are completed to the satisfaction of this Council.

8. **Effective Date.** This resolution shall take effect upon its adoption.

\* \* \* \* \*

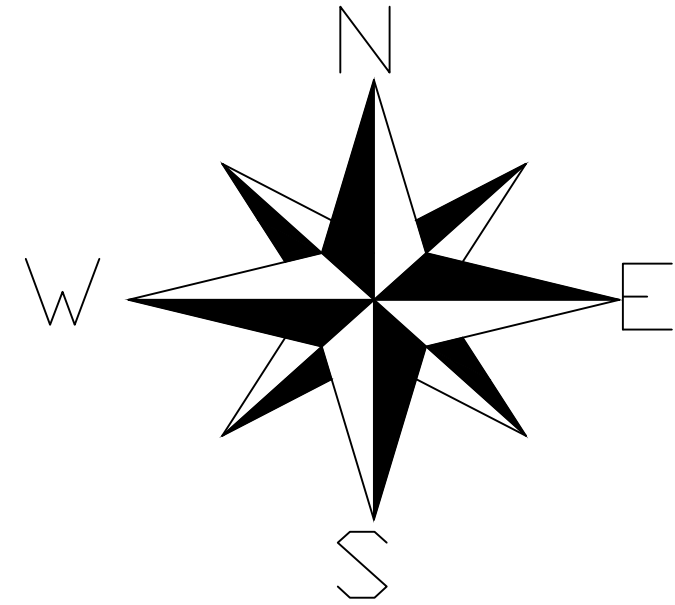
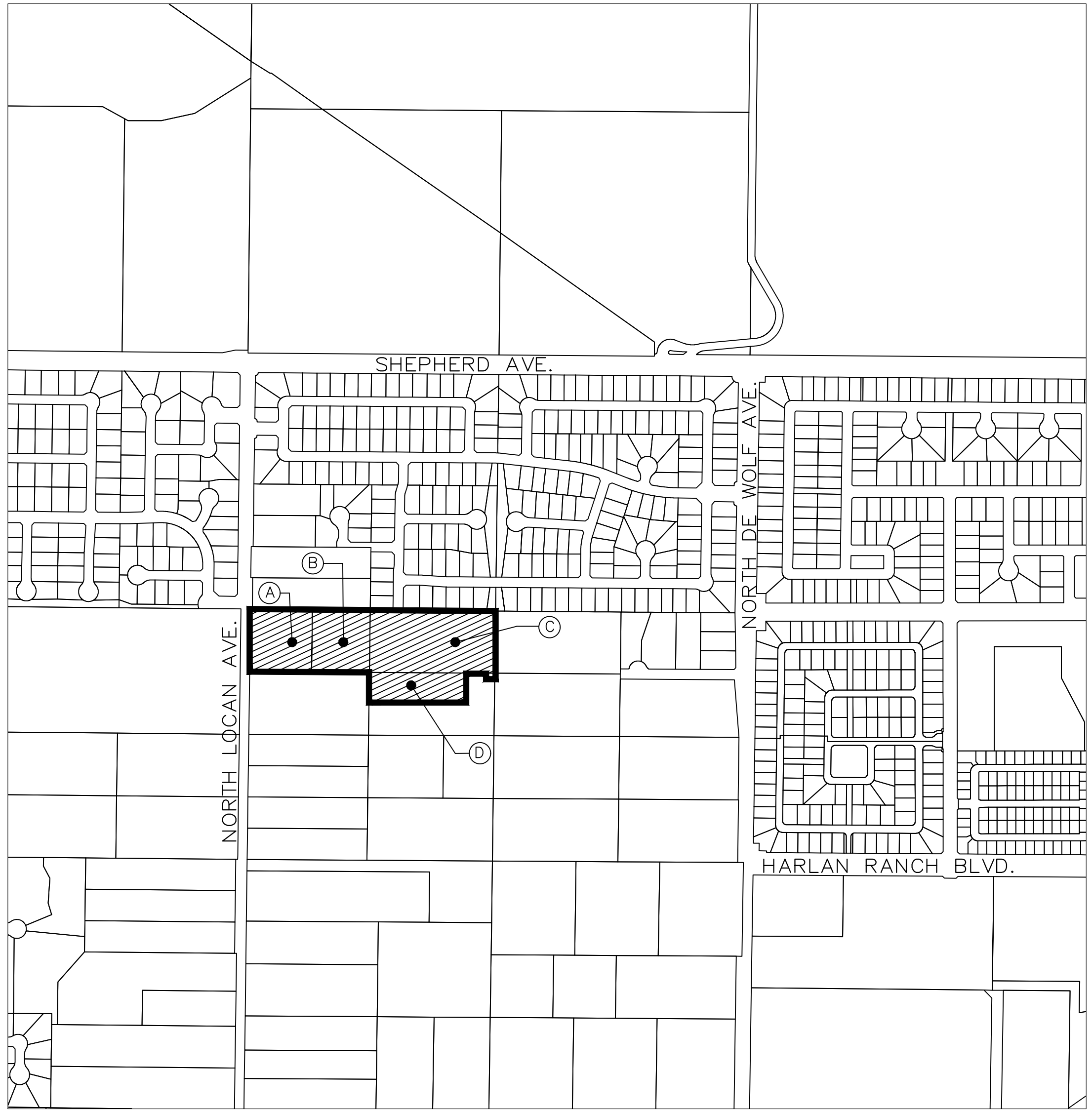
The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 04, 2020, by the following vote, to wit.

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

DATED: May 4, 2020

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



LEGEND

- PARCEL
- ANNEXATION BOUNDARY
- (A) APN 558-020-80
- (B) APN 558-020-20
- (C) APN 558-020-09
- (D) APN 558-020-10 (PORTION)

FILED IN THE OFFICE OF THE CITY CLERK THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ JUNE \_\_\_\_\_, 2020. I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. 62 TO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES), CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLOVIS AT A REGULAR MEETING THEREOF, HELD ON THE 15TH DAY OF \_\_\_\_\_ JUNE \_\_\_\_\_, 2020, BY ITS RESOLUTION NO. 20-\_\_\_\_\_.

\_\_\_\_\_  
 JOHN HOLT  
 CITY CLERK  
 CITY OF CLOVIS

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, AT THE HOUR OF \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. IN THE BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AND AS INSTRUMENT NO. \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA.

\_\_\_\_\_  
 PAUL A. DICTOS, C.P.A. BY: DEPUTY COUNTY RECORDER  
 COUNTY ASSESSOR-RECORDER  
 COUNTY OF FRESNO  
 STATE OF CALIFORNIA

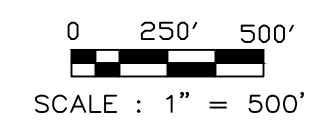
REFERENCE IS MADE TO THAT BOUNDARY MAP OF COMMUNITY FACILITIES DISTRICT NO 2004-1 (POLICE AND FIRE SERVICES) OF THE CITY OF CLOVIS RECORDED WITH THE FRESNO COUNTY RECORDER'S OFFICE ON FEBRUARY 19, 2004, IN BOOK 40 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 57.

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE FRESNO COUNTY ASSESSORS MAPS FOR THOSE PARCELS LISTED.

THE FRESNO COUNTY ASSESSORS MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OF PARCELS.

ANNEXATION MAP NO. 62

COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES)



CITY OF CLOVIS  
 COUNTY OF FRESNO  
 STATE OF CALIFORNIA



# CITY of CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: May 4, 2020

SUBJECT: General Services - Approval – Res. 20-\_\_\_\_, Approving Amendments to the City’s Internal Revenue Code Section 125 Flexible Benefits Plan.

ATTACHMENTS: 1. Resolution 20-\_\_\_\_  
2. The City of Clovis Amended Section 125 Flexible Benefit Plan

### CONFLICT OF INTEREST

None

### RECOMMENDATION

For City Council to approve Resolution 20-\_\_\_\_; Approving amendments to the City’s Internal Revenue Code Section 125 Flexible Benefits Plan.

### EXECUTIVE SUMMARY

The City established an Internal Revenue Code Section 125 plan in 1991, and revised the plan in 2004 and 2018. The Section 125 plan allows employees the opportunity to pay their share of the health plan premiums on a pre-tax basis. The current revisions to the Section 125 plan are in Appendix A 1.2. Appendix A 1.2 is being restated to reflect current benefit options, which are now stated in broader terms. This will allow the City to add benefits without modifying the Section 125 plan every time a new plan is added.

### BACKGROUND

The City offers employee benefits on a pre-tax basis. An employer’s benefit plan that offers benefits on a pre-tax basis is referred to as a “Section 125 Plan” or “Cafeteria Plan.” Section 125 of the Internal Revenue Code requires an employer who offers pre-tax benefits to have an approved written Cafeteria Plan document that describes all benefits and establishes rules for eligibility and elections. Benefits in Appendix A 1.2 are now being stated in broader terms to include all current pre-tax benefit options. This will allow the City to add plans without having to update the Section 125 Plan. Revisions to the Section 125 plan require Council approval.

**FISCAL IMPACT**

There is no fiscal impact. The plan already exists and needs to be amended to reflect the revisions of Appendix A under the Benefits section.

**REASON FOR RECOMMENDATION**

As a result of plan changes that have occurred since 2018, it is necessary for the City to restate its Section 125 Plan to reflect current pre-tax benefit options. The proposed revisions to the City's plan document will simply state benefits in broader terms.

**ACTIONS FOLLOWING APPROVAL**

Personnel staff will revise the City's IRC Section 125 plan document and distribute a copy of the restated plan document to all enrolled participants.

Prepared by: Lori Shively, Personnel/Risk Manager

Reviewed by: City Manager *JS*

**RESOLUTION 20-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING AMENDMENTS TO THE CITY'S INTERNAL REVENUE CODE SECTION 125 FLEXIBLE BENEFITS PLAN**

The City Council of the City of Clovis resolves as follows:

**WHEREAS**, the City maintains a plan consistent with the operative rules and regulations for Internal Revenue Code (IRS) section 125 Flexible Benefit Plans; and,

**WHEREAS**, modification of Appendix A 1.2 of the IRC section 125 Flexible Benefits Plan are necessary; and,

**WHEREAS**, the City desires to maintain and operate an IRC Section 125 consistent with applicable laws, rules and regulations.

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Clovis that the City's Flexible Benefits Plan shall be amended and restate effective May 4, 2020 as shown in Attachment 2.

\* \* \* \* \*

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 4, 2020, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated: May 4, 2020

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**THE CITY OF CLOVIS  
FLEXIBLE BENEFIT PLAN**

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**Original Effective Date: February 1, 1991**

TABLE OF CONTENTS

INTRODUCTION..... 101
ARTICLE I — DEFINITIONS..... 101
1.1 “Administrator”..... 101
1.2 “Benefits” ..... 101
1.3 “Benefits Accounts” ..... 101
1.4 “Benefits Enrollment Form” ..... 101
1.5 “CFRA” ..... 101
1.6 “Change in Status” ..... 101
1.7 “Child” or “Children” ..... 101
1.8 “Code” ..... 101
1.9 “Compensation” ..... 102
1.10 “Effective Date” ..... 102
1.11 “Eligible Dependent” ..... 102
1.12 “Eligible Employee” ..... 102
1.13 “Employee” ..... 102
1.14 “Employer” ..... 102
1.15 “Entry Date” ..... 102
1.16 “FMLA” ..... 102
1.17 “Health Savings Account” or “HSA” ..... 102
1.18 “Open Enrollment Period” ..... 103
1.19 “Opt-Out Election” ..... 103
1.20 “Participant” ..... 103
1.21 “Plan” ..... 103
1.22 “Plan Year” ..... 103
1.23 “Salary Reduction” ..... 103
1.24 “Salary Reduction Agreement” ..... 103
1.25 “Special Enrollment Right” ..... 103
1.26 “Spouse” ..... 103
1.27 “Timely Submitted” ..... 103
ARTICLE II — ELIGIBILITY AND PLAN PARTICIPATION..... 201
2.1 ELIGIBILITY ..... 201
2.2 EFFECTIVE DATE OF PARTICIPATION – ENTRY DATE ..... 201
2.3 PARTICIPATION – OTHER CONDITIONS ..... 202
2.4 TERMINATION OF PARTICIPATION ..... 202
2.5 SUSPENSION OF PARTICIPATION ..... 202
2.6 REVOCATION OF SALARY REDUCTION ..... 203
2.7 REINSTATEMENT OF FORMER PARTICIPANT ..... 203
2.8 GOVERNMENT MANDATED LEAVES OF ABSENCE ..... 203
2.8.1 HEALTH BENEFITS ..... 203
2.8.2 NON-HEALTH BENEFITS ..... 204
2.9 NON-GOVERNMENT MANDATED LEAVES OF ABSENCE ..... 204
ARTICLE III — METHODS AND TIMING OF ELECTIONS ..... 301
3.1 IN GENERAL ..... 301
3.2 SALARY REDUCTION OR OPT-OUT ..... 301
3.3 ADMINISTRATOR’S POWER TO MODIFY AND SUSPEND ELECTIONS ..... 301
3.4 ELECTION CHANGE OR REVOCATION ..... 302

**ARTICLE IV — PLAN RECORDKEEPING.....401**

    4.1    PAYMENT OF BENEFITS .....401

    4.2    ACCOUNTS.....401

**ARTICLE V — BENEFITS AND METHOD OF FUNDING..... 501**

    5.1    GENERAL RULE .....501

    5.2    LIMITATION OF BENEFITS FOR CERTAIN INDIVIDUALS..... 501

    5.3    METHOD OF FUNDING..... 501

**ARTICLE VI — PLAN ADMINISTRATION..... 601**

    6.1    POWER.....601

    6.2    REVIEW PROCEDURES.....601

**ARTICLE VII — MISCELLANEOUS..... 701**

    7.1    STATE OF JURISDICTION .....701

    7.2    SEVERABILITY .....701

    7.3    PLAN NOT AN EMPLOYMENT CONTRACT.....701

    7.4    NON-TRANSFERABILITY OF INTEREST AND FACILITY OF PAYMENT .....701

    7.5    MISTAKE OF FACT .....701

    7.6    COST OF ADMINISTERING THE PLAN.....701

    7.7    WITHHOLDING FOR TAXES .....701

**ARTICLE VIII — AMENDMENT AND TERMINATION..... 801**

    8.1    AMENDMENT.....801

    8.2    TERMINATION.....801

**APPENDIX A..... dcccii**

## INTRODUCTION

The Employer has adopted this Internal Revenue Code section 125 premium conversion cafeteria plan (the “Plan”) to provide pre-tax salary reduction premium payments for qualified benefits and taxable cash in lieu of Benefits to Eligible Employees. The Plan is specifically designated as a cafeteria plan under Code section 125 for the reduction of Compensation for the payment of premiums for group health coverage in accordance with the terms of sections 105 and 106 of the Code with the expectation that the Benefits provided under the Plan be eligible for exclusion from income tax or, otherwise, to provide a cash payment to those Eligible Employees who elect to waive the Benefits available under the Plan upon proof of other group health coverage.

The Plan’s original Effective Date is February 1, 1991. It was amended and restated effective January 1, 2004, March 1, 2018 and again amended and restated by way of this document effective and May 1, 2020.

## ARTICLE I — DEFINITIONS

- 1.1 “**Administrator**” means the Employer or such other person or committee as may be appointed by the Employer to administer the Plan.
- 1.2 “**Benefits**” means the benefits listed in Appendix A.
- 1.3 “**Benefits Accounts**” means the accounts established by the Administrator under the Plan for each Participant’s Benefits, or cash-in-lieu of Benefits, for purposes of administering the Plan.
- 1.4 “**Benefits Enrollment Form**” means the form or forms, including a Salary Reduction Agreement, evidencing an Eligible Employee’s elections in respect of his Benefits, or waiver of Benefits, for a Plan Year or portion of a Plan Year.
- 1.5 “**CFRA**” means the California Family Rights Act.
- 1.6 “**Change in Status**” means an event described in Section 3.4 of the Plan that allows a change to elections designated within a Benefits Enrollment Form or revocation of such designation and completion of a new form, including the addition or deletion of the underlying component benefits elections, including a Special Enrollment Right, as permitted in that Section, Treasury Regulations issued under section 125 of the Code and the Health Insurance Portability and Accountability Act (“HIPAA”).
- 1.7 “**Child**” or “**Children**” means biological child, stepchildren, adopted children, children placed for adoption, any other child for whom coverage is required pursuant to a national medical child support order up to age 26 and a disabled child who satisfies the definition of disabled in Section 12102 of the Americans with Disabilities Act.
- 1.8 “**Code**” means the Internal Revenue Code of 1986, as amended.

- 1.9 “**Compensation**” means all earned income, salary, wages and other earnings paid by the Employer to a Participant during a Plan Year, including any amounts contributed by the Employer pursuant to a Salary Reduction Agreement which are not includable in gross income under sections 125, 402(g)(3), 402(h), 403(b) or 457 (b) of the Code.
- 1.10 “**Effective Date**” means February 1, 1991.
- 1.11 “**Eligible Dependent**” means a Spouse and Children as their eligibility is described in the underlying Benefits component.
- 1.12 “**Eligible Employee**” means an Employee who is eligible to participate in the Plan in accordance with the terms and conditions of the underlying elected benefits component and as stated in the Employee Benefits Guide for the relevant Plan Year. Such Employee Benefits Guide(s) is hereby incorporated into and made part of the Plan by reference.
- 1.13 “**Employee**” means a person regularly employed by the Employer as a common law Employee on its payroll, being compensated for specific duties performed and who performs services for the Employer and with respect to whom the Employer controls the individual’s performance, time and the manner and means by which the work is performed, regardless of that individual’s official title within the Employer’s organization.
- The term “Employee” shall not include any individual for the period of time such individual was classified by the Employer as an independent contractor, leased Employee (whether or not a “Leased Employee” under the Code) or any other classification other than Employee. In the event an individual who is excluded from Employee status under the preceding sentence is reclassified as an Employee of the Employer pursuant to a final determination by the Internal Revenue Service, another governmental entity with authority to make such a reclassification, or a court of competent jurisdiction, such individual shall not retroactively be an Employee under the Plan. Such reclassified Employee may become a Participant in the Plan at such later time as the individual satisfies the conditions of participation set forth in the Plan.
- 1.14 “**Employer**” means the City of Clovis or any of its affiliates, successors or assignors which adopt the Plan.
- 1.15 “**Entry Date**” means the date an Eligible Employee becomes a Participant under the Plan (i.e. the date the Employee is first covered under a Benefit option).
- 1.16 “**FMLA**” means the Family and Medical Leave Act.
- 1.17 “**Health Savings Account**” or “**HSA**” means a health savings account established under Code section 223. Such arrangements are individual trusts or custodial accounts, each separately established and maintained by an Employee with a qualified trustee/custodian.

- 1.18 “**Open Enrollment Period**” means the period immediately prior to the beginning of each new Plan Year during which time Eligible Employees may elect to enroll in Benefits by use of the Benefits Enrollment Form, make changes to their existing elections and elect Benefits choices for the immediately following Plan Year; provided, however, Sections 2.2(b) shall apply in the case of an Eligible Employee who first becomes eligible to participate, or is eligible to make a new election or change an election during the Plan Year. The Open Enrollment Period may be changed by the Administrator without the need to amend the Plan.
- 1.19 “**Opt-Out Election**” means an election by an Eligible Employee to waive Benefits and, upon demonstration of other group health coverage satisfactory to the Administrator, receive taxable cash-in lieu of Benefits.
- 1.20 “**Participant**” means an Eligible Employee who has satisfied the eligibility requirements of the Plan and relevant Benefits components of the Plan, completed the Benefits Enrollment Form and Timely Submitted such form to the Administrator and now participates in the Plan pursuant to Article II.
- 1.21 “**Plan**” means the City of Clovis Flexible Benefit Plan, as described herein.
- 1.22 “**Plan Year**” means the 12 consecutive month period beginning on January 1 and ending on December 31 of each calendar year.
- 1.23 “**Salary Reduction**” means the amount by which a Participant’s Compensation is decreased pursuant to the Salary Reduction Agreement.
- 1.24 “**Salary Reduction Agreement**” means an agreement by an Employee authorizing the Employer to reduce the Employee’s Compensation while a Participant for purposes of making contributions towards Benefits and HSA under the Plan.
- 1.25 “**Special Enrollment Right**” means the right to enroll in the Plan and underlying Benefits components of the Plan because of a loss of eligibility for group health coverage or health insurance coverage; or becoming eligible for a state premium assistance subsidy; or the acquisition of a new Spouse or Eligible Dependent by marriage, birth, adoption or placement for adoption as governed by, and in accordance with HIPAA.
- 1.26 “**Spouse**” means a legally married spouse, whether same-sex or opposite-sex, in a marriage entered into under the laws of a U.S. or foreign jurisdiction having the authority to sanction marriage. The term Spouse excludes an individual separated from an Employee Participant under a decree of legal separation.
- 1.27 “**Timely Submitted**” means, unless the Administrator has specific and special cause to alter the definition of this phrase, within 31 calendar days of the event that has triggered the Change in Status or such greater time frame as may be required by HIPAA.

## ARTICLE II — ELIGIBILITY AND PLAN PARTICIPATION

### 2.1 ELIGIBILITY

An Employee who satisfies the eligibility requirements as stated in the City of Clovis Employee Benefits Guide for the Plan Year in question, as well as the requirements of the relevant underlying Benefits component of the Plan, shall be eligible to participate in the Plan upon first becoming an Eligible Employee.

### 2.2 EFFECTIVE DATE OF PARTICIPATION – ENTRY DATE

- (a) An Eligible Employee shall become a Participant in the Plan after providing the Administrator with an executed Benefits Enrollment Form setting forth the Benefits to be made available to the Eligible Employee for the immediately following Plan Year or remaining portion of the current Plan Year, as applicable, and any supporting documents as may be required by the Administrator. As part of the Benefits Enrollment Form, the Participant shall also execute a Salary Reduction Agreement which authorizes the Employer to withhold from the Participant's Compensation an amount the Participant elects to have contributed to the Plan. The Participant must, before the end of the first Plan Year of participation and before the end of each subsequent Plan Year during the Open Enrollment Period, provide the Administrator with a newly executed Benefits Enrollment Form. Each new Benefits Enrollment Form shall specify the type and amount of Benefits to be made available to the Participant for the immediately following Plan Year. If a Participant fails to execute a valid Benefits Enrollment Form with supporting documents, if any are required, during an annual Open Enrollment or any other Special Enrollment period following a qualified event, or if the form is not Timely Submitted to the Administrator, the Participant shall be deemed to have elected to continue the same Benefits and coverage then in effect for such Participant for the remainder of the Plan Year until the following annual Open Enrollment period and following plan.
  
- (b) Except as provided otherwise in this Section 2.2, an Eligible Employee's participation shall be effective on the latest of:
  - (1) The first day of the Plan Year, provided that the Benefits Enrollment Form and supporting documents (if any supporting documents are required) are appropriately completed and Timely Submitted to the Administrator prior to the beginning of the Plan Year in the timeframe and manner as prescribed by the Administrator; or
  
  - (2) The date of hire of the month preceding submission of the Benefits Enrollment Form and supporting documents or as soon as administratively feasible, provided that such Benefits Enrollment Form and any supporting documents are appropriately completed and Timely Submitted to the Administrator within thirty days of the date the Employee first becomes an Eligible Employee.

## 2.3 PARTICIPATION – OTHER CONDITIONS

Participation in the Plan by an Eligible Employee shall be contingent upon receipt by the Administrator of such applications, consents, proofs of birth or marriage, elections, beneficiary designations, and other documents and information as may be prescribed by the Plan, Benefits component of the Plan or the Administrator.

## 2.4 TERMINATION OF PARTICIPATION

- (a) Participation in the Plan shall terminate for a Participant as of the earliest of:
- (1) The date on which the Plan is terminated;
  - (2) The date the Participant fails to make a required contribution under the Plan;
  - (3) The date the Participant dies, resigns or terminates employment with the Employer; or
  - (4) Unless otherwise required under the Uniformed Services Employment and Reemployment Rights Act, the date the individual enters active duty in the military of any country.
- (b) Participation in the Plan by a Spouse or Child shall terminate as of the earliest of:
- (1) The date on which the Plan is terminated;
  - (2) The date the Participant no longer a participates in the Plan;
  - (3) Unless otherwise required under the Uniform Employment and Reemployment Rights Act, the date the individual enters active duty in the military of any country or
  - (4) The date on which the individual is no longer a Spouse or a Child under age 26 (unless disabled as defined under Section 12102 of the Americans with Disabilities Act).

Participation in any Benefit component of the Plan will cease on the date specified in the applicable Benefits component.

## 2.5 SUSPENSION OF PARTICIPATION

- (a) Except as otherwise provided, in the event a Participant ceases to be an Eligible Employee, takes approved leave of absence, or ceases to have enough Compensation to cover the funds allotted under the Salary Reduction Agreement, as elected, but does not terminate employment, participation in the Plan shall be determined by the Administrator based on applicable law.



- (b) During periods of suspended participation, if any, no contributions shall be made pursuant to Section 3.2, and no Benefits shall be provided under the Plan.
- (c) If an Employee again becomes an Eligible Employee, has adequate Compensation, or returns from a leave of absence without termination of employment, active participation in the Plan shall be reinstated and the most recent election shall remain in effect, except as otherwise permitted pursuant to Section 3.4.

## **2.6 REVOCATION OF SALARY REDUCTION**

If a Participant revokes the Salary Reduction Agreement, as permitted herein, the Eligible Employee shall not be entitled to enter into a new Salary Reduction Agreement until the next Open Enrollment Period except as otherwise provided in Section 3.4.

## **2.7 REINSTATEMENT OF FORMER PARTICIPANT**

- (a) A former Participant who again becomes eligible for participation during the same Plan Year in which participation terminated and within thirty (30) days of the date on which participation terminated shall not be entitled to make a new election for the remainder of the Plan Year. Rather, upon reemployment, the former Participant shall continue the same election in effect prior to separation from service, except as otherwise permitted pursuant to Section 3.4.
- (b) A former Participant who again becomes eligible for participation during the same Plan Year in which participation terminated, but more than thirty (30) days after the date on which participation terminated, shall be treated as a newly Eligible Employee and shall be permitted to make new elections in accordance with Section 2.2(a) of the Plan.

## **2.8 GOVERNMENT MANDATED LEAVES OF ABSENCE**

### **2.8.1 Health Benefits**

Notwithstanding any provision to the contrary in the Plan, if a Participant commences a qualifying leave under FMLA or CFRA, then to the extent required by FMLA or CFRA, the Employer will continue to maintain the Participant's Benefits on the same terms and conditions as if the Participant were still an active Employee. If the Participant continues to receive his regular rate of pay, Benefits will continue and amounts will be deducted from pay pursuant to the Salary Reduction Agreement. If the Participant elects to continue his coverage while on an unpaid leave, the Employer will continue to pay its share of the premium.

A Participant on unpaid leave may elect to continue his coverage during the FMLA or CFRA leave. If the Participant elects to continue coverage while on unpaid leave, then the Participant may pay his share of the premium in one of the following ways:

- (a) With after-tax dollars, by sending monthly payments to the Employer;

- (b) With pre-tax dollars, by pre-paying all or a portion of the premium for the expected duration of the leave on a pre-tax Salary Reduction basis out of pre-leave Compensation. To pre-pay the premium, the Participant must make a special election to that effect prior to the date that such Compensation would normally be made available (pre-tax dollars may not be used to fund coverage during the next Plan Year); or
- (c) Under another arrangement agreed upon between the Participant and the Administrator (e.g., the Administrator may fund coverage during the leave and withhold “catch-up” amounts upon the Participant’s return).

If a Participant’s coverage ceases while on FMLA or CFRA leave, the Participant will be permitted to re-enter the Plan upon return from such leave on the same basis as the Participant was participating in the Plan prior to the leave, or otherwise required by the FMLA or CFRA.

### **2.8.2 Non-Health Benefits**

If a Participant commences a qualifying leave under FMLA, entitlement to non-health benefits is to be determined by the Employer’s policy for providing such Benefits when the Participant is on non-FMLA leave, as described in Section 2.9.

## **2.9 NON-GOVERNMENT MANDATED LEAVES OF ABSENCE**

If a Participant commences an unpaid leave of absence that does not affect eligibility, then the Participant will continue to participate and the premium due for the Participant will be paid by pre-payment before commencing leave, by after-tax contributions while on leave, or with catch-up contributions after the leave ends, as may be determined by the Employer.

If a Participant commences unpaid leave that affects eligibility, the election change rules in Section 2.4 will apply. To the extent COBRA applies, the Participant may continue coverage under COBRA.

## **ARTICLE III— METHODS AND TIMING OF ELECTIONS**

### **3.1 IN GENERAL**

- (a) An election to participate in the Plan shall be in writing on the Benefits Enrollment Form provided by the Administrator. Participation in the Plan may be subject to additional requirements of the Administrator or the underlying Benefits component.
- (b) The Administrator shall establish procedures and deadlines for filing elections, which shall be communicated to Eligible Employees.
- (c) Failure to file a Benefits Enrollment Form:
  - (1) If an Eligible Employee fails to complete and sign a Benefits Enrollment Form which is Timely Submitted during his or her initial election period, then the Eligible Employee may not make any election hereunder until (i) the next Open Enrollment Period; or (ii) an event occurs that would permit an election to be made during the Plan Year as described herein.
  - (2) An Employee who is a current plan Participant and who fails to complete, sign, and file a Benefits Enrollment Form within the time prescribed by the Administrator during an annual or any other special Open Enrollment Period shall be deemed to have elected to continue the same Benefits and coverage then in effect for such Participant until the following annual Open Enrollment Period.

### **3.2 SALARY REDUCTION OR OPT-OUT**

Each Eligible Employee who wishes to participate in the Plan must file a Benefits Enrollment Form that includes a Salary Reduction Agreement. The amount of Compensation reduced pursuant to the Salary Reduction Agreement, if any, shall be prorated over all payroll periods during the Plan Year. Eligible Employees may make an Opt-Out Election to waive Benefits and, upon adequate demonstration of other group health plan coverage as may be required by the Administrator, receive, in return, taxable cash Benefits in amounts specified in current City Policy and Memorandums of Understanding.

### **3.3 ADMINISTRATOR’S POWER TO MODIFY AND SUSPEND ELECTIONS**

- (a) Notwithstanding any other Plan provisions, the Administrator will suspend, modify, or terminate a Salary Reduction Agreement under the following circumstances:
  - (1) If the Salary Reduction Agreement amount is greater than the Participant’s Compensation;
  - (2) In compliance with a change or revocation of a Benefits Enrollment Form as allowed in Section 3.4; or

- (3) If necessary for the Plan to pass any relevant nondiscrimination tests of the Code.
- (b) With respect to Benefits components of the Plan, the Administrator may at its discretion and in a nondiscriminatory manner:
  - (1) Increase or decrease the Benefits premiums during the Plan Year including premium adjustments, surcharges and waiver of surcharges associated with a wellness program; and
  - (2) Determine whether any increase or decrease is significant for purposes of rules regarding automatic election changes.

### 3.4 ELECTION CHANGE OR REVOCATION

A Participant's Salary Reduction Agreement or Opt-Out Election for any Plan Year may not be changed or revoked by a Participant, except as provided in this Section.

- (a) A Participant may submit a new Benefits Enrollment Form or change an existing Benefits Enrollment Form if one of the following Changes in Status events occurs and the Benefit election change is consistent with the applicable Change in Status, as further described in subsection (f).
  - (1) Legal Marital Status. Any event that changes a Participant's legal marital status, including marriage, death of Spouse, divorce, legal separation, or annulment.
  - (2) Number of Eligible Dependents. Any event that changes the number of a Participant's Eligible Dependents, including birth, adoption, placement for adoption, or death of an Eligible Dependent.
  - (3) Employment Status. Any event that changes the employment status of a Participant, Spouse or Eligible Dependent, including termination or commencement of employment, a strike or lockout, the commencement or return from an unpaid leave of absence, a change in worksite, and any other change in the employment status (e.g. changing from union to non-union) of the Participant, Spouse or Eligible Dependent that results in any one of these individuals gaining or losing eligibility under an accident or health plan or a group term life insurance plan, as applicable.
  - (4) Eligible Dependent Status. Any event that causes a Participant's Eligible Dependent to satisfy or cease to satisfy the eligibility requirements for coverage due to attainment of age or similar circumstances.
  - (5) Residence. Any event that changes the place of residence of the Participant, his or her Spouse, or Eligible Dependent that would cause them to lose or gain eligibility.

- (b) Special Enrollment Rights under HIPAA. If a Participant, Spouse or Eligible Dependent is entitled to a Special Enrollment Right, the Participant may revoke the existing Benefits Enrollment Form and make a new election for the remaining portion of the Plan Year; provided, however, that the new election is consistent with the applicable Special Enrollment Right, that the new election is Timely Submitted and conforms to the applicable provisions of the underlying Benefits component of the Plan.
- (c) Judgments, Decree or Order. A Participant may change a Benefits Enrollment Form if a judgment, decree or order (including a National Medical Child Support Notice) resulting from a divorce, legal separation, annulment or change in legal custody requires health coverage for a Participant's Child such that the Participant may elect to provide coverage for the Child if the order requires coverage under the Participant's plan, or to cancel coverage for the Child if the order requires the Participant's Spouse, former Spouse or other individual to provide coverage for the Child. Unless eligible for coverage under the continuation of coverage provisions of the Benefits component of the Plan, in no event shall an ex-Spouse, legally separated Spouse be covered under any Benefits component of the Plan.
- (d) Medicare or Medicaid Entitlement. A Participant may voluntarily cancel or reduce coverage under the Plan for the individual who becomes eligible for Medicare or Medicaid. Additionally, a Participant may commence or increase coverage for the individual who loses eligibility for coverage under Medicare or Medicaid and shall have 60 calendar days to do so.
- (e) 31 Calendar Day Limit. Except as described in subparagraph (d), all election changes or revocations of elections under a Benefits Enrollment Form requested under this Section 3.4 shall be in writing and submitted to the Administrator within thirty-one (31) days of the applicable event unless otherwise required under HIPAA or regulations under the Code.
- (f) Other Election Changes under a Benefits Enrollment Form. Notwithstanding this Section 3.4:
  - (1) If the provisions of the Code or other relevant law require the Employer to accept mid-year election changes under other circumstances, the Code will govern, without any amendment to the Plan.
  - (2) If the U.S. Treasury issues supplemental guidance to liberalize or restrict any of the conditions described above, the Employer may administer the Plan, in its discretion, in accordance with such supplemental guidance, upon proper notification to Participants.

**ARTICLE IV — PLAN RECORDKEEPING**

**4.1 PAYMENT OF BENEFITS**

The Employer shall make all payments required by the Benefits components of the Plan out of its general assets. The Employer will retain title to and beneficial ownership of assets which are earmarked for payment of Benefits under the Plan. No pre-funding of Benefits will be required.

**4.2 ACCOUNTS**

For bookkeeping purposes only, the Employer will maintain Benefits Accounts in respect of each Participant.

**ARTICLE V— BENEFITS AND METHOD OF FUNDING**

**5.1 GENERAL RULE**

All Benefits shall be payable or provided under this Article for a Plan Year only if such Benefits relate to periods in which the individual has properly elected to participate in that Benefits component offered under the Plan by the Employer pursuant to a completed Benefits Enrollment Form Timely Submitted to the Administrator.

**5.2 LIMITATION OF BENEFITS FOR CERTAIN INDIVIDUALS**

The Benefits or premiums paid under this Article V for any Plan Year, and/or the corresponding Salary Reduction Agreement amounts, may be limited by the Administrator for certain Participants in accordance with the nondiscrimination requirements contained in the Code including, without limitation, Code sections 105 and 125.

**5.3 METHOD OF FUNDING**

All amounts payable under the Plan shall be paid from the general assets of the Employer. The maximum contribution that may be made under the Plan for a Participant is the total of the maximum amount that may be elected in the Salary Reduction Agreement or the taxable cash amount available pursuant to an Opt-Out Election.

## ARTICLE VI — PLAN ADMINISTRATION

### 6.1 POWER

The Administrator has full discretionary authority to administer and interpret the Plan, including discretionary authority to make findings of fact, to determine eligibility for participation and for Benefits under the Plan, to correct errors, and to construe ambiguous terms. The Administrator may delegate its discretionary authority and such duties and responsibilities as it deems appropriate to facilitate the day-to-day administration of the Plan and, unless the Administrator provides otherwise, such a delegation will carry with it the full discretionary authority to accomplish the delegation. Determinations by the Administrator or its delegate will be final and conclusive upon all persons. The powers of the Administrator include, but are not limited to, the following:

- (a) To make and enforce such rules and regulations as it shall deem necessary or proper for the efficient administration of the Plan;
- (b) To employ and appoint actuaries, attorneys, accountants, consultants, and other experts; and
- (c) To perform any other necessary or proper functions in the operation of the Plan.

### 6.2 REVIEW PROCEDURES

In cases where the Plan Administrator denies a benefit under this Plan for any Participant, Spouse or Dependent or any other person eligible to receive benefits under the Plan, the Plan Administrator shall furnish in writing to said party the reasons for the denial of benefits. The written denial shall be provided to the party within 30 days of the date the benefit was denied by the Plan Administrator. The written denial shall refer to any Plan or section of the Code upon which the Plan Administrator relied in making such denial. The denial may include a request for any additional data or material needed to properly complete the claim and explain why such data or material is necessary, and explain the Plan's claim review procedures. If requested in writing, and within 180 days of the claim denial, the Plan Administrator shall afford any claimant whose request for claim was denied a full and fair review of the Plan Administrator's decision, and within 60 days of the request for review of the denied claim, the Plan Administrator shall notify the claimant in writing of the Plan Administrator's final decision on the reviewed claim.

With respect to the denial of any claim for benefits from an insurance company or other third-party benefit provider, paid for as a premium-type Benefit under the Plan, the review procedures of the insurance company or other third-party benefit provider shall apply.



## **ARTICLE VII — MISCELLANEOUS**

### **7.1 STATE OF JURISDICTION**

Except to the extent superseded by the laws of the United States, the Plan and all rights and duties thereunder shall be governed, construed, and administered in accordance with the laws of the State of California.

### **7.2 SEVERABILITY**

If any provision of the Plan is held invalid or unenforceable, its invalidity or unenforceability shall not affect any other provisions of the Plan, and the Plan shall be construed and enforced as if such provision had not been included herein.

### **7.3 PLAN NOT AN EMPLOYMENT CONTRACT**

The Plan is not an employment contract. Nothing in the Plan shall be construed to limit in any way the right of the Employer to terminate an individual's employment at any time for any reason whatsoever with or without cause.

### **7.4 NON-TRANSFERABILITY OF INTEREST AND FACILITY OF PAYMENT**

Except as otherwise expressly permitted by the Plan, the interests of persons entitled to Benefits under the Plan are not subject to their debts or other obligations and, except as may be required by the tax withholding provisions of the Code or any other applicable law, may not be voluntarily or involuntarily sold, transferred, alienated, assigned, or encumbered. When any person entitled to Benefits under the Plan is under legal disability or in the Administrator's opinion is in any way incapacitated so as to be unable to manage his affairs, the Administrator may cause such person's Benefits to be paid to such person's legal representative for his or her benefit, or to be applied for the benefit of such person in any other manner that the Administrator may determine.

### **7.5 MISTAKE OF FACT**

Any mistake of fact or misstatement of fact shall be corrected when it becomes known and proper adjustment made by reason thereof. The Employer shall not be liable in any manner for any determination of fact made in good faith.

### **7.6 COST OF ADMINISTERING THE PLAN**

The costs and expenses incurred by the Employer in administering the Plan shall be paid by the Plan and the Participants, unless paid by the Employer.

### **7.7 WITHHOLDING FOR TAXES**

Notwithstanding any other provision of the Plan, the Employer may withhold from any payment to be made under the Plan such amount or amounts as may be required for purposes of complying with the tax withholding provisions of the Code or any other applicable law.

**ARTICLE VIII — AMENDMENT AND TERMINATION**

**8.1 AMENDMENT**

The Employer or its delegate may amend in writing any part or all of the Plan or any Benefits component at any time from time to time.

**8.2 TERMINATION**

The Plan and any Benefits component offered under the Plan, including cash-in-lieu of Benefits, may be terminated at any time by action of the Employer or its delegate on behalf of the Employer.

THE CITY OF CLOVIS

Executed this \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_.

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

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

APPENDIX A

1.1 Administrator Contact Information:

The City of Clovis Personnel Office  
1033 Fifth Street, Clovis, CA 93612  
559.324.2725

~~1.2 Benefits~~

~~Major Medical and Prescription~~

- ~~• Kaiser Permanente HMO~~
- ~~• Kaiser Permanente DHMO~~
- ~~• Anthem HMO~~
- ~~• Anthem Blue Cross PPO 500-80/60~~
- ~~• Anthem Blue Cross HDHP~~

~~Dental~~

- ~~• Ameritas~~

~~Vision~~

- ~~• Vision Service Plan (VSP)~~

~~Life Insurance~~

- ~~• Cigna~~

1.2 Benefits

- Group Medical Insurance
- Prescription Drug Coverage
- Dental Coverage
- Vision Coverage
- Group Life Insurance
- Health Savings Accounts

1.3 Cash-in-Lieu of Benefits upon waiver and proof of other group coverage

~~1.4 Health Savings Account for participants in the Anthem Blue Cross HDHP~~





# CITY of CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: May 4, 2020

SUBJECT: Planning and Development Services - Approval - Bid Award for CIP 18-08, Minnewawa Avenue Street Improvements, 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 18-08 Minnewawa Avenue Street Improvements to AJ Excavation, Inc. in the amount of \$632,181.20 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 AJ Excavation, Inc. who was the lowest responsible bidder from a bid opening that took place on April 14, 2020.

This project involves improvements along Minnewawa Avenue from Shepherd Avenue to Teague Avenue. Construction will consist of pavement grinding, grading, saw cutting, compaction, road work, asphalt, concrete, ADA ramps, utility adjustments, signal modifications, striping and signage.

**BACKGROUND**

The following is a summary of the bid results of April 14, 2020:

BIDDERS	BASE BIDS
AJ Excavation, Inc.	\$632,181.20
Asphalt Design	\$673,621.80
Dave Christian Construction	\$683,123.80
Agee Construction Corp.	\$689,124.00
Yarbs Grading & Paving, Inc.	\$768,608.50
Avison Construction, Inc.	\$775,282.00
Cal Valley Construction	\$789,943.00
Bush Engineering, Inc.	\$826,370.30
DBA Central Valley Construction	\$834,715.00
American Paving Company	Non-responsive
<b>ENGINEER'S ESTIMATE</b>	<b>\$807,629.00</b>

All bids were examined and the bidder's submittals were found to be in order except American Paving Company submitted a bid proposal that was considered non-responsive. AJ Excavation, Inc. is the lowest bidder. Staff has validated the lowest bidder contractor's license status.

**FISCAL IMPACT**

This project was budgeted in the 2019-2020 fiscal year budget. The project is supported by Senate Bill 1 (SB1) funds, the Road and Repair Accountability Act of 2017.

**REASON FOR RECOMMENDATION**

AJ Excavation, Inc. is the lowest responsible bidder. There are sufficient funds available for the anticipated cost of this project.

**ACTIONS FOLLOWING APPROVAL**

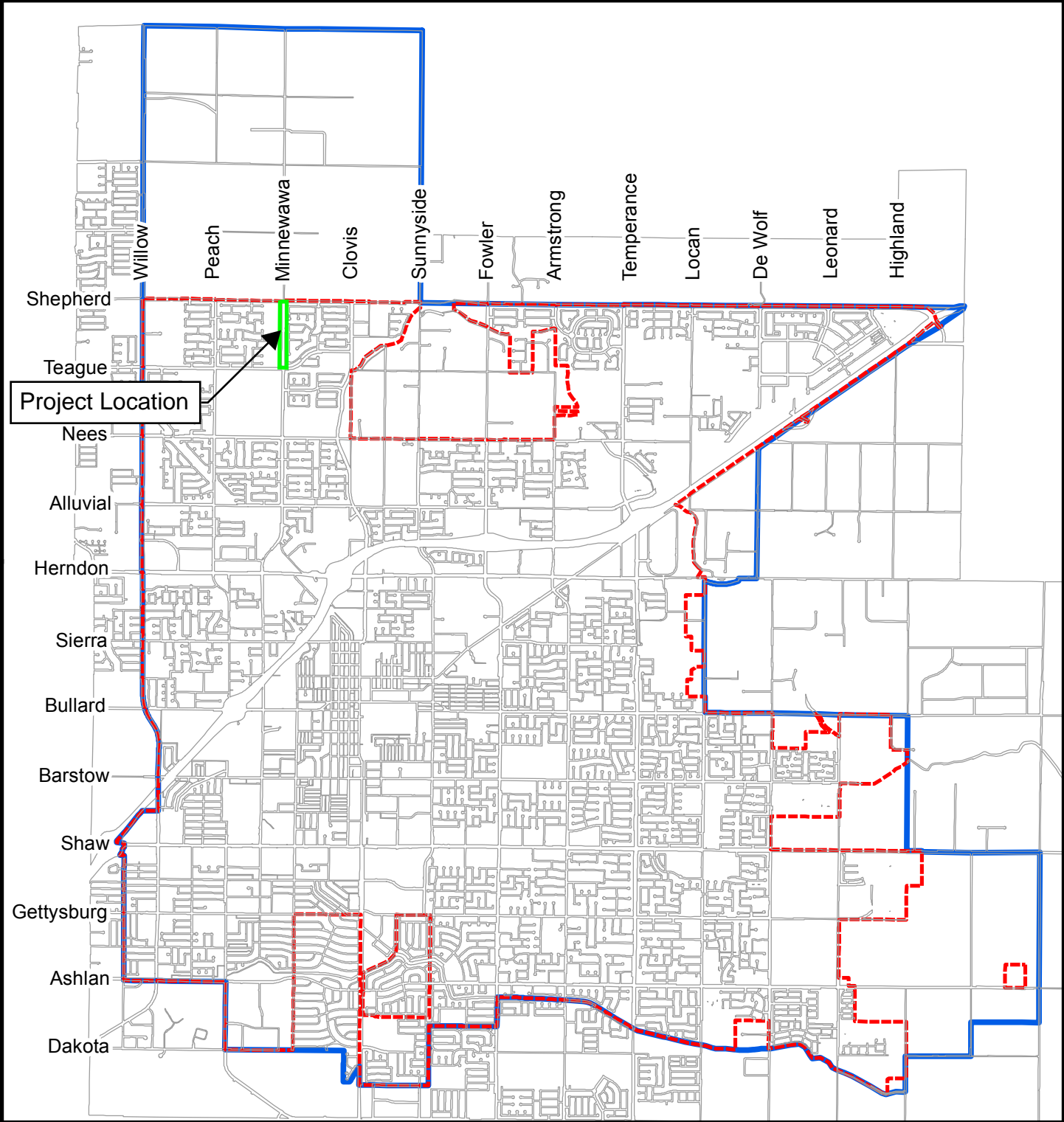
1. The contract will be prepared and executed, subject to the Contractor providing performance security that is satisfactory to the City.
2. Construction will begin approximately three (3) weeks after contract execution and shall be completed in thirty-five (35) working days thereafter.

Prepared by: Ian King, Engineer II

Reviewed by: City Manager *[Signature]*

# VICINITY MAP

AGENDA ITEM NO. 5.



## ATTACHMENT 1



 CITY LIMITS  SPHERE OF INFLUENCE

Prepared By:



# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: May 4, 2020

SUBJECT: Planning and Development Services - Approval - Bid Award for CIP 20-01, Rubberized Cape Seal 2020, 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 20-01, Rubberized Cape Seal 2020 to American Pavement Systems, Inc. in the amount of \$1,367,000.00 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 American Pavement Systems, Inc. who was the lowest responsible bidder from a bid opening that took place on April 7, 2020.

The construction involves approximately 134,000 square yards of rubberized cape seal in various local streets as shown on the Attachment 1. This project also involves approximately 222,400 square yards of Type II slurry seal at various additional streets.

The work shall include, but not be limited to, removal of all existing traffic striping, markings and markers, furnishing and installation/application of rubberized asphalt chip seal, Type II slurry seal, traffic control, street sweeping, cleanup, traffic striping and all other items or details required as described in the Contract Documents.



**BACKGROUND**

The following is a summary of the bid results of April 7, 2020:

BIDDERS	BASE BIDS
American Pavement Systems, Inc.	\$1,367,000.00
VSS International, Inc.	\$1,389,000.00
Intermountain Slurry Seal, Inc.	\$1,414,414.00
Sierra Nevada Construction, Inc.	\$1,474,007.00
<b>ENGINEER'S ESTIMATE</b>	<b>\$1,371,200.00</b>

All bids were examined and the bidder's submittals were found to be in order. American Pavement Systems, Inc. is the lowest bidder. Staff has validated the lowest bidder contractor's license status.

**FISCAL IMPACT**

This project was budgeted in the 2019-2020 Community Investment Program. The project is supported by Measure "C" pass through funds in the City Community Investment Program.

**REASON FOR RECOMMENDATION**

American Pavement Systems, 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 will begin approximately two (2) weeks after contract execution and shall be completed in fifty (50) working days thereafter.

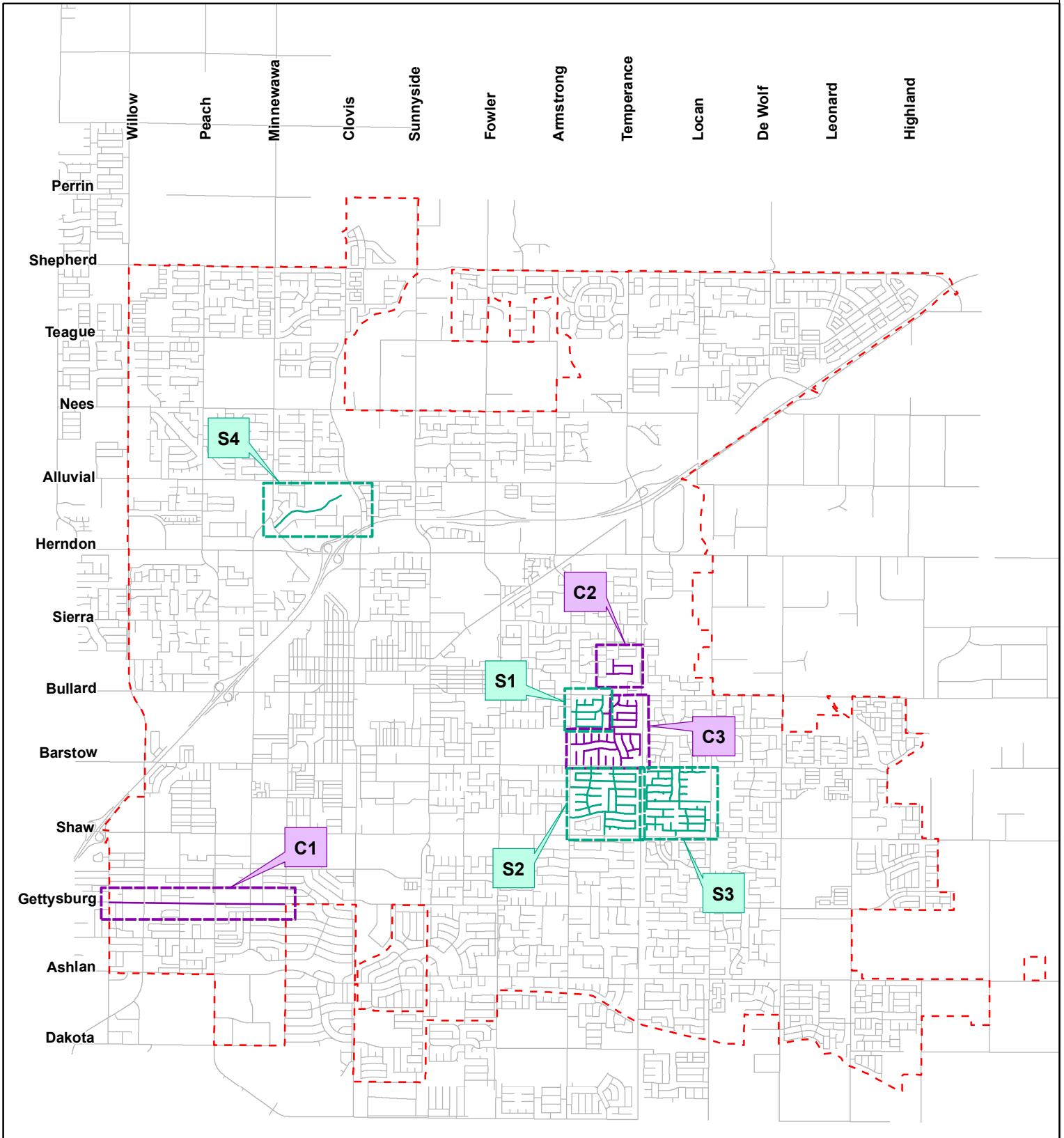
Prepared by: Thad Avery, Supervising Civil Engineer

Reviewed by: City Manager *JA*

# VICINITY MAP

CIP 20-01 RUBBERIZED CAPE SEAL 2020

AGENDA ITEM NO. 6.



## Attachment 1

CITY OF CLOVIS PROJECT LOCATIONS

 CLOVIS CITY LIMITS





# CITY of CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Utilities Department

DATE: May 4, 2020

SUBJECT: Public Utilities – Approval – Bid Award for CIP 20-02 Electric Vehicle Bus Chargers; Authorize the City Manager to execute the contract on behalf of the City; and Res. 20-\_\_\_, amending the 2019-2020 General Government Facilities budget in the Community Investment Program to allocate funds for the project.

ATTACHMENTS: 1. Vicinity Map  
2. Resolution and Budget Amendment

**CONFLICT OF INTEREST**  
None

**RECOMMENDATION**

1. For the City Council to award the contract for CIP 20-02 Electric Vehicle Bus Chargers to Clean Fuel Connection, Inc. in the amount of \$157,899; and
2. For the City Council to authorize the City Manager to execute the contract on behalf of the City; and
3. Approve a resolution amending the 2019-2020 General Government Facilities budget in the Community Investment Program to allocate funds for the project.

**EXECUTIVE SUMMARY**

Staff is recommending that Council authorize the City Manager to execute the contract to Clean Fuel Connection, Inc. in the amount \$157,899.

This project is an electrification pilot project for the Transit Department to be installed at the City of Clovis Corporation Yard. The work consists of the installation of two (2) electric vehicle

chargers, concrete pads, footings, bollards, and all of the electrical installation and site work improvements.

Staff is requesting Council approve a resolution to amend the 2019-2020 General Government Facilities budget in the Community Investment Program to allocate funds for this project.

**BACKGROUND**

In 2018, the California Air Resources Board adopted the Innovative Clean Transit Regulation (ICT), which requires all public transit agencies to purchase zero-emission vehicles on a graduated calendar based upon size of operation. For Clovis, this regulation goes into effect in 2026. Clovis Transit will be developing an electrification master plan in late 2020 that will provide technical and strategic information to assist staff in determining the model and size of vehicle that will be most useful to the service. On October 1, 2018, City Council approved a pilot project that would place two (2) battery-electric buses (BEB) into service. The EV bus chargers will be used to power the battery-electric buses and will provide critical information about operational impacts, costs, and range of the vehicles. The project is funded through the Measure C New Technology Grant program and the Low Carbon Transit Operations Program (LCTOP) allocation.

The following is a summary of the bid results of April 14, 2020:

BIDDERS	BASE BIDS
Clean Fuel Connection, Inc.	\$157,899.00
Tim T. Trull Electric, Inc.	\$159,904.40
Sturgeon Electric California, LLC	\$160,100.00
Contra Costa Electric, Inc.	\$161,558.03
Imperial Electric Service, Inc.	\$164,407.82
Radman Electric	\$206,926.86
ENGINEER'S ESTIMATE	\$172,000.00

All the bids were examined and found to be in order, with the exception of a few minor clerical errors that were corrected to establish the appropriate base bid. Staff has validated the lowest responsive bidder's contractor's license.

**FISCAL IMPACT**

This project was not budgeted in the 2019-2020 Community Investment Program. Staff is requesting approval of the budget amendment resolution to allocate funds for the project. This project is funded by Measure C New Technology Grant funds and Low Carbon Transit Operations Program (LCTOP) allocations.

**REASON FOR RECOMMENDATION**

Clean Fuel Connection, Inc. is the lowest responsive bidder. City staff is recommending that Council award the project so that the two battery-electric buses that are deploying as a pilot project can be charged at the City Corporation Yard.

**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. Funds will be appropriated in the City of Clovis 2019-2020 General Government Facilities budget in the Community Investment Program as specified in the attached budget amendment.

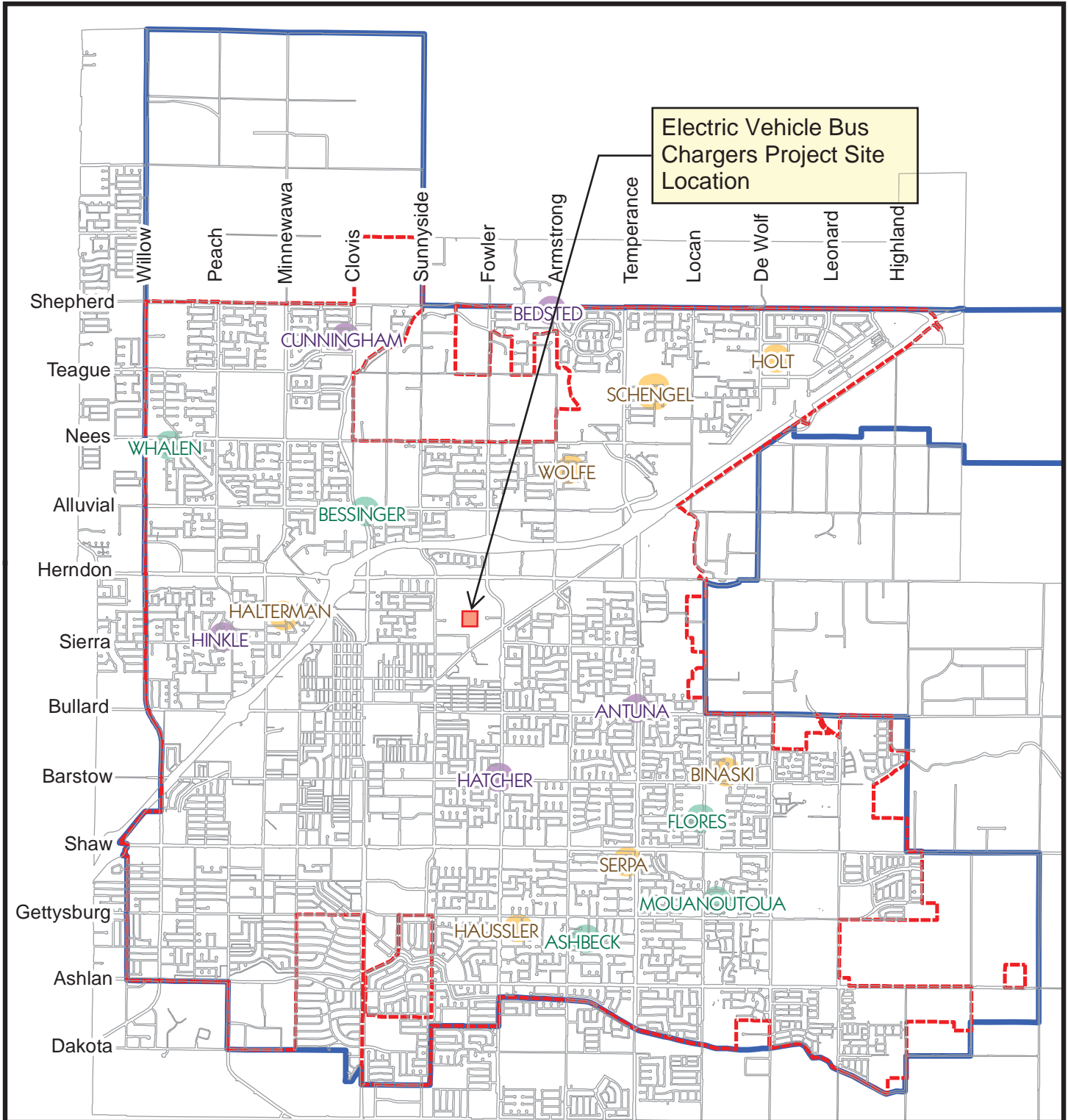
Prepared by: Sarai Yanovsky, Civil Engineer

Reviewed by: City Manager *JH*

# VICINITY MAP

AGENDA ITEM NO. 7.

## Electric Vehicle Bus Chargers - City of Clovis Public Utilities Corporation Yard



# ATTACHMENT 1



 CITY LIMITS  SPHERE OF INFLUENCE

April 28, 2020

Prepared By: Sarai Yanovsky

RESOLUTION NO. 20-\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF CLOVIS, CALIFORNIA,  
APPROVING AN AMENDMENT TO THE ANNUAL BUDGET FOR FISCAL  
YEAR 2019-2020**

**WHEREAS**, the City Council adopted the 2019-2020 Budget on June 10, 2019; and

**WHEREAS**, the City Council is amending the 2019-2020 Budget to include General Government Facilities expenditures in the Community Investment Program budget to fund the CIP 20-02 Electric Vehicle Bus Charges project; and

**WHEREAS**, the expenditures were not included in the 2019-2020 Budget.

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

The Council approves the budget amendment as shown in the "Summary of Expenditures by Department", "Summary of Expenditures by Fund", and "Summary of Transfer by Fund" (Attachment A of Attachment 1).

\* \* \* \* \*

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 4, 2020 by the following vote, to wit:

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

DATED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

ATTACHMENT A

**SUMMARY OF EXPENDITURES BY DEPARTMENT**

Department		
Planning and Development Services		\$182,000.00
Community Investment Program		
<b>Total</b>		<b>\$182,000.00</b>

**SUMMARY OF EXPENDITURES BY FUND**

Fund		
General Government Facilities		\$182,000.00
<b>Total</b>		<b>\$182,000.00</b>

---

**SUMMARY OF TRANSFER BY FUND**

From Fund		
General Services – Transit		\$182,000.00
<b>Total</b>		<b>\$182,000.00</b>

To Fund		
General Government Facilities		\$182,000.00
<b>Total</b>		<b>\$182,000.00</b>

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**NET GENERAL FUND SUPPORT**

<b>Total</b>		<b>\$0</b>
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# CITY of CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Utilities Department

DATE: May 4, 2020

SUBJECT: Public Utilities – Approval – Letter of Support on behalf of Fresno Metropolitan Flood Control District for AB 2050, regarding amendments to the Fresno Metropolitan Flood Control District Principal Act.

- ATTACHMENTS:
1. Bill Text, as amended, for AB 2050
  2. Request Letter from Fresno Metropolitan Flood Control District
  3. Draft Letter of Support

### CONFLICT OF INTEREST

None

### RECOMMENDATION

For the City Council to approve a Letter of Support on behalf of Fresno Metropolitan Flood Control District (FMFCD) for Assembly Bill 2050, regarding amendments to the FMFCD Principal Act. This letter would provide support for FMFCD to increase their no-bid contracting authority from \$10,000 to \$25,000.

### EXECUTIVE SUMMARY

Assembly Bill (AB) 2050 was introduced by Assemblymember Arambula on February 3, 2020. The bill would amend the District’s no-bid contracting authority from the current rate of \$10,000 to \$25,000. The Assembly Committee on Local Government will be considering AB 2050 as the next step in the legislative process.

The General Manager of FMFCD has requested a letter of support from the City of Clovis (see Attachment 1). Letters of support will be sent to the Assembly Committee on Local Government to be considered during the hearing process.

**BACKGROUND**

FMFCD was formed in 1956 and provides regional flood control and local drainage services for the majority of residents in the Fresno-Clovis metropolitan area. FMFCD's Principal Act requires that contracts for materials, supplies, or the construction or repair of work or improvements exceeding their no-bid contracting authority threshold be awarded to the lowest responsible bidder. At the time of FMFCD's formation, that threshold was set at \$2,000. It has since been amended twice, most recently in 1998, bringing the threshold to its current amount of \$10,000.

FMFCD believes that the bidding threshold is outdated and desires to increase the no-bid contracting threshold to \$25,000 only for materials and supplies. The no-bid contracting threshold for construction or repair of work or improvements would remain at its current level. The increased threshold would allow for materials and supplies to be acquired faster, reducing the timeframe for routine and non-routine operations requiring those materials.

**FISCAL IMPACT**

None

**REASON FOR RECOMMENDATION**

The amendment of FMFCD's Principal Act will increase the threshold for the District's no-bid contracting authority and allow FMFCD to improve the speed and efficiency with which they can contract for minor services, purchases, repairs, and other needs.

**ACTIONS FOLLOWING APPROVAL**

Letters of support will be sent to the Assembly Committee on Local Government.

Prepared by: Scott Redelfs, Public Utilities Director

Reviewed by: City Manager *SR*

CALIFORNIA LEGISLATURE—2019—20 REGULAR SESSION

**ASSEMBLY BILL****No. 2050****Introduced by Assembly Member Arambula**

February 3, 2020

An act to amend Section 13 of the Fresno Metropolitan Flood Control Act (Chapter 503 of the Statutes of 1955), relating to flood control.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2050, as introduced, Arambula. Fresno Metropolitan Flood Control District: contracts.

The Fresno Metropolitan Flood Control Act establishes the Fresno Metropolitan Flood Control District and grants the district authority relating to flood control. The act requires that a contract entered into by the district for materials, supplies, or for the construction or repair of works or improvements that has a contract price exceeding \$10,000 be let to the lowest responsible bidder in accordance with specified public bidding requirements. The act authorizes the district to enter into a contract without public bidding if the contract price does not exceed \$10,000.

This bill would increase the contract price amount set forth in those provisions from \$10,000 to \$25,000.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 13 of the Fresno Metropolitan Flood
- 2 Control Act (Chapter 503 of the Statutes of 1955), as amended by

AB 2050

— 2 —

1 Section 18 of Chapter 142 of the Statutes of 1998, is amended to  
2 read:

3 ~~Sec. 13. All contracts~~ (a) *A contract* for materials, supplies,  
4 or for the construction or repair of works or improvements that  
5 has a contract price exceeding ~~ten~~ *twenty-five* thousand dollars  
6 ~~(\$10,000)~~ *(\$25,000)* shall be let to the lowest responsible bidder  
7 after notice inviting bids is published in the district pursuant to  
8 Section 6061 of the Government ~~Code, the Code.~~ *The* publication  
9 ~~to be~~ *shall not be* less than 10 days ~~prior to~~ *before* the date set for  
10 the opening of bids. ~~The contracts~~

11 (b) *The contract* may be let by the board without public bidding  
12 ~~where~~ *(1) they are entered if one or more of the following applies:*

13 (1) *The contract is entered* into with any other public agency  
14 ~~for or governmental entity,~~ *(2) the entity.*

15 (2) *The contract price does not exceed* ~~ten~~ *twenty-five* thousand  
16 dollars ~~(\$10,000), or~~ *(3) an (\$25,000).*

17 (3) *An emergency threatening the public health, safety, and*  
18 *welfare has been declared by the board.* ~~Contracts~~

19 (c) *A contract* for the maintenance or operation of district works  
20 or improvements may be negotiated when determined by the board  
21 to be in the public interest.

O



File 140.211  
170.602

March 20, 2020

Luke Serpa, City Manager  
City of Clovis  
1033 Fifth Street  
Clovis, CA 93612

Dear Luke,

**Support for AB 2050, Fresno Metropolitan Flood Control District: Contracts**

I am writing to ask your support for Assembly Bill 2050, introduced by Assemblymember Arambula on February 3, 2020 (attached). This bill proposes to amend the Fresno Metropolitan Flood Control District (District) Principal Act to increase our no-bid contracting authority from \$10,000 to \$25,000. Our no-bid contracting authority was last updated 21 years ago, and it is time for an increase, to improve the speed and efficiency with which we can contract for minor one-time services, purchases, repairs, pollution incident response and similar needs.

Assemblymember Arambula has encouraged the District to seek letters of support, to be sent to the Assembly Committee on Local Government. This Committee will be considering our bill. I have attached a model support letter for your consideration. Below is some background on our request.

The adoption, by the State legislature, of Water Code Appendix Chapter 73 in 1956, formed the Fresno Metropolitan Flood Control District. The District provides regional flood control and local drainage services for most of the 700,000 residents of the Fresno-Clovis Metropolitan area. The District's no-bid contracting authority, originally set at \$2,000, has been amended twice before, and was most recently updated in 1998 through SB 1860 (Costa) to \$10,000.

The District's Principal Act requires that contracts for materials, supplies or for the construction or repair of work or improvements exceeding \$10,000 be let to the lowest responsible bidder. The District believes that the bidding threshold in this Section is outdated and desires to increase the no-bid contracting threshold for materials and supplies (*but not construction or repair of work or improvements*) to \$25,000. AB 2050 would reduce the District's time frame and overhead for the acquisition of materials and supplies important to routine and non-routine District operations.

**AB 2050, FMFCD: Contracts**  
**March 20, 2020**  
**Page 2**

Should you have questions, please feel free to contact me at (559) 456-3292, or by email at [alanh@fresnofloodcontrol.org](mailto:alanh@fresnofloodcontrol.org). My Administrative Analyst, Andrew Remus, is also very familiar with this request and can be contacted in my absence.

Very truly yours,



Alan Hofmann  
General Manager-Secretary

AH/AR/eh

Attachment(s)

March 20, 2020

Assemblymember Cecilia M. Aguiar-Curry, Chair  
Committee on Local Government  
Capitol Office, Room 5144  
P.O. Box 942849  
Sacramento, CA 94249-0004

Dear Chairwoman Aguiar-Curry,

**Support for AB 2050, Fresno Metropolitan Flood Control District: contracts**

I am writing on behalf of \_\_\_\_\_ to express our support for Assembly Bill 2050, introduced by Assemblymember Arambula on February 3, 2020. This bill proposes to amend the Fresno Metropolitan Flood Control District (District) Principal Act to increase their no-bid contracting authority from \$10,000 to \$25,000. We believe that timely and modest increases in local agency contracting authority can improve the speed and efficiency of government contracting, and improve agency service to the public. As a sister agency, we favor the District’s initiative to enhance the speed with which it can address unplanned expenses, especially in the context of inter-agency responses to shared problems such as stormwater pollution incident response, repairs to community recreation facilities and other issues that may require multi-agency cooperation.

Below is some background on the importance of the District’s request.

**Background**

The adoption, by the State legislature, of Water Code Appendix Chapter 73 in 1956, formed the Fresno Metropolitan Flood Control District. The District provides regional flood control and local drainage services for most of the 700,000 residents of the Fresno-Clovis Metropolitan area. The District’s no-bid contracting authority, originally set at \$2,000, has been amended twice before, and was most recently updated in 1998 through SB 1860 (Costa) to \$10,000.

**No-Bid Contracting Authority**

The District’s Principal Act requires that contracts for materials, supplies or for the construction or repair of work or improvements exceeding \$10,000 be let to the lowest responsible bidder. The District believes that the bidding threshold in this Section is outdated (it was last updated 21 years ago) and desires to increase the no-bid contracting threshold for materials and supplies (*but not construction or repair of work or improvements*) to \$25,000.

**AB 2050**

AB 2050 would reduce the District’s time frame and overhead for the acquisition of materials and supplies important to routine and non-routine District operations.

**Support for AB 2050**  
**March 20, 2020**  
**Page 2**

We appreciate your consideration of this bill.

---

Title

c: Assemblymember Joaquin Arambula, 31<sup>st</sup> District  
Capitol Office  
P.O. Box 942849  
Sacramento, CA 94249-0031

Alan Hofmann, General Manager-Secretary  
Fresno Metropolitan Flood Control District  
5469 E. Olive Avenue  
Fresno, CA 93727





# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: May 4, 2020

SUBJECT: Consider Approval – Res. 20-\_\_\_\_, Adoption of the City of Clovis 2020-21 Annual Action Plan for expenditure of Community Development Block Grant Funds. (Continue to the May 11, 2020 meeting)

**Staff:** Andrew Haussler, Community and Economic Development Director

**Recommendation:** Approve

Staff is recommending that this item be continued to the May 11, 2020 meeting.

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



# CITY of CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Utilities Department

DATE: May 4, 2020

SUBJECT: Consider Approval - Res. 20-\_\_\_\_, A Resolution Confirming the Diagram and Assessments for the Annual Levy for Landscape Maintenance District No. 1 for 2020-2021.

**Staff:** Scott Redelfs, Public Utilities Director  
**Recommendation:** Approve

ATTACHMENTS: 1. Resolution Confirming Diagram and Assessments  
 2. Assessment Diagrams

### CONFLICT OF INTEREST

None

### RECOMMENDATION

1. Conduct the Public Hearing; and
2. Approve Res.20-\_\_\_\_, confirming the diagram and assessments for the annual levy of Landscape Maintenance District No. 1 for FY 2020-21.

### EXECUTIVE SUMMARY

A Public Hearing is required by the Landscape and Lighting Act of 1972 (ACT) to consider all written statements and to afford all interested persons the opportunity to hear and be heard concerning the Landscape Maintenance District assessments for the coming year. There have been no written comments made or filed as of the writing of this report. At the conclusion of the Public Hearing, the Council will confirm the diagram and assessments in the Engineer’s Report, as presented or amended, in order to levy assessments on parcels in the LMD for the following fiscal year.

### BACKGROUND

On July 15, 1985, Council adopted Resolution No. 85-78, forming the City of Clovis Landscape Maintenance District No. 1 (LMD) in accordance with the Landscaping and

Lighting Act of 1972 approved by the California State Legislature. The purpose of the District is to fund the operation and maintenance of landscaped areas and interior parks benefiting development throughout the City.

The yearly assessments established for all properties within the District provide funding for the City's cost for operation, maintenance, and related services. The required operation and maintenance includes mowing, edging, fertilizing, weed control, irrigation systems, pruning, plant replacement, lighting, and a depreciation fund to periodically replace picnic area amenities, playground equipment, and other items such as neighborhood monuments. The assessments are collected by the County as a special assessment on the property tax bills.

On April 20, 2020, Council approved the Preliminary Engineer's Report and adopted Res. No. 20-44, which declared the City's intention to levy and collect the annual assessments for Landscape Maintenance District No. 1 and gave notice of Public Hearing. The Notice was published in The Business Journal on April 24, 2020. At this time, the Council is to consider all oral and written statements, make any changes to the Engineer's Report, and adopt the Resolution to levy assessments for FY 2020-21.

Thirteen Assessment Zones will receive a rate increase, twenty-seven Assessment Zones will receive no rate change, and one Assessment Zone will receive a rate decrease.

As required by the ACT, the Engineer's Report for Landscape District No. 1 is on file with the City Clerk and includes the following:

- A full and detailed description of the improvements;
- A description of the assessable lots and parcels of land within the LMD;
- A diagram for Landscape Maintenance District No. 1 showing the exterior boundaries and the boundaries of any zones within the LMD;
- The estimated costs of the improvements; and
- The proposed assessments.

**FISCAL IMPACT**

Approval of the Engineer's Report will provide the necessary funding for Landscape Maintenance District No. 1 to continue the operation and maintenance of landscaped areas benefiting development throughout the City for the next fiscal year.

**REASON FOR RECOMMENDATION**

This resolution confirming the diagram and assessments in the Engineer's Report is required annually by the Landscaping and Lighting Act of 1972. Adoption of the Resolution establishes the levy of assessments in the amount specified in the Engineer's Report for each parcel for the coming fiscal year.

**ACTIONS FOLLOWING APPROVAL**

1. The Engineer's Report, as amended and approved by Council, will be recorded with the Fresno County Recorder's Office and filed with the Fresno County Auditor-Controller.

2. The assessments will be collected with the property taxes.

Prepared by: Glenn Eastes, Assistant Public Utilities Director

Reviewed by: City Manager JE

**RESOLUTION NO. 20-\_\_\_**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF CLOVIS,  
CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENTS IN  
THE ENGINEER'S REPORT FOR THE ANNUAL LEVY, 2020-21 FOR  
LANDSCAPE MAINTENANCE DISTRICT NO. 1**

**WHEREAS**, on April 20, 2020, pursuant to Part 2 of Division 15 of the Streets and Highways Code, the Landscaping and Lighting Act of 1972, the Council of the City of Clovis did adopt Res. No. 20-44, a Resolution of Intention to Levy and Collect the Annual Assessment for Landscape Maintenance District No. 1 for the City of Clovis, (herein "LMD No. 1"); and

**WHEREAS**, the Council did declare in said Resolution of Intention its intention to levy and collect the annual assessment for the maintenance and operation of the landscaping facilities in said LMD No. 1; and

**WHEREAS**, notice of the public hearing was given as provided by law.

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

1. The Council determines that the territory within the LMD No. 1, whose boundaries are set forth in the Engineer's Report of the City of Clovis LMD No. 1 dated May 4, 2020, as amended and on file with the City Clerk of the City of Clovis, will be the territory benefited by the maintenance and servicing of the improvements described in said Engineer's Report.
2. The Public Hearing on said annual levy of assessments was held in accordance with law, and all persons filing protests or requesting to speak and who appeared were heard.
3. The Engineer's Report and the assessment of the estimated costs of the improvements contained therein and each and every part of said report, as amended, is adopted and approved; and the assessments upon the land in the LMD No. 1, being found to be in proportion to the benefits to be received from the improvements, are finally approved and confirmed as the assessments to pay the costs of each improvement and the expenses incidental thereto.
4. The Council hereby orders the levy of the assessments described in the Engineer's Report, as amended.
5. The subdivisions of land within the District are to be assessed to pay the costs of the landscape maintenance.
6. The City Clerk shall file the Engineer's Report and assessments, as confirmed, or a certified copy thereof, with the Recorder of the County of Fresno.

\* \* \* \* \*

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 4, 2020 by the following vote, to wit:

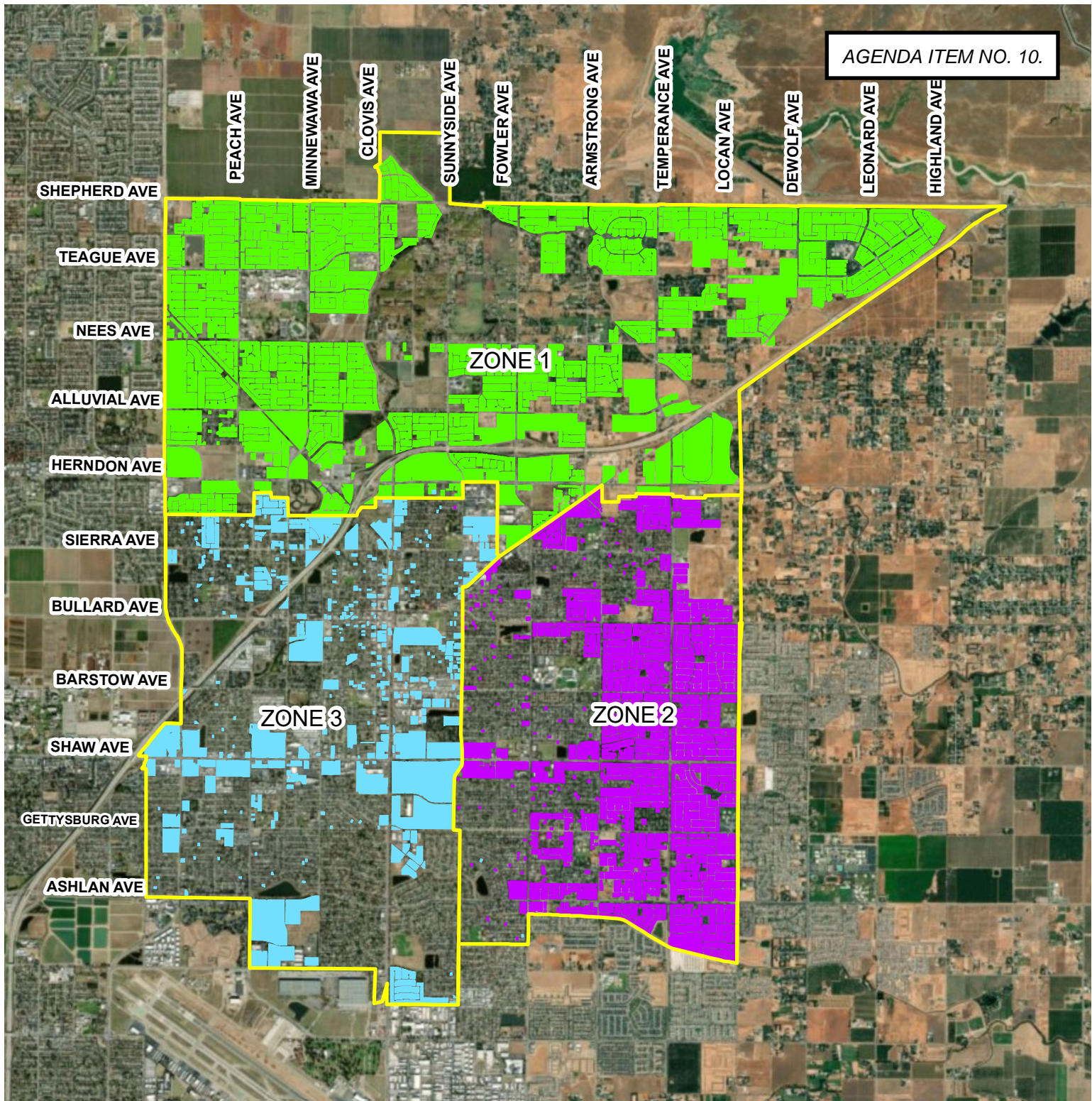
- AYES:
- NOES:
- ABSENT:
- ABSTAIN:
  
- DATED:

\_\_\_\_\_

Mayor

\_\_\_\_\_

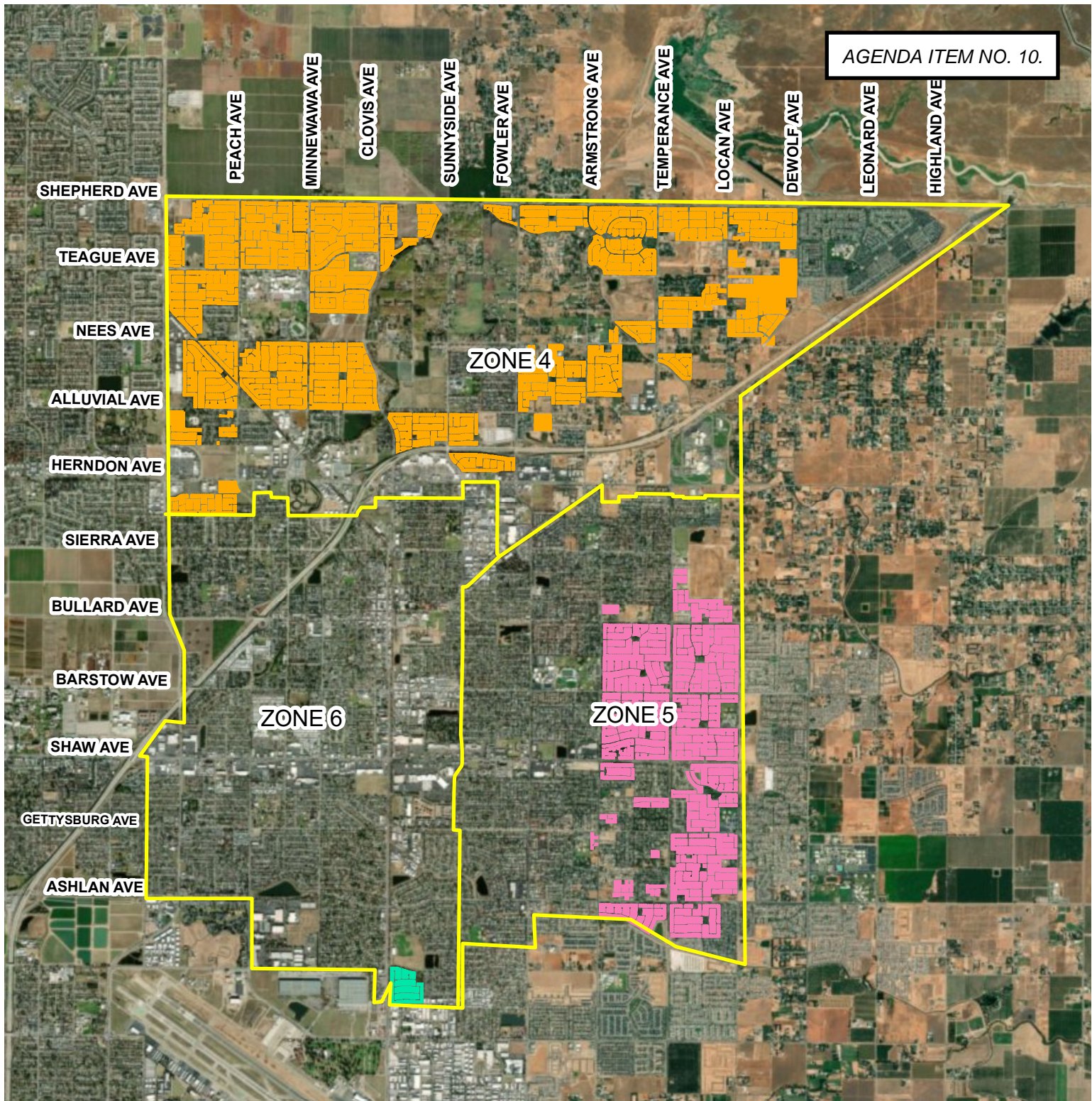
City Clerk



LMD ZONES 1-3  
 GENERAL LANDSCAPING  
 2020/2021 ASSESSMENT CHANGES  
 NO ASSESSMENT CHANGES ZONES 1-3

ATTACHMENT 2



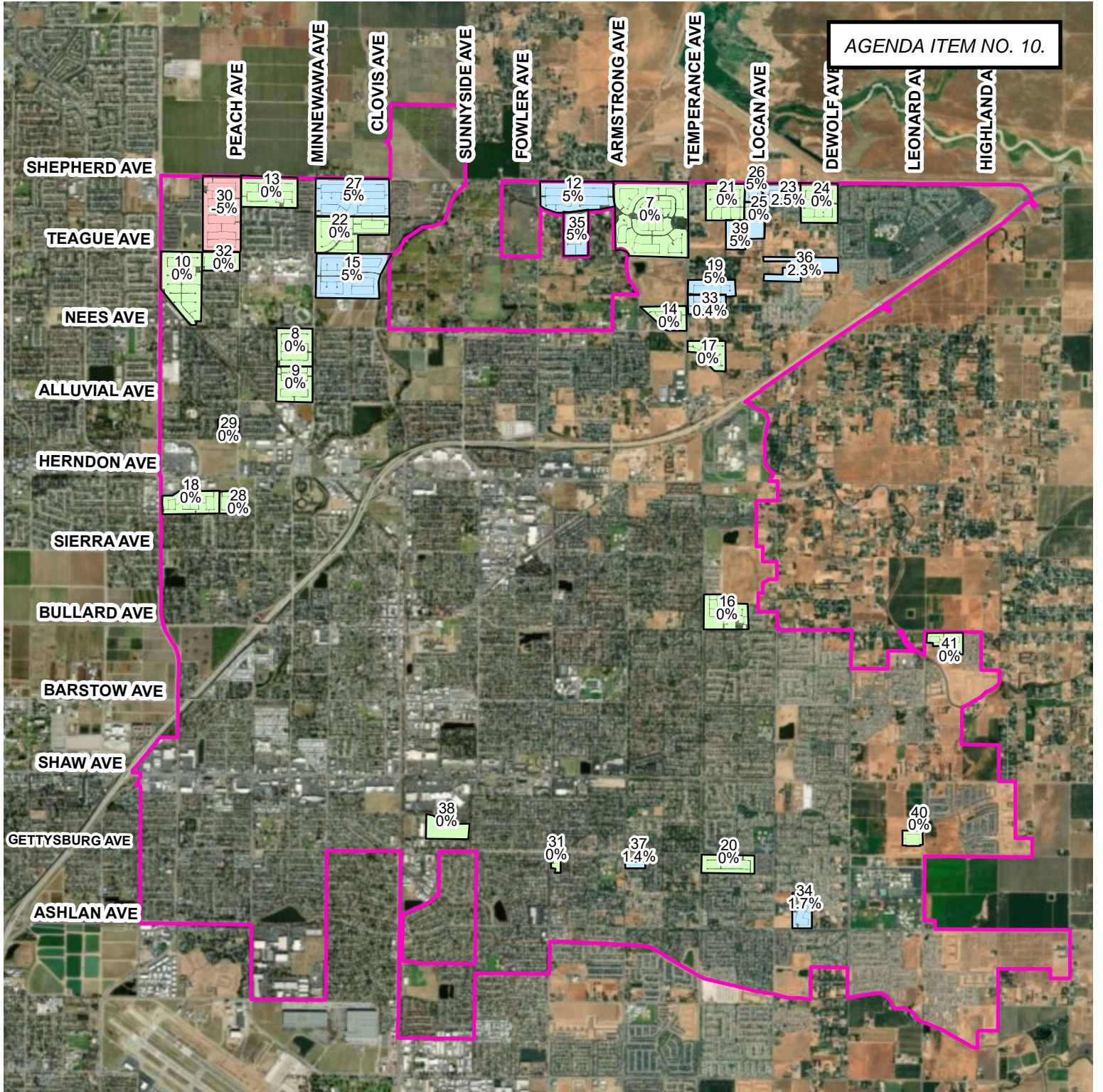


LMD ZONES 4-6  
PARKS

2020/2021 ASSESSMENT CHANGES  
NO ASSESSMENT CHANGES ZONES 4-6







# LMD ZONES 7 - 41

## NEIGHBORHOOD ENHANCEMENTS

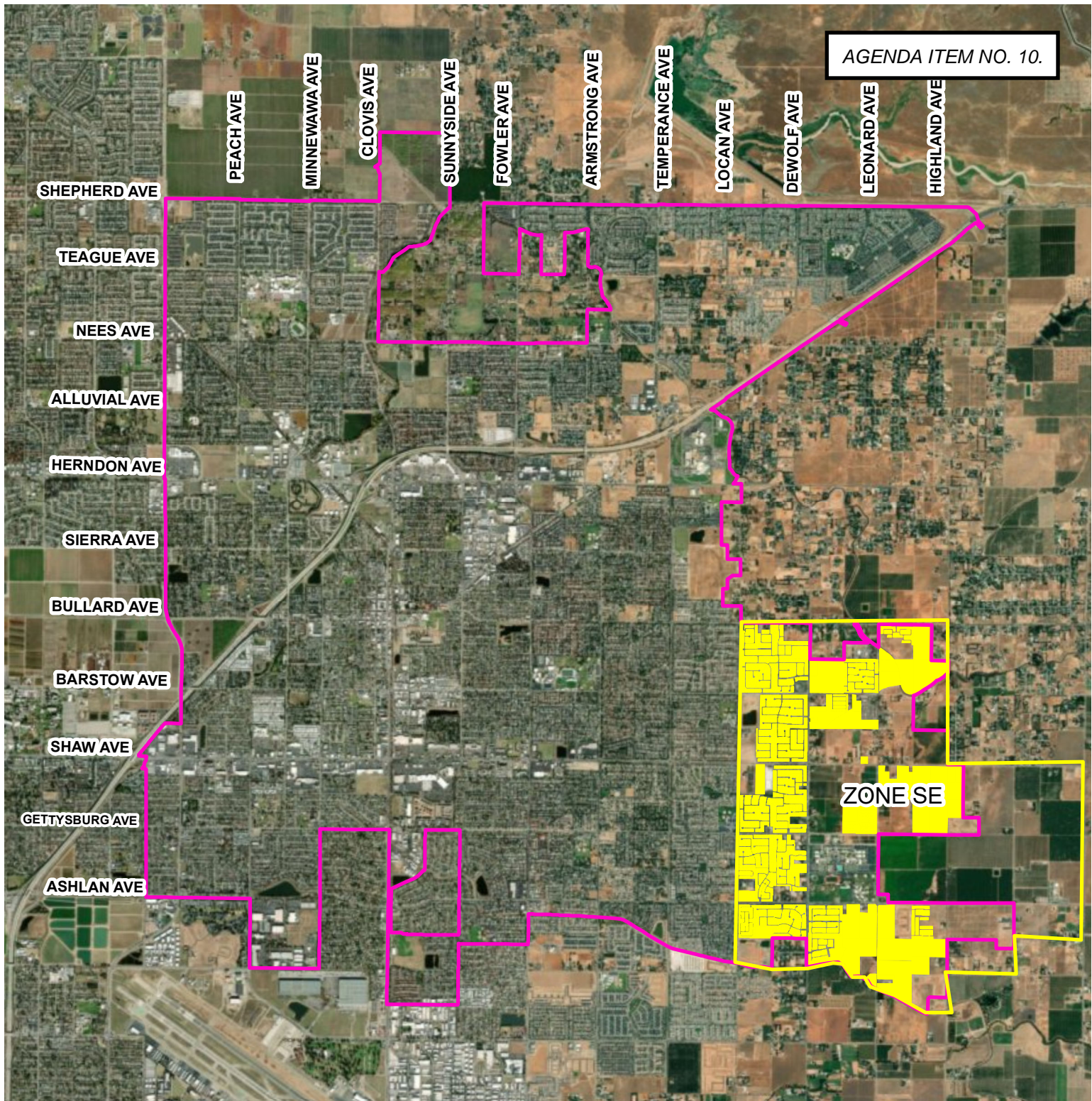
### 2020/2021 ASSESSMENT CHANGES



CITY OF CLOVIS

Assessment Changes     No Change     Decrease     Increase





**LMD ZONE SOUTHEAST  
2020/2021 ASSESSMENT CHANGES  
ASSESSMENT INCREASE FOR ZONE SE 2%**





# CITY of CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Fire Department

DATE: May 4, 2020

SUBJECT: Consider Introduction – Ord. 20-\_\_\_, Amending Title 4, Chapter 4.4 Article 1 of the Clovis Municipal Code relating to the California Fire Code.

**Staff:** John Binaski, Fire Chief  
**Recommendation:** Approve

ATTACHMENTS: 1. Ordinance 20-

### CONFLICT OF INTEREST

None

### RECOMMENDATION

Approve the introduction of the ordinance to begin the adoption process for proposed Clovis Municipal Code amendments to include applicable California Fire Code.

### EXECUTIVE SUMMARY

Council approved the adoption of the 2019 California Fire Code (CFC) with local amendments in November of 2019. The adoption of the code places more stringent requirements related to fire apparatus access roads than current Fire Department standards. In addition, there have been occasional challenges related to definitions, design, and installation of roadways for temporary and permanent access. An example of this is the term Emergency Vehicle Access (EVA). This term has been used widely throughout the years, but is not the term used in the CFC. The goal of this amendment is to bring the terms, Emergency Vehicle Access, Temporary Fire Access, and Fire Apparatus Access into compliance with the definition and terms as outlined in accordance with the adopted CFC. The amendment of Title 4 will provide uniform definitions and standards that reduce confusion within the development community while codifying our local standards that allow less restrictive designs than those within the CFC.

### BACKGROUND

City Council adopted the CFC with local amendments in November of 2019. After adoption, staff found that CFC requirements relative to design of cul-de-sacs, access road length, and

access road width were more restrictive than the Clovis Fire Department Standards in operation for the purpose of residential and commercial development. The 2019 CFC allows the local fire official to amend local requirements to ensure effective delivery of emergency fire, medical, and rescue services. Fire Apparatus Access Roads provide the essential route to deliver effective emergency operations and the required exit travel roads for the occupants of the structures within the parcels.

In Clovis, a term frequently used interchangeably for both permanent and temporary access was “Emergency Vehicle Access” (EVA). The interchangeable use and application is inconsistent with the CFC and resulted in the design and installation of permanent fire access solutions that are non-conforming. Moving forward, the definition, design, and application of EVA will be specific to commercial properties where one property must use the access of another commercial property to meet the requirement for two points of access.

“Temporary Fire Access Road” is another term unique to emergency access. Consistent with our Clovis Fire Department Standards, adoption of this amendment will define Temporary Fire Access Road as a temporary (during construction) access point for both commercial and residential properties designed to allow access over surfacing and with temporary fire protection elements.

Finally, adoption of the amendment will define “Fire Apparatus Access Roads” as:

*Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing up to 80,000 pounds. All required fire apparatus access roads shall be constructed per City of Clovis streets standards and completed prior to any occupancy of any building(s) on a site.*

Specific changes to improve Fire Apparatus Access Roads throughout Clovis include:

1. Improved coordination language between the CFC and Clovis design/construction standards.
2. Incorporation of access road design exhibits that reflect the less restrictive allowances unique to the City of Clovis.
3. Clear design standards for gates and inspections.
4. Ensuring two points of access exist for single family neighborhoods with 30 or more units and that those with less than 30 have roads within minimum length and allowable turning radius.

With these changes, a single definitive set of terms is established without adding restrictions and providing clear parameters for the development community.

**FISCAL IMPACT**

None

**REASON FOR RECOMMENDATION**

Amending Title 4, Chapter 4.4 Article 1 to incorporate the requirements for Fire Apparatus Access Roads provides continuity and clarity for the development community and assists in maintaining the fire and life safety standards of the Clovis Fire Department.

**ACTIONS FOLLOWING APPROVAL**

Should Council approve the introduction of the ordinance, staff will amend the applicable Clovis Municipal Code and will schedule this item for City Council consideration.

Prepared by: Chad Fitzgerald, Life Safety Enforcement Manager

Reviewed by: City Manager *JH*

**ORDINANCE 20-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING SECTION 102 OF CHAPTER 4 OF TITLE 4 OF THE CLOVIS MUNICIPAL CODE RELATING TO FIRE PREVENTION REGULATIONS BY ADOPTING LOCAL AMENDMENTS**

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

Section 1 Section 102 of Chapter 4 of Title 4 of the Clovis Municipal Code is hereby amended to read as follows:

**4.4.102 Amendments to Fire Code**

(a) Add/Amend CFC Section 503.2.1 Dimensions

Section 503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of 20 feet measured from the base of curb to base of curb and an unobstructed vertical clearance of not less than 14 feet. Access roads shall be installed and maintained per Clovis Fire Department Standard 1.1 Standard for Fire Apparatus Access.

(b) Appendix D – Fire Apparatus Access Roads

**SECTION D101 GENERAL**

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the California Fire Code.

**SECTION D102 REQUIRED ACCESS**

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing up to 80,000 pounds.

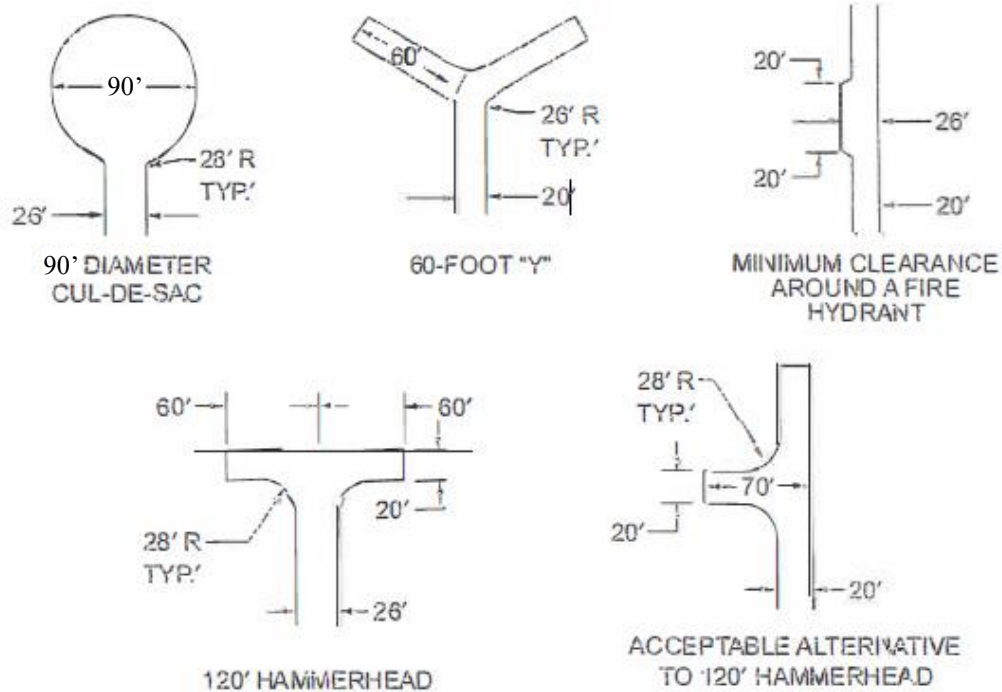
D102.2. Fire apparatus access roads. All required fire apparatus access roads shall be constructed per City of Clovis streets standards and completed prior to any occupancy of any building(s) on a site.

**SECTION D103 MINIMUM SPECIFICATIONS**

**MINIMUM SPECIFICATIONS**

D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders.

D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.



For SI: 1 foot = 304.8 mm.

**FIGURE D103.1  
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND**

D103.3 Turning radius. The minimum turning radius shall be determined by the fire code official.

D103.4. Dead ends. Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4

<b>Table D103.4 REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS</b>		
LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 90-foot diameter cul-de-sac

D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. Where a single gate is provided, the gate width shall be not less than 20 feet. Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 14 feet.
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.

4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
6. Methods of locking shall be submitted for approval by the fire code official.
7. Electric gate operators, where provided, shall be listed in accordance with UL 325.
8. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.
9. Gates shall be installed per the City of Clovis Fire Department Standard #1.5. Electric gates require plans be submitted and approved prior to the installation of the gate. Prior to occupancy, the electric gate shall be inspected and approved by the City of Clovis Fire Department.

D103.6 Signs. Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING – FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be posted on one or both of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

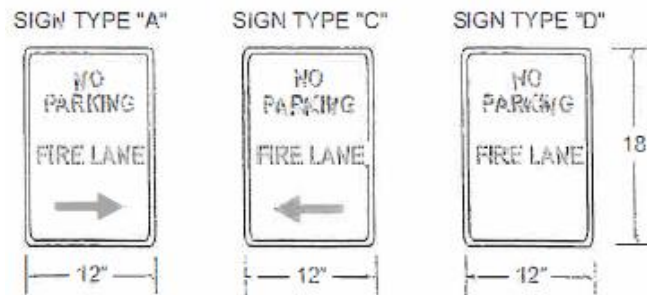


FIGURE D103.6  
FIRE LANE SIGNS

D103.6.1.1. Single Family Residential Developments. Roads 32 feet in width to less than 36 feet in width with houses on one side of the street only. Fire lane signs as specified in section 103.6 shall be posted on the side of fire apparatus access roads with no houses. All other fire apparatus access roads shall be a minimum of 36 feet in width.

D103.6.2.1 Multiple-Family Residential and Commercial Developments. Roads 26 feet in width to less than 32 feet in width. Fire lane signs as specified in section 103.6 shall be posted on both sides of fire apparatus access roads that are 26 feet in width to less than 36 feet in width.

D103.6.3.1 Commercial Developments With Areas Subject to Loading and Unloading With Truck Traffic. Commercial developments with areas subject to loading and unloading with truck traffic with roads 30 feet in width to less than 36 feet in width. Fire lane signs as specified in section 103.6 shall be posted on both sides of fire apparatus access roads that are 30 feet in width to less than 36 feet in width.



D103.6.3.2 Commercial developments with areas subject to loading and unloading with truck traffic with roads 36 feet in width to less than 42 feet in width. Fire lane signs as specified in section 103.6 shall be posted on one side of fire apparatus access roads that are 36 feet in width to less than 42 feet in width.

## SECTION D104 COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

D104.1 Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet or three stories in height shall have not fewer than two means of fire apparatus access for each structure.

D104.2 Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet shall be provided with two separate and approved fire apparatus access roads.

Exception: Projects having a gross building area of up to 124,000 square feet that have a single approved fire apparatus access road where all buildings are equipped throughout with approved automatic sprinkler systems.

D104.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses. The fire code official shall have the authority to modify the required separation while still providing adequate access to the development.

D104.4 Emergency vehicle access. Emergency vehicle access may only be used for two adjacent parcels for a commercial or industrial development when no other means is available to provide a required second point of access for fire apparatus. Gates shall be installed per the City of Clovis Fire Department Standard #1.5. A reciprocal access agreement shall be provided for all emergency vehicle access prior to approval.

## SECTION D105 AERIAL FIRE APPARATUS ACCESS ROADS

D105.1 Where required. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

D105.2 Width. Aerial fire apparatus roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

D105.3 Proximity to building. One or more of the required access routes meeting this condition shall be located not less than 15 feet and not greater than 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

SECTION D106 MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

D106.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. The fire code official shall have the authority to modify the required separation while still providing adequate access to the development.

SECTION D107 ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS

D107.1 One- or Two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.

D107.2 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. The fire code official shall have the authority to modify the required separation while still providing adequate access to the development.

SECTION D108 REFERENCED STANDARDS

ASTM F2200-13 Standard Specification for Automated Vehicular Gate Construction, D103.5

ICC IFC-15 International Fire Code, D101.1 and D107.1

UL 325-02 Door, Drapery, Gate, Louver, and Window Operators and Systems, with Revisions through June 2013, D103.5

Section 2 If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Clovis hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, clauses or phrases be declared invalid.

Section 3 The City Clerk is hereby directed to file a copy of this Ordinance with the California Building Standards Commission of the State of California.

Section 4 This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

APPROVED: Date the Ordinance was introduced

\_\_\_\_\_  
Mayor  
\* \* \* \* \*  
\_\_\_\_\_  
City Clerk  
\* \* \* \* \*

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

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

\_\_\_\_\_  
City Clerk



# CITY of CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Fire Department

DATE: May 4, 2020

SUBJECT: Receive and File – 2019 Fire Department Annual Report and Council Presentation.

**Staff:** John Binaski, Fire Chief  
**Recommendation:** Receive and File

ATTACHMENTS: 1. 2019 Fire Department Annual Report

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

For the City Council to receive and file the Fire Department’s Annual Report for 2019.

### EXECUTIVE SUMMARY

The Fire Department Annual Report for 2019 is the department’s way of communicating to elected officials, cooperating fire agencies, and most importantly, our community, the quality and quantity of service provided to our citizens in 2019. The report also serves as a record of our activities and accomplishments for future reference and comparison.

### BACKGROUND

In 2019, the Fire Department welcomed Deputy Chief Chris Ekk who joined the City from the Hanford Fire Department where he served for the past several years as their Fire Chief and the retirement of Fire Engineer Darryl Turney who dedicated 29 years of service to various City Departments.

The Department has many accomplishments to report and one of the primary reasons for such success is the teamwork between the firefighters, City staff, elected officials, and most importantly, our citizens.

### Notable Accomplishments of 2019:

- After reevaluation by the Insurance Service Organization (ISO), which rates fire departments from throughout the country, the Clovis Fire Department was rated Class 2, which is the second highest rating. The Department also maintained accreditation through the Commission of Fire Accreditation International (CFAI).
- The Department took delivery of a new ladder truck, replacing our reserve which was originally purchased in 1998. Our fleet replacement was increased to compensate for the reduction during the past recession, but unfortunately, we are still behind. It is anticipated like many other products we use in our life that the fire apparatus will not last as long as it used to in the past decade.
- The Department established an important partnership with Clovis Unified School District Career and Education Training Division, which enabled us to build a three-story fire training prop at our Training Center. Additional other improvements to training props were completed, which now enable the Fire Department with the opportunity to provide valuable training here locally.
- The Fire Department Prevention Division staff was able to complete 98% of all State-mandated annual life safety inspections as required by the unfunded State mandate. Staff also completed 55% of the remaining annual life safety inspections, despite being understaffed as the Fire Prevention Officer position remains vacant.

### Challenges for the coming years are many, but nothing that cannot be overcome.

- As growth continues in the southeast area of the City, the Department is experiencing longer total response times and an increase in service demands. As of January 2019, there are over 7,400 homes located in this area, approximately 725 calls for service, and we are experiencing response times well above our benchmark goal (Attachment 1, Page 7). A new fire station is planned for this area with construction scheduled to begin in 2021. The land acquisition, design, construction, radio tower, and fire apparatus for Station 6 is estimated to cost approximately \$11 million dollars. As of January 2020, the Fire - Developer Impact Fee (DIF) account had a balance of approximately \$1.9 million. In order to cover all the costs associated with the construction of Station 6, the City will have to issue a bond which will add an additional \$1.4 million to the overall cost.
- Staffing for Station 6 will require the hiring of 9 additional fire personnel in 2022 with an estimated annual cost of \$1.4 million. The addition of another fire station will result in annual increase of approximately \$500,000 annually to cover all of the overhead costs (utilities, fuel, supplies, insurance, IT, etc.) The total annual General Fund increase to staff and operate the fire station is around \$1.9 million starting in 2022. This figure is very consistent with other fire departments throughout the State. Fire departments which staff three fire stations spend

approximately \$8 to \$10 million annually and departments that staff six stations spend approximately \$19 to \$21 million. It is estimated that the total Fire Department budget for 2021/2022, when Station 6 opens, will need to be \$19 million. This amount will still be under our strategic goal of \$155 per capita cost, which is the average of Central Valley fire departments who serve a population between 60,000 and 200,000.

- The Fire Department was fortunate to replace its existing ladder truck in 2019 and order two new fire engines in 2020. Even with these new deliveries, the average age of the Fire fleet in 2020 will be 13.57 years and rise over the next three years to 15.57 (Attachment 1, Page 11). The Department currently has a 20 year life span average for our fleet vehicles, which means the average fleet age should be ten years. The Department has not been able to compensate for the five years that fire apparatus was not replaced during the last recession.
- Fire Station 2 was originally constructed in 1979 and over the years an additional apparatus bay was added, and the large bunk room was converted into four small bedrooms. This fire station is now 41 years old and requires significant repair, upgrades, and modernization. Within the next 7 to 10 years, this station will need to be demolished and rebuilt meeting current building and fire codes. The estimated cost for this project in today's dollars is approximately \$8 million. Unfortunately, this is a General Fund building and there are no funds set aside for the rebuilding of this valuable fire station.

As you can see, the challenges we face are driven primarily by budget factors, but over the past twenty years, the Fire Department has done so much with the resources provided. The Department has maintained accreditation, improved their ISO rating, and found other funding sources for improvements.

In 1999, the Fire Department was staffed with 15 firefighters daily to protect a population of 69,000. In 2020, the Fire Department staffs 16 people daily to protect a population of over 117,000. Fire Department staffing has not kept pace with the growth of the City and now this is presenting significant issues to the Department and affecting our service to the citizens we serve. This is clearly shown when you look at our response time increases over the past five years, increase in fire loss, and increased call volume.

The accreditation and ISO process/review were developed on the belief that agencies should always be improving and meeting industry best practices. Unfortunately, if improvements are not made, it is highly likely the Department will not receive reaccreditation by the Commission on Fire Accreditation International (CFAI) in 2022 and a re-evaluation of our ISO rating in 2023 will mean a reduction to a rating of 3. Unlike ISO, fire accreditation does not specifically say how you must meet these best practices, which gives local jurisdictions a lot of freedom to improvise and find new methods to achieve the best outcomes. This is why ISO has a crosswalk to give fire departments who are accredited, credit for their innovation and hard work. Over the past several years, we have seen the need for service delivery improvements throughout the City, but specifically in the Loma

Vista area. Hopefully Station 6 will be constructed and staffed in 2022, as planned by the City Manager's budget forecasts. Opening Station 6 will enable the Fire Department to maintain accreditation and its current ISO rating.

**FISCAL IMPACT**

None.

**REASON FOR RECOMMENDATION**

Fire annual report of Clovis Fire Department activity for 2019.

**ACTIONS FOLLOWING APPROVAL**

Receive and file.

Prepared by: John Binaski, Fire Chief

Reviewed by: City Manager *JH*



AGENDA ITEM NO. 12.

# 2019 ANNUAL REPORT

**SERVICE  
WITH  
PRIDE**



# CLOVIS FIRE DEPARTMENT

ATTACHMENT 1





### Message from the Fire Chief

It is my honor and privilege to serve the residents of the city of Clovis, California, as their fire chief. I work alongside 65 well-trained and highly skilled professional firefighters, fire engineers, fire officers, chief officers, fire inspectors, and administrative staff members. Together, we provide high-quality emergency services to more than 117,000 residents within our 26-square-mile first due response area. Although the role of the fire service has significantly changed and increased in complexity over the years, our commitment to serving our community to the best of our ability remains steadfast. The Clovis Fire Department recognizes the importance of adaptability and continual flexibility to meet the needs of the community.

In 2019, the Fire Department welcomed Deputy Chief Chris Ekk, who joined us from the Hanford (California) Fire Department, where he served for the past several years as fire chief.

The Department also saw the retirement of Fire Engineer Darryl Turney, who served the city in the Fire Department and other departments as well. We all wish him a happy and well-earned retirement.

As growth continues in the southeast area of Clovis, we are experiencing longer total response times and increased service demands. As of January 2019, there were more than 7,400 homes located in this area, approximately 725 calls for service, and response times that were well above our benchmark goal. To respond to these changes, we are adding a new fire station for this area, with construction scheduled to begin in 2021.

The Department has many great accomplishments to report, and one of the primary reasons for our success is teamwork. Teamwork among firefighters, city staff, elected officials, and, most importantly, community members is what allows us to be a highly successful fire department.

### Notable Accomplishments of 2019

- After reevaluation by the Insurance Service Organization, which rates fire departments throughout the country, the Clovis Fire Department was rated Class 2, which is the second highest rating possible.
- The Fire Department took delivery of a new ladder truck, replacing our reserve vehicle, which was originally purchased in 1998. Our fleet replacement has been accelerated over the past few fiscal years, but the overall age of the fleet still exceeds our recommended goal of 10 years.
- The Department established an important partnership with the Clovis Unified School District Career and Education Training Division, which enabled us to build a three-story fire-training prop at our Training Center. Additional improvements to training props were completed as well.

I am exceptionally proud of the men and women who serve in all areas of the Clovis Fire Department. I hope their commitment to our mission and values provides you with the same pride and satisfaction I enjoy each day as their fire chief.

John Binaski, Fire Chief



Deputy Chief Chris Ekk



Fire Engineer Darryl Turney

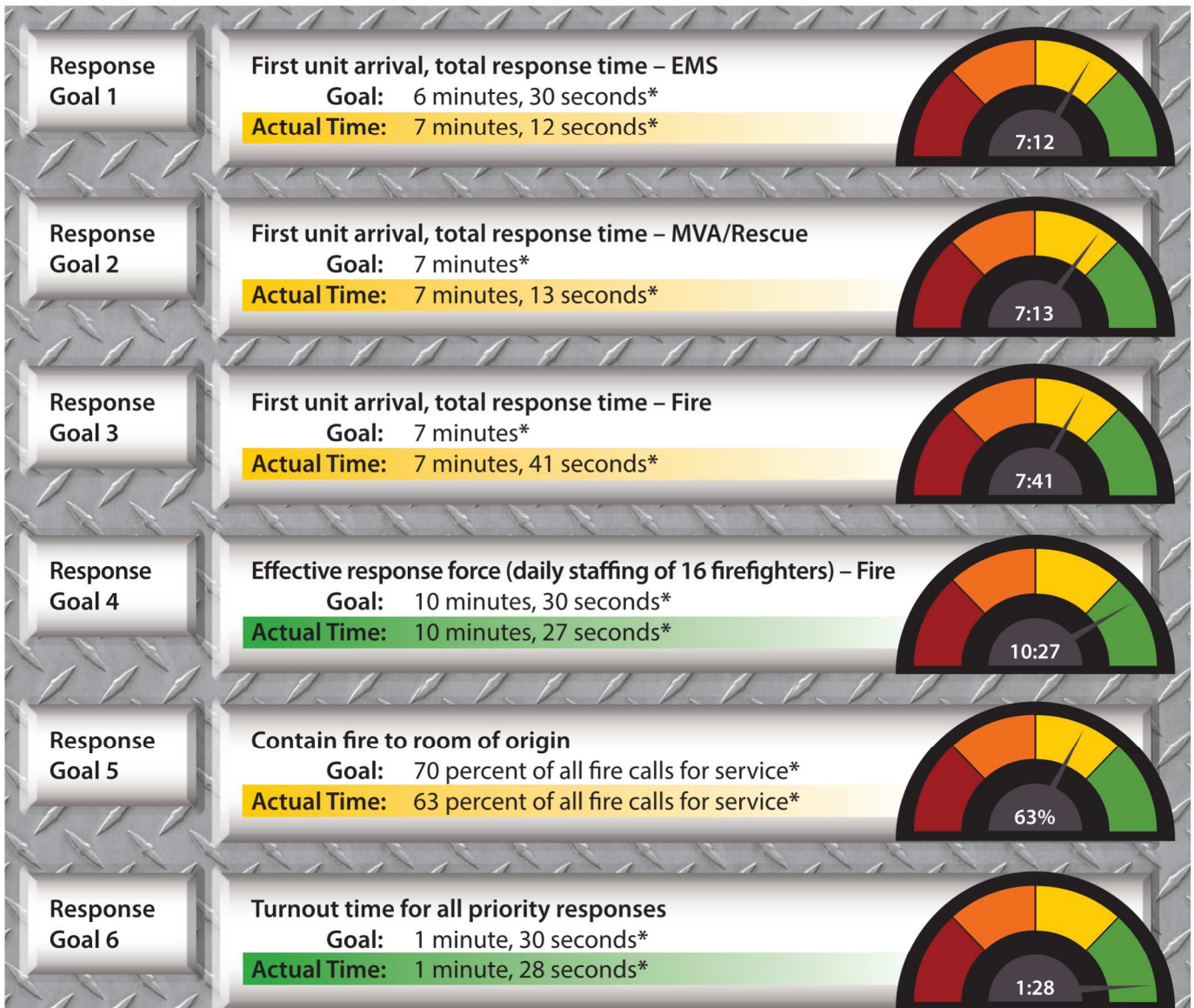


This Annual Report is the Clovis Fire Department’s method of communicating with our elected officials, cooperating fire agencies, and, most importantly, our community about the quality and quantity of services provided to our customers in 2019. This report also serves as a record of our activities and accomplishments for future reference and comparison.

The following illustration shows the high-level indicators that the Department uses to determine effectiveness and efficiency in a number of service delivery areas. The data show that, in 2019, the Fire Department did not meet or exceed its response-time goals, as it has in previous years. This fact is explained by the significant residential growth over the past 15 years in all areas of the city without a corresponding increase in personnel or resources.

## Response Performance

### Response Goals and Response Time Performance



\*Response goals are measured at 90<sup>th</sup> percentile



**Strategic Goals**

*Strategic Initiative Goals and Actual Results*

Strategic Initiative Number and Goal		Actual Result
1A	Cost per capita (CAFER annual fire budget - OES rev/exp ÷ population served = cost per capita) ➤ Below \$155 City comparisons: Chico, Davis, Lodi, Manteca, Merced, Roseville, Turlock, Visalia	\$132
1C	Insurance Services Office rating ➤ Class 3 or better	Class 2
2B	Property loss ➤ Keep property loss due to fire below 5-year average (\$2.4 million)	\$2,371,527
3A	Citizen Satisfaction Survey score ➤ 90% or better	97%
6A	Firefighter injury rate ➤ Less than 13 reportable injuries (less than 20% of personnel)	3 injuries
6B	Total injury claim costs ➤ \$150,000 or lower (3% or less of total fire-suppression personnel salaries)	\$146,769
1B	Accreditation status through the Center for Public Safety Excellence ➤ Maintain accreditation status	Maintained accreditation status

*Fire and Life Safety Strategic Initiative Goals and Actual Results*

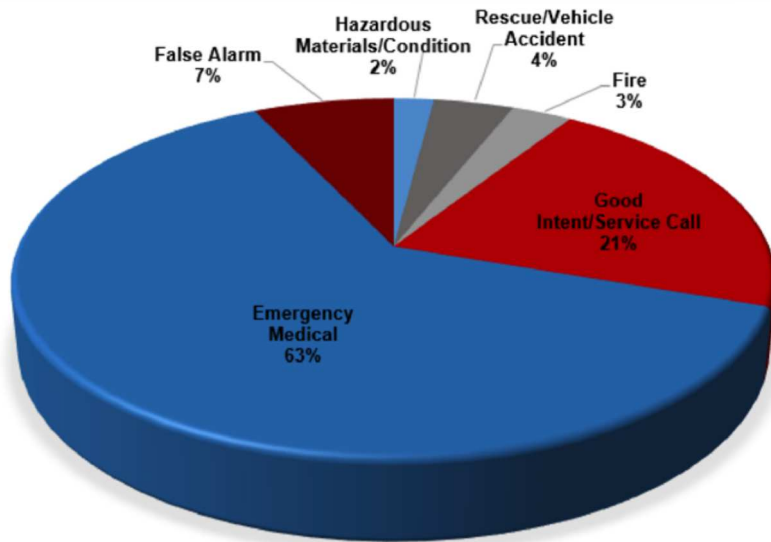
Strategic Initiative Number and Goal		Actual Result
5A	Timing of permits and inspections ➤ Return 100% of all fire-protection system and building plans for permit issuance within 10 days of submittal and provide inspections within 24 hours of request.	90%
5A-1	Plan checks ➤ Complete plan checks within 10 days, 90% of the time.	90%
5A-2	Project approval ➤ Approve 90% of projects within three (3) plan checks.	90%
5A-3	State-mandated inspections ➤ Complete 90% of state-mandated inspections (E, R-2, R2.1, H).	98%
5C	Fire investigations ➤ Investigate 100% of all fires reported.	100%
5C-1	Clearance of fire investigations ➤ Clear 90% of all fire investigations cases within one year.	100%



**Calls for Service**

When citizens encounter a problem they do not inherently know how to solve, and they do not know who else to call, they often call 9-1-1/dispatch. Good intent/service calls are minor emergencies that require a response to investigate or mitigate before becoming significant emergencies. Examples of these call types include a burst water pipe, smoke mistaken to be a structure fire, trees and/or power lines down due to storm damage, vehicle locked with a child inside, and a citizen who needs help getting up after a fall. The numbers of good intent/service calls and calls of other types are outlined in the table below.

Call Volume by Type, 2017-2019				
Incident Type	2017	2018	2019	3-Year Average
Emergency medical	5,821	6,421	6,606	6,283
Good intent/service call	2,253	2,469	2,253	2,325
Fire	421	336	351	369
Hazardous materials/condition	147	177	193	172
Rescue/vehicle accident	538	375	460	458
False alarm	604	621	799	675
<b>TOTAL</b>	<b>9,784</b>	<b>10,399</b>	<b>10,662</b>	<b>10,282</b>



**Total Response Time Performance**

The graphic on the next page shows total response time performance in the Department’s service area, color coded to show the 90th percentile performance of first-arriving units to priority calls. The times indicate the period from call pick-up to unit arrival. Areas in red and purple are those in which response times are the longest, which is primarily due to the travel distance from a fire station. The outlying peripheral areas are the most significant challenge in terms of response time performance over time. Almost all fire agencies have peripheral areas with longer response times; as such, the presence of red and purple areas is not uncommon. Longer response times, as noted in the graphic, are above industry norms and continue to grow based on projected development.





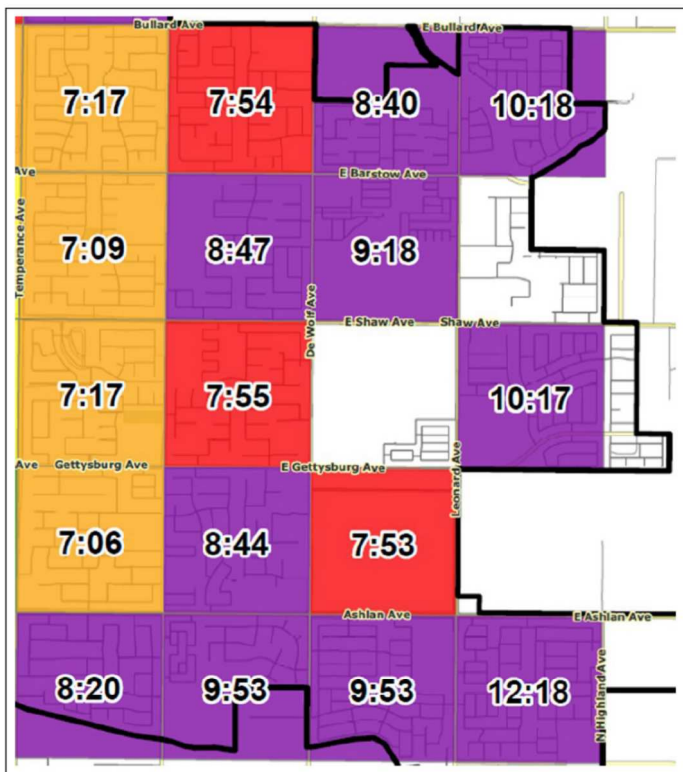
With continued growth in the southeast area of Clovis, the service area for Station 4 continues to increase in geography, population density, and call volume. In this area, the number of single-family homes has increased 247 percent, and calls for service have risen 163 percent since 2015. Using these measures, along with actual



response times, the Department has developed a first-due response area for Station 6. The table below shows the increase in the number of single-family residences over the past five years, which correlates to the increased call volume. The historical practice for the city of Clovis is to open a fire station when calls for service to an area reach approximately 500 or more per year. Having surpassed this benchmark in the southeast, the Department has made progress in designing the new Station 6, with building scheduled to begin in 2012 and complete in 2022. The new station will ensure that residents continue to receive the service levels adopted by City Council.

Southeast Area Statistics, 2015-2019					
Statistic	2015	2016	2017	2018	2019
Number of single-family homes	2,153	2,791	3,349	5,059	7,474
Number of service calls	278	326	371	410	731
Total response time at 90 <sup>th</sup> percentile	7:49	8:04	9:46	9:48	10:17

***First-Arriving Unit, Priority Calls, 90th Percentile Performance, Southeast Service Area***



The graphic to the left shows total response time performance in the southeast service area, color coded to show the 90th percentile performance of first-arriving units to priority calls. The times indicate the period from call pick-up to unit arrival.



## Significant Events

The following section describes significant events managed by the Clovis Fire Department in 2019:

- On May 26, 2019, at 10:39 p.m., a structure fire occurred at 2100 Fowler Avenue, at the Solstice Senior Living Center. A wall-mounted AC/heating unit caught fire in a resident’s unit, causing minor damage and heavy smoke. Crews assisted with resident evacuation and rescue.
  - **Fire loss for this incident was estimated at \$230,000.**
- On June 23, 2019, at 3:25 p.m., there was an apartment fire at 55 W. Bullard Avenue. The fire originated on the patio of the second-story unit and extended to expose six units to fire damage.
  - **Fire loss for this incident was estimated at \$700,000.**
- On August 23, 2019, at 7:41 p.m., a multi-story apartment building caught fire at 275 W. Alamos. Crews arrived to find a fully involved fire on the second-story balcony. Only the unit of origin was affected.
  - **Fire loss for this incident was estimated at \$365,000.**

Residential fires remain the most common property type for fire loss within the city of Clovis. Several studies have shown, and our own data supports the fact that, the installation of residential fire sprinklers greatly reduces property loss and loss of life due to fire.



Number of Mutual Aid Incidents, 2017 – 2019					
Mutual Aid Partner	Clovis Fire Department Role	2017	2018	2019	3-Year Average
Fresno County	Received aid	272	265	291	276
Fresno County	Provide aid	285	239	272	265
Fresno City	Received aid	250	233	235	239
Fresno City	Provided aid	657	592	682	644
Office of Emergency Services	Provided aid	74	49	34	52



### Training Bureau

The Clovis Fire Department continues to provide high-quality, up-to-date, and essential training to its members, including numerous required and recurring firefighting-related training programs mandated by multiple sources. State and national standards require a minimum of 240 training hours per employee, annually. Various regulations, mandates, and consensus standards are utilized to develop training curricula to ensure compliance with National Fire Protection Association, CAL-OSHA, the Insurance Services Office, and other state and national organizations.

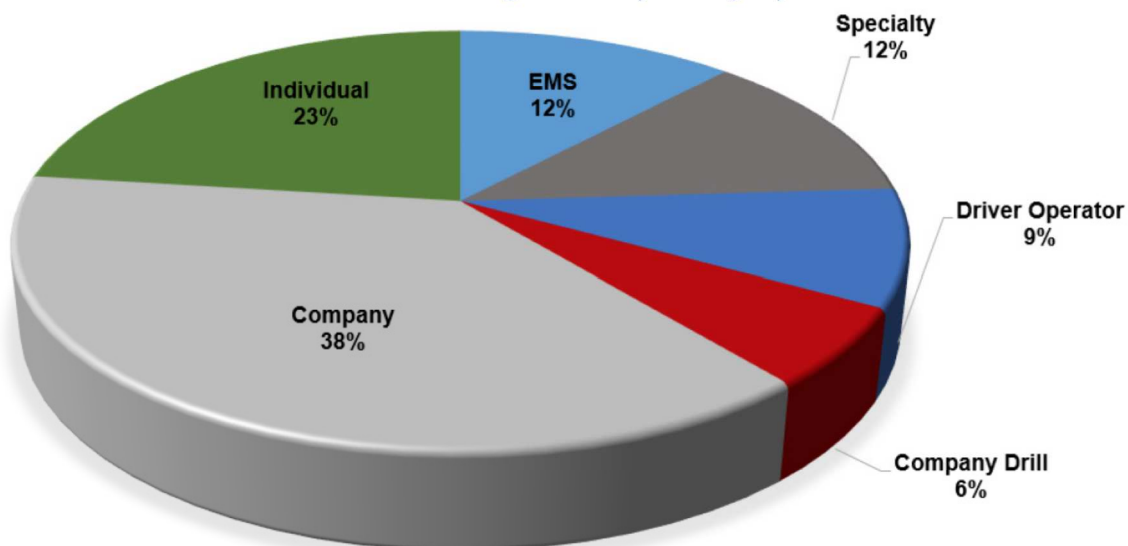
In 2019, the average firefighter completed more than 283 hours of training, for a Department aggregate total of 16,417 hours. Through Instructional Service Agreements and the California Joint Apprenticeship Committee (CalJAC), the Department was reimbursed \$58,000 for this training, which enabled us to make valuable additions to our Training Center and other training resources.

The Training Center facility continues to see an increase in use by numerous agencies. Additional props have been added to deliver realistic training in a safe learning environment. The 2019 additions to the Training Center include a two-story addition to the live fire prop, a car fire prop, and a fenced K-9 area, in collaboration with the Clovis Police Department.

Staffing levels in the Training Division have not grown, despite significant increases in required training and continuing education. By increasing efficiencies and delegating topics to subject matter experts within the Department, the Department has produced more evenly distributed tacit knowledge, skills, and abilities in the most cost-effective manner possible.



2019 Training Hours by Category







**Facilities**

All Fire facilities are inspected monthly for compliance with all regulations, as outlined by the city’s Risk Management Division. The Department also participates in the voluntary CAL-OSHA program, which allows for a compliance inspection of one fire facility annually.

Ratings	
Rating	Description
A	Meets current needs of the organization and complies with current applicable codes and regulations (UBC, UFC, ADA, OSHA, etc.).
B	Meets the needs of the organization, but the building needs some ongoing repairs and/or improvements to comply with industry best practices or applicable regulations.
C	Meets the basic needs of the organization, but the building either lacks features needed by assigned personnel or needs significant repairs/improvements to comply with industry best practices or applicable regulations.
D	Sub-standard; facility does not meet the needs of the organization, the structure needs significant upgrades, and it is out of compliance with current building codes or applicable regulations.
F	Facility has major structural issues; emergency crews cannot be assigned.

Station Analysis			
Facility	Age	Needs	Grade
Logistics	41	<ul style="list-style-type: none"> <li>The building needs to be reconfigured to meet the new functions of logistical storage and office space, as it was previously used as a fire station.</li> <li>The bathroom is no longer functional and does not meet ADA standards.</li> <li>The building requires a dedicated location to properly clean firefighter PPE.</li> <li>There are no fire sprinklers.</li> </ul>	F
Station 2	41	<ul style="list-style-type: none"> <li>The fire station is approximately 41 years old and has had no major interior remodeling or upgrades.</li> <li>Many areas of the fire station are not ADA-compliant.</li> <li>There is only one bathroom, and it is not private.</li> <li>There is a non-code compliant bedroom configuration with only one exit.</li> <li>There are no fire sprinklers.</li> </ul>	D-
Training Center		<ul style="list-style-type: none"> <li>The bathrooms are not ADA-compliant, and showers need to be added for proper personnel decontamination after training.</li> <li>The breakroom needs to be reconfigured for ADA compliance and reduced in size to expand the office area.</li> <li>The bathroom must be accessible from the exterior to accommodate personnel who are dirty from live fire training.</li> </ul>	D
Station 3	31	<ul style="list-style-type: none"> <li>The station was not designed with a workout room, dining area, or proper storage.</li> <li>Drought-resistant landscaping has not been installed.</li> </ul>	C
Station 4	20	<ul style="list-style-type: none"> <li>The kitchen needs to be remodeled to add a dining area.</li> <li>The bathroom needs to be updated.</li> </ul>	B
Station 5	13	<ul style="list-style-type: none"> <li>Drought-resistant landscaping has not been installed.</li> </ul>	A
Station 1	12	<ul style="list-style-type: none"> <li>Need to upgrade exhaust system to comply with California emission standards.</li> </ul>	97



### Fire Apparatus

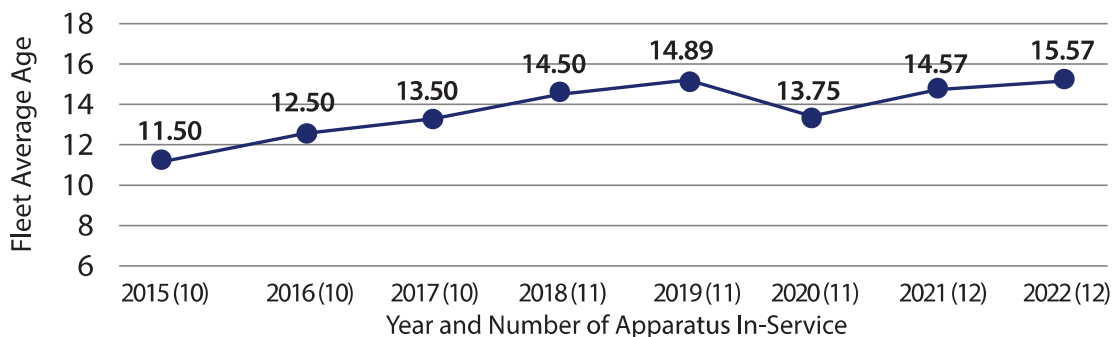
The Clovis Fire Department's frontline fire apparatus, comprising four fire engines and one ladder truck, are part of the city's emergency response infrastructure and are positioned throughout the City. The Department also owns four reserve vehicles and two specialty vehicles. All apparatus are graded in the table below, according to the American Public Works Association (APWA) Fleet Replacement Guide.

Projected Vehicle Life Expectancy				
Grading Scale	Engines	Trucks	Specialty	Description
A	0-5 years	0-5 years	0-8 years	Meets the needs of the organization; many items are under manufacturer's warranty.
B	6-10 years	6-10 years	9-15 years	Meets the needs of the organization; apparatus needs minor to moderate ongoing repairs.
C	11-15 years	11-15 years	16-20 years	Meets the basic needs of the organization for daily front-line use; may need significant repairs.
D	16-20 years	16-20 years	21-25 years	Minimally meets the needs of the organization.
F	>20 years	>20 years	>26 years	Substandard apparatus does not meet the needs of the organization.

Assessment of Clovis Fire Department Apparatus						
Unit	Year	Age	Vehicle Type	Usage	Grade	Vehicle ID
E242	1996*	23	Engine	Reserve	F	21022
T241	1998*	21	Truck	Reserve	D	21024
E243	2000*	19	Engine	Reserve	D	21025
E40	2003*	16	Engine	Reserve	C	21027
WT40	2003	16	Engine - Tender	Specialty	C	21026
BE40	2004	17	Engine - Wildland	Specialty	C	21011
E45	2006	13	Engine	Front-line	C	21029
T41	2008	11	Truck	Front-line	B	21030
E44	2011	8	Engine	Front-line	B	21031
E42	2014	5	Engine	Front-line	A	21070
E43	2018	1	Engine	Front-line	A	21071

\*Reserve engines and trucks are assessed for reliability based on historical maintenance records, not simply age, to determine which apparatus will be retired from service.

**Year and Number of Apparatus In Service**





**Prevention Bureau**

Inspections of new businesses and existing occupancies are an integral component of ensuring the economic vibrancy of the community while reducing the community risk for residents. Recurring inspections maintain a connection between constituents and the Department, and reduce potential threats to customers, occupants, and first responders alike. Continuing from 2018, Clovis Fire Department made significant progress in achieving compliance with SB-1205, which requires schools, hotels, hospitals, nursing facilities, and apartments to be inspected annually.

There are 2,869 occupancies in Clovis that qualify for life-safety inspections; of these, 334 are required by the State Fire Marshal’s Office to be inspected annually. The Department has a goal of inspecting the remaining occupancies on a biannual basis. Fire-prevention personnel and engine companies prioritize inspections based on risk. The number of occupancies fluctuates annually as new businesses are built and old businesses are redeveloped. In addition to existing occupancies, inspections of new commercial buildings are performed at various stages of construction prior to occupancy to ensure that fire-protection and supply systems are within code.

Inspection Statistics			
Inspection Type	Total Number of Occupancies	Completed Inspections	Percentage Completed
Existing annual inspections	1,750	959	55%
Annual state-mandated inspections	334	328	98%

Type	Completed in 2019
Residential plan reviews	135
Commercial plan reviews and On-site inspections	434
<b>TOTAL</b>	<b>569</b>

**Public Education**

Public education addresses the behavioral change component of community risk-reduction efforts. Inspections and plan reviews provide for the necessary safety elements of community buildings, whereas training and public outreach provide the foundation for citizen actions that can further reduce property and life loss in their homes and workplaces. Beginning with the city’s youngest residents, Clovis firefighters, in conjunction with the Alisa Ann Ruch Burn Foundation, conduct annual assemblies in 15 Clovis elementary schools. Firefighters in Safety Education (FISE) use props and an interactive format to teach students core concepts, such as stop/drop/roll, stay low under smoke, and how to develop and execute home escape plans. As in prior years, post testing of students showed a 40 percent improvement in knowledge of lifesaving concepts that can reduce life and property loss within the community.

Recurring community-based events, such as Clovis Night Out, Kids Day, and station tours provide the general public with simple educational opportunities and keep the public engaged in Department activities. In conjunction with regular public education messages posted on social media, these public education forums directly connect individuals who may not have used emergency services or experienced direct contact with the Clovis Fire Department.



### Emergency Preparedness

Emergency preparedness is a function led by the Clovis Fire Department, but it is a shared responsibility among other city participants as well, such as public utilities, the police department, the city manager, etc. In 2019, staff from all departments received emergency operations center (EOC) section-specific training. Conducted by the California Specialized Training Institute, each session took staff members from the Department and surrounding agencies through the responsibilities, forms, and processes unique to their assignments during a large-scale event. Each session concluded with a tabletop exercise that allowed attendees to apply the skills to a simulated event.



### Clovis Community Emergency Response Team

In 2019, the Clovis Community Emergency Response Team (CERT) continued pursuing its primary mission of developing citizen-based emergency preparedness training. CERT graduated a new class of 20 citizens, 5 of whom became members of the Department’s active volunteer base. This past year, CERT members staffed the first aid booth at the Clovis Rodeo, conducted outreach to special needs students at the Fresno County Office of Education Kids Day, provided rehabilitation and logistical support for the California Fire Training Symposium, and staffed the farmers market to recruit new volunteers.

Utilizing CERT volunteers, the Clovis Fire Department also delivers safety education to adults at the Senior Center,



and individuals in mobile home parks and other high-risk areas. These sessions focus on reducing home hazards, using fire extinguishers, and maintaining accurate medical information, which is essential for first responders in providing accurate treatment in medical emergencies. In 2019, Clovis CERT volunteers collaborated with the American Red Cross in the “Sound the Alarm” campaign at the Woods Mobile Home Park, where residents received new, 10-year smoke detector installations, as well as home hazard-reduction interventions.

Finally, it should be noted that the Center for Advanced Research and Technology (CART) continues to take biomedical students through the CERT curriculum to complement their core curriculum with real-life skills application.



All Code 3 Clovis Fire Department Calls, First Unit at Scene, 2015-2019

Fire Calls

Time Interval	Benchmark	Metric	Average	2015	2016	2017	2018	2019
Call Processing	01:30	Count	193	215	206	203	155	190
		90th Percentile	01:41	01:30	01:29	01:51	01:48	01:48
Turnout	01:30	Count	199	207	211	218	157	204
		90th Percentile	01:38	01:41	01:31	01:41	01:36	01:37
Travel	04:00	Count	200	214	211	221	156	199
		90th Percentile	5:27	05:01	05:12	06:07	05:28	05:27
Total Response	07:00	Count	197	216	212	208	157	192
		90th Percentile	7:43	07:32	07:28	08:13	07:41	07:41

EMS Calls

Time Interval	Benchmark	Metric	Average	2015	2016	2017	2018	2019
Call Processing	01:30	Count	4,990	5,552	5,073	4,654	4,387	5,285
		90th Percentile	01:42	01:31	01:55	01:43	1:39	1:42
Turnout	01:00	Count	5,032	5,590	5,058	4,707	4,447	5,360
		90th Percentile	01:26	01:27	01:25	01:27	1:25	1:25
Travel	04:00	Count	5,002	5,639	4,838	4,723	4,448	5,362
		90th Percentile	04:37	04:30	04:34	04:49	4:45	4:55
Total Response	06:30	Count	5,009	5,659	4,827	4,737	4,453	5,371
		90th Percentile	06:56	06:47	07:07	07:17	07:01	7:12

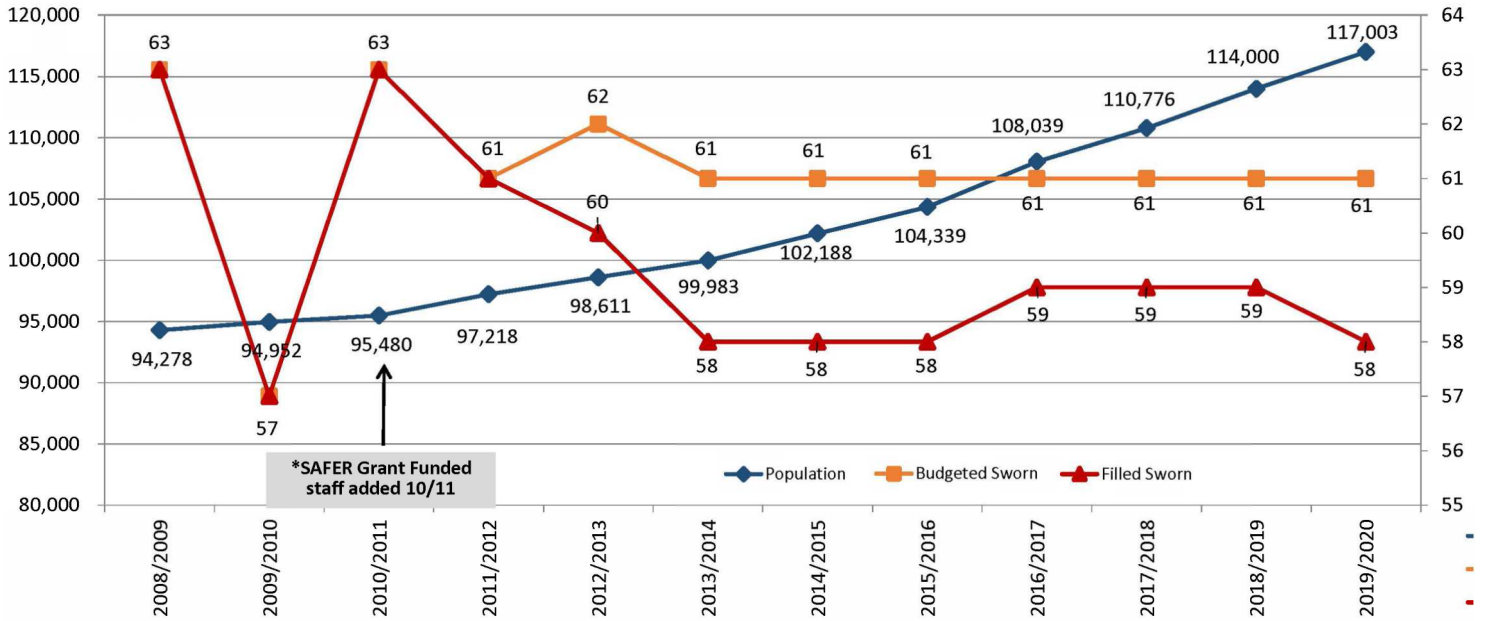
Rescue and Vehicle Accidents

Time Interval	Benchmark	Metric	Average	2015	2016	2017	2018	2019
Call Processing	01:30	Count	660	857	665	696	528	555
		90th Percentile	01:38	01:24	01:39	01:40	01:44	01:44
Turnout	01:00	Count	671	857	674	714	545	567
		90th Percentile	01:31	01:34	01:35	01:32	01:30	01:26
Travel	04:00	Count	672	863	672	713	546	566
		90th Percentile	04:40	04:30	04:22	04:56	04:49	04:43
Total Response	06:30	Count	671	863	676	708	544	564
		90th Percentile	07:04	06:40	06:37	07:24	07:26	07:10

101

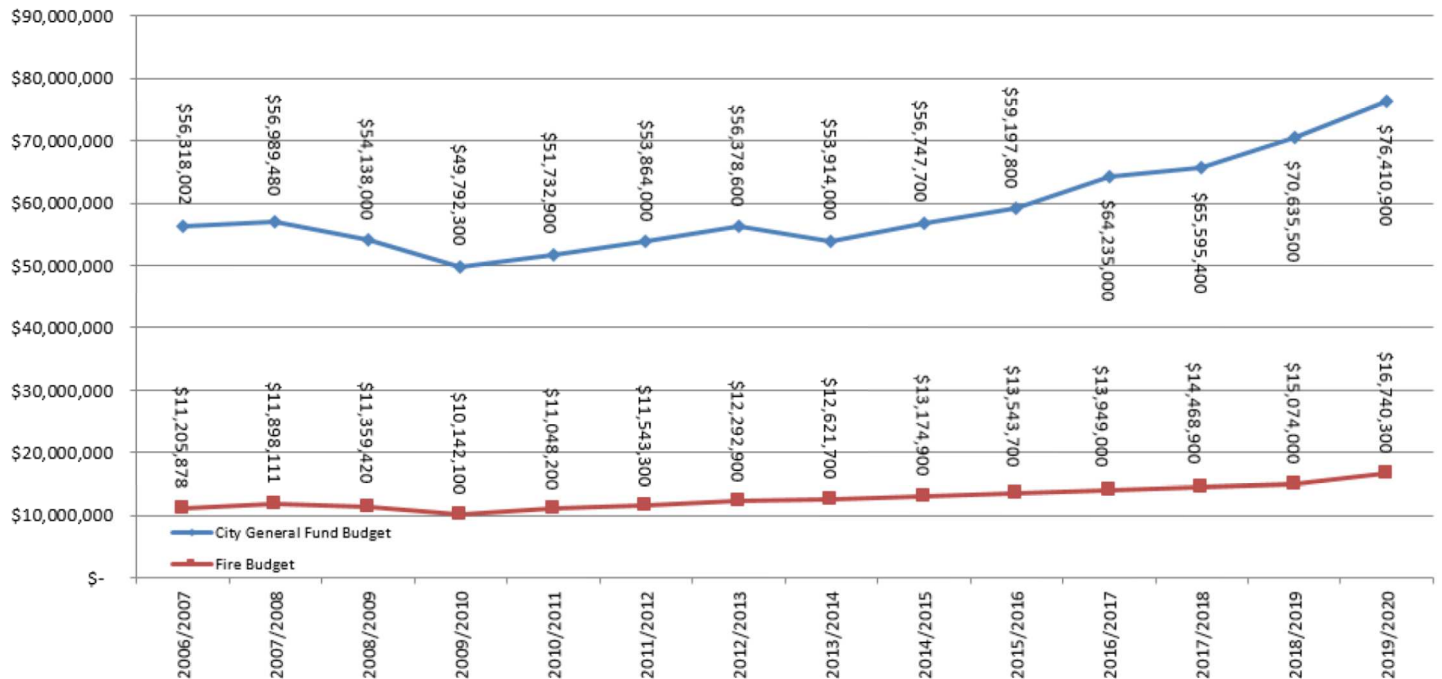


### City General Fund to Clovis Fire Department - Sworn Staff Comparison



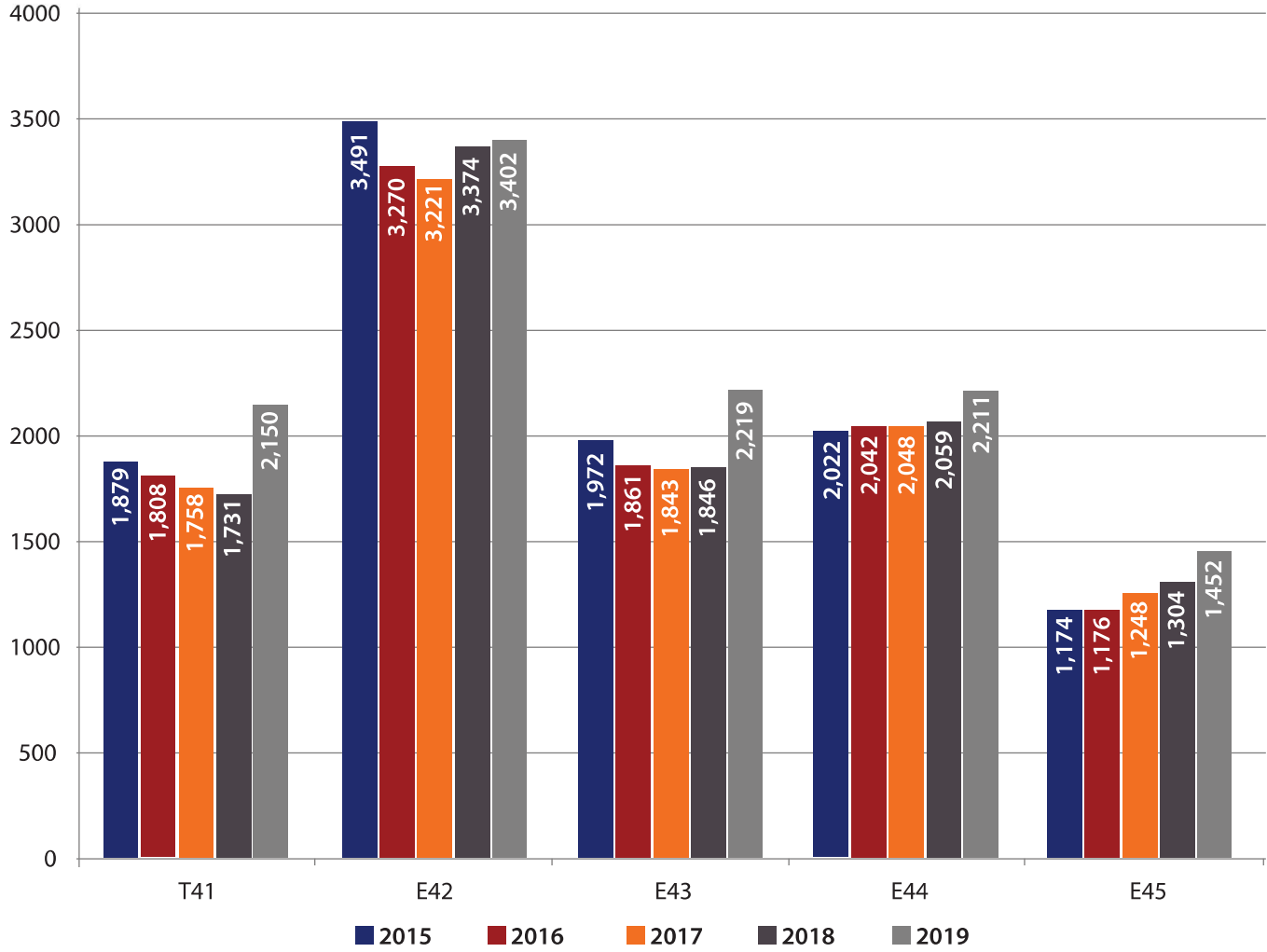
\*Federal SAFER funding for additional staffing. Positions eliminated after 3-years due to lack of funding.

### City General Fund and Clovis Fire Department Budgets





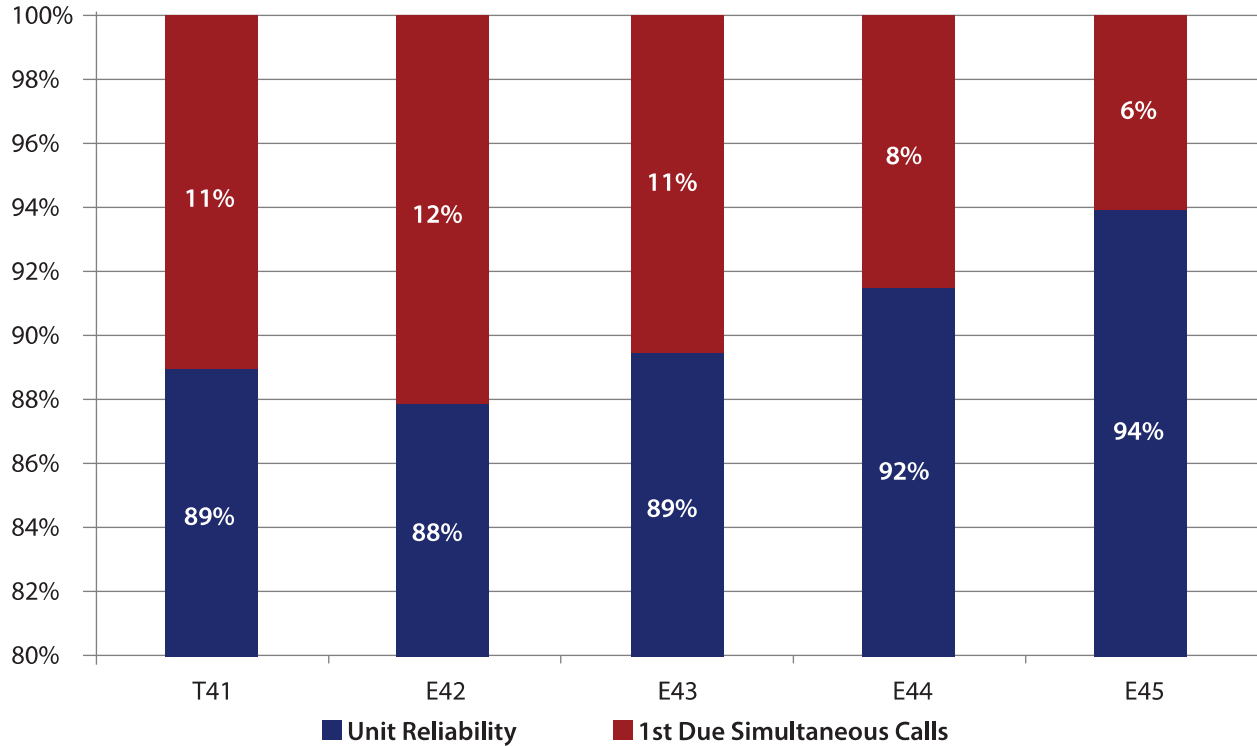
5-Year Workload by First-Due Area



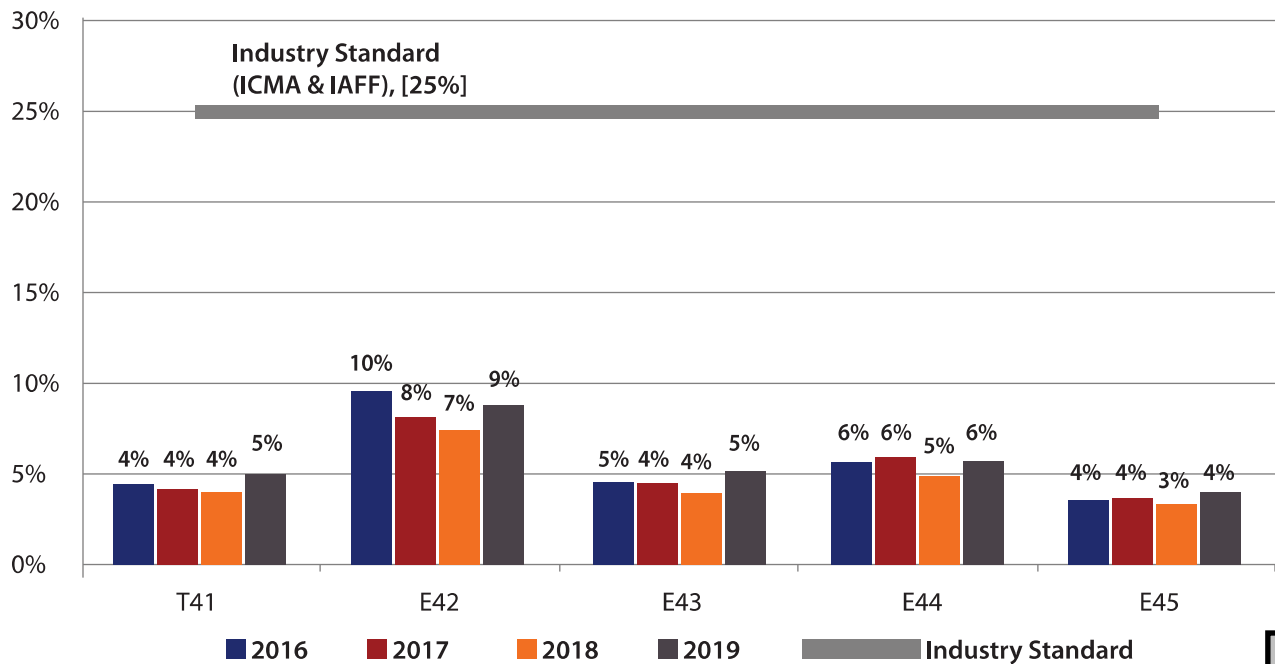
Number of Calls by First-Due Unit, 2015-2019						
Unit	2015	2016	2017	2018	2019	5-Year Average
T41	1,879	1,808	1,758	1,731	2,150	1,865
E42	3,491	3,270	3,221	3,374	3,402	3,351
E43	1,972	1,861	1,843	1,846	2,219	1,948
E44	2,022	2,042	2,048	2,059	2,211	2,076
E45	1,174	1,176	1,248	1,304	1,452	1,270
<b>TOTAL</b>	<b>10,538</b>	<b>10,157</b>	<b>10,118</b>	<b>10,314</b>	<b>11,434</b>	<b>10,512</b>



### Unit Reliability



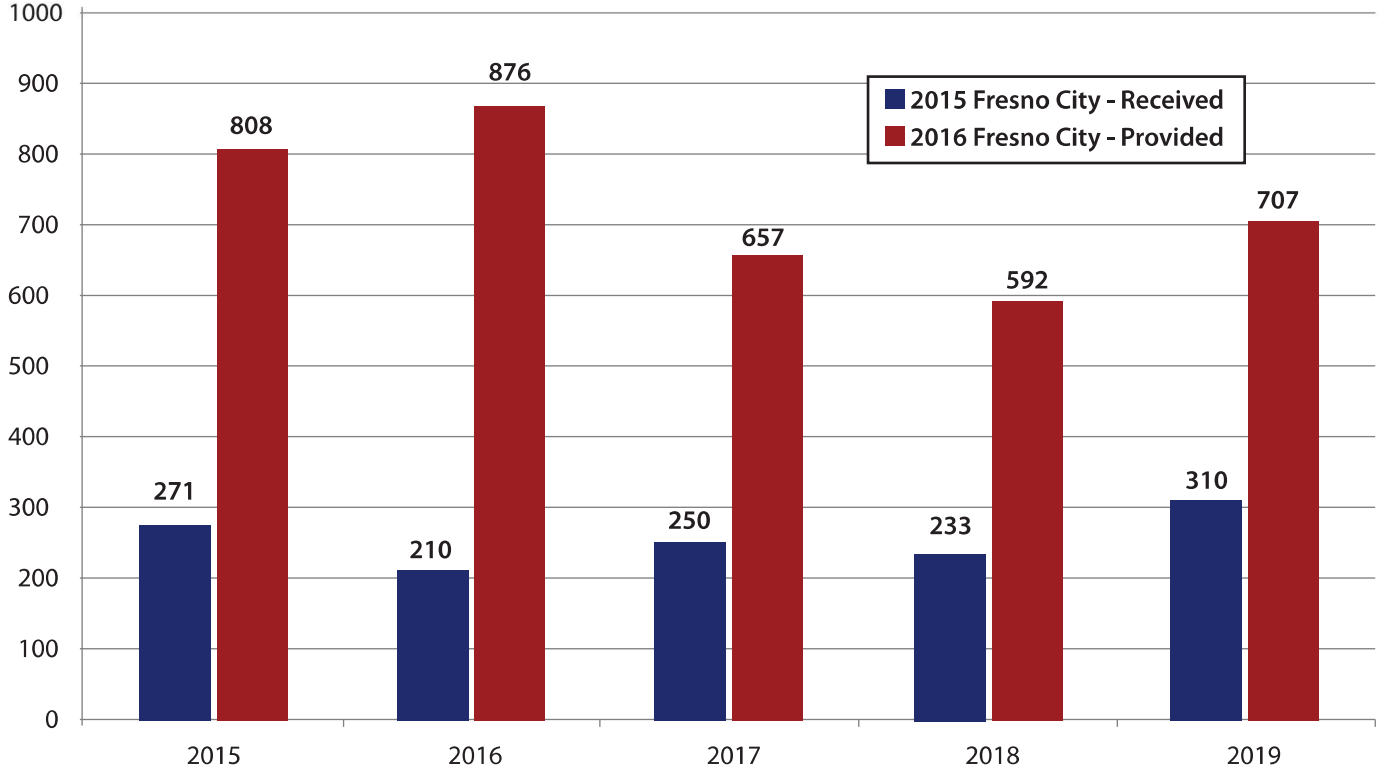
### Unit Hour Utilization



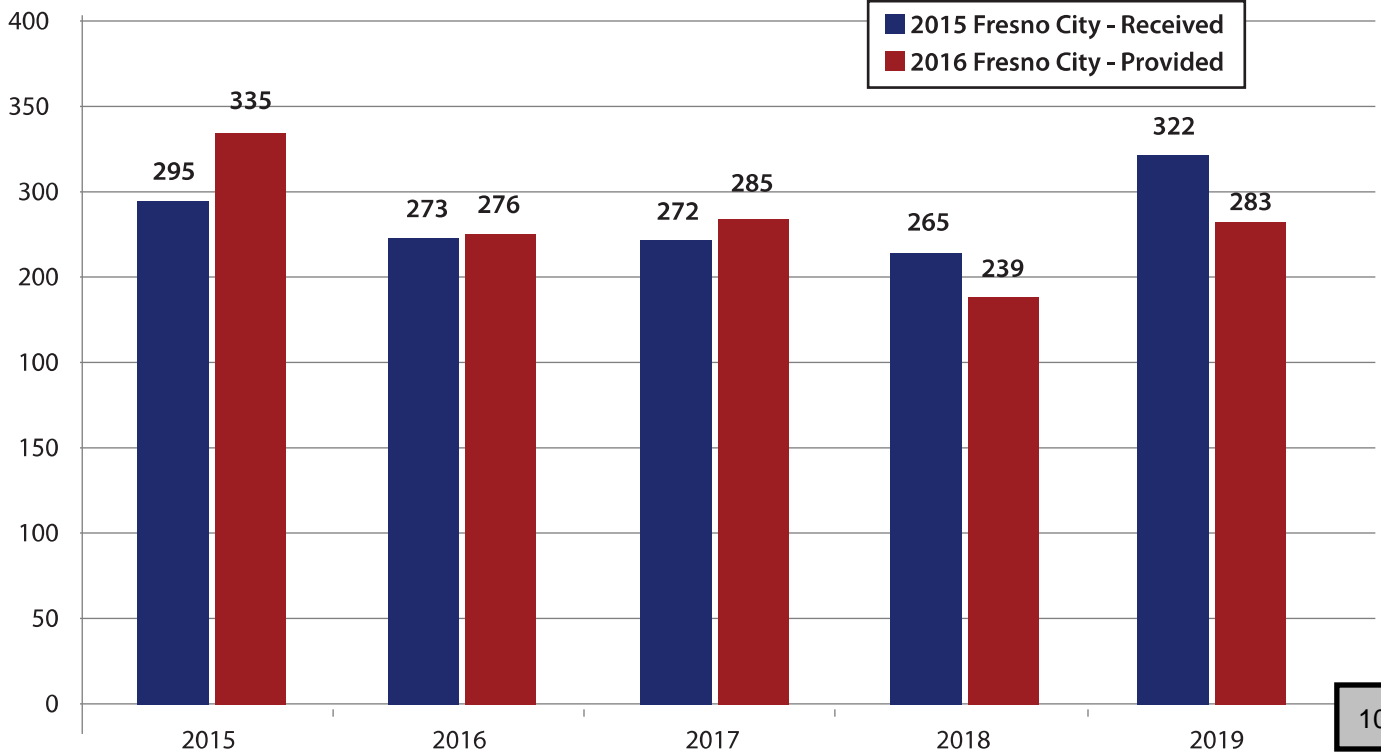




### Fresno City Auto-Aid



### Fresno County Auto-Aid



# COMMAND STAFF

AGENDA ITEM NO. 12.

John Binaski, Fire Chief

Chris Ekk, Deputy Chief

Jim Damico, Battalion Chief

Jason Ralls, Battalion Chief

Anthony Gomes, Battalion Chief

Chad Fitzgerald, Life Safety  
Enforcement Manager

Katie Krahn  
Management Analyst





# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: May 4, 2020

SUBJECT: Consider Various Items Regarding the Financial Impact on the City of Clovis due to the COVID-19 State of Emergency:

a. Receive and File – Update on the Impact to the City of Clovis local Economy due to the COVID-19 State of Emergency

**Staff:** Andrew Haussler, Economic Development Director  
**Recommendation:** Receive and File

b. Receive and File – A Summary and Projection of the impact on the General Fund due to the State of Emergency and preparing the 2020-2021 Budget.

**Staff:** Jay Schengel, Finance Director  
**Recommendation:** Receive and File

Finance Director Jay Schengel and Economic Development Director Andrew Haussler will give a verbal presentation on this item.

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



# CITY of CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: May 4, 2020

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

a. Consider Approval – Res. 20-\_\_\_, A Resolution adopting Emergency Order 2020 – 13 in order to add clarity to the city’s roles and responsibilities under the governor’s stay at home order by: (1) repealing emergency orders 2020-01 (bars and restaurant closures), 2020-02 (gyms and places of amusement), and 2020-10 (city parks) as unnecessarily duplicative as the statewide stay at home order covers these and other items; and (2) clarifying the city’s enforcement responsibilities;

b. Consider Approval – A letter to Governor Newsom regarding the reopening of businesses in the City of Clovis.

c. Consider Approval -A letter to Governor Newsom seeking to establish various actions in support of local funding for cities impacted by the COVID-19 State of Emergency

**Staff:** Luke Serpa, City Manager

**Recommendation:** Approve

ATTACHMENTS:

1. Resolution 20-\_\_\_, A Resolution Adopting Emergency Order 2020 – 13;
2. Draft letter to Governor Newsom regarding the reopening of businesses in the City of Clovis;
3. Draft letter to Governor Newsom seeking to establish various actions in support of local funding for cities impacted by the COVID-19 State of Emergency

**CONFLICT OF INTEREST**

None

**RECOMMENDATION**

For the City Council to consider approval of:

- a. A resolution adopting Emergency Order 2020 – 13 in order to add clarity to the city’s roles and responsibilities under the governor’s stay at home order by: (1) repealing emergency orders 2020-01 (bars and restaurant closures), 2020-02 (gyms and places of amusement), and 2020-10 (city parks) as unnecessarily duplicative as the statewide stay at home order covers these and other items; and (2) clarifying the city’s enforcement responsibilities;
- b. A letter to Governor Newsom regarding the reopening of businesses in the City of Clovis.
- c. A letter to Governor Newsom seeking to establish various actions in support of local funding for cities impacted by the COVID-19 State of Emergency

**EXECUTIVE SUMMARY**

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

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

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

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

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

- 1. Order 2020-04 pertaining to employee leave/pay during emergency determined as necessary to safeguard life and property and continue essential services of the City of Clovis; and

2. Order 2020-05 related to price gouging and taking unfair advantage of consumers.

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

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

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

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

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

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

The Declaration of Emergency authorizes the Director of Emergency Services certain additional authorities beyond the role of City Manager. These actions are accomplished by way of Orders and Declarations approved by the Director of Emergency Services. Subsequent to approval of these orders, the Director of Emergency Services must bring the items back to City Council for confirmation.

Staff is now bringing forth an order for Council to adopt by resolution - Emergency Order 2020 – 13 in order to add clarity to the city's roles and responsibilities under the governor's stay at home order by: (1) repealing emergency orders 2020-01 (bars and restaurant closures), 2020-02 (gyms and places of amusement), and 2020-10 (city parks) as unnecessarily duplicative as the statewide stay at home order covers these and other items; and (2) clarifying the city's enforcement responsibilities (Attachment 1).

Staff is also recommending City Council consider approval of a letter to Governor Newsom regarding the reopening of businesses in the City of Clovis (Attachment 2); and a letter to Governor Newsom seeking to establish various actions in support of local funding for cities impacted by the COVID-19 State of Emergency (Attachment 3).

**FISCAL IMPACT**

None

Prepared by: John Holt, Assistant City Manager

Reviewed by: City Manager *JH*

CITY OF CLOVIS

RESOLUTION NO. 20- \_\_

EMERGENCY ORDER 2020-13

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS ADOPTING EMERGENCY ORDER 2020 – 13 IN ORDER TO ADD CLARITY TO THE CITY’S ROLES AND RESPONSIBILITIES UNDER THE GOVERNOR’S STAY AT HOME ORDER BY: (1) REPEALING EMERGENCY ORDERS 2020-01 (BARS AND RESTAURANT CLOSURES), 2020-02 (GYMS AND PLACES OF AMUSEMENT), AND 2020-10 (CITY PARKS) AS UNNECESSARILY DUPLICATIVE AS THE STATEWIDE STAY AT HOME ORDER COVERS THESE AND OTHER ITEMS; AND (2) CLARIFYING THE CITY’S ENFORCEMENT RESPONSIBILITIES**

**WHEREAS**, bars, restaurants, gyms and places of amusement are currently closed in the City of Clovis; and

**WHEREAS**, nothing in this Order authorizes or directs the reopening of bars, restaurants, gyms, places of amusement or any other business or industry; and

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

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

**WHEREAS**, the Governor has begun the process for allowing non-essential businesses to reopen in the State, including those ordered closed by the City’s Emergency Orders 2020-01 and 2020-02; and

**WHEREAS**, the City has determined that there is a need to add clarity to the City’s roles and responsibilities in interpreting and enforcing the Governor’s Stay at Home Order, as that Order may be amended or supplemented; and

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



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

**WHEREAS**, on March 17, 2020, the Director of Emergency Services issued Emergency Order 2020-01, ratified by the City Council on March 21, 2020, closing bars, restaurants, and similar venues with specified exceptions; and

**WHEREAS**, on March 18, 2020, the Director of Emergency Services issued Emergency Order 2020-02, ratified by the City Council on March 21, 2020, closing gyms, theaters, and other places of amusement; and

**WHEREAS**, the Governor’s Stay at Home Order adopted on March 19, 2020, effectively superseded the City’s Emergency Orders 2020-01 and 2020-02; and

**WHEREAS**, on March 21, 2020, the City Council approved Resolution No. 20-29, finding that Executive Order N-33-20, as that Stay at Home Order may be amended or supplemented, shall be in full force and effect in the City of Clovis and that local law enforcement have the authority to enforce the Governor’s Stay at Home Order to the extent provided by law; and

**WHEREAS**, on April 7, 2020, the Director of Emergency Services issued Emergency Order 2020-10, ratified by the City Council on April 13, 2020, closing play structures and picnic shelters at City parks; and

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

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

1. Emergency Services Director Orders 2020-01, 2020-02, and 2020-10 are hereby repealed. In their place, the City shall rely solely upon the Governor’s Stay at Home Order, which covers these and other items, as that Order may be amended or supplemented.
2. In interpreting the Governor’s Stay at Home Order, the City shall rely upon the DPH Guidance. If there is an ambiguity, the City shall make its own interpretation in consultation with the Fresno County Health Officer.
3. With regards to enforcing the Governor’s Stay at Home Order:
  - a. The Fresno County Health Officer, California Department of Public Health, or California Office of Emergency Services shall have primary enforcement responsibility, with the City reserving its right to enforce all local emergency orders and the Governor’s State at Home Order as provided for in

Emergency Services Director Orders 2020-11 and 2020-12 relating to the issuance of Administrative Citations.

- b. Nothing herein shall be deemed to preclude the City from issuing verbal or written warnings for violations of the Governor’s Stay at Home Order, or from providing a reasonable time to correct violations before issuing a citation.
  
- c. Administrative citations shall be reserved for egregious situations where the State or County refuse, decline, or ignore a request for enforcement.

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

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 4, 2020, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Date: May 4, 2020

\_\_\_\_\_  
Drew Bessinger, Mayor

ATTEST:

\_\_\_\_\_  
John Holt, City Clerk



May 4, 2020

Honorable Gavin Newsom  
Governor, State of California State  
Capitol  
Sacramento, CA 95814  
VIA E-mail: [ExternalAffairs@gov.ca.gov](mailto:ExternalAffairs@gov.ca.gov)

Dear Governor Newsom:

As the elected body of the City of Clovis, we are requesting that you pursue an aggressive strategy for reopening our City for business. One size does not fit all. A reopening process that may fit, and make sense, for the Los Angeles and Bay Area regions does not work for our City.

The Central Valley, and specifically City of Clovis, are nothing like the regions of San Francisco or Los Angeles. Our cases of COVID-19 are not nearly as predominant as those of our State's major population centers.

We are requesting that you adopt a strategy similar to that of the White House Coronavirus Task Force plan allowing regions within the State to do the same.

Throughout this pandemic, our Council working with Fresno County, and your recommendations, have been able to make decisions that lowered the spread of this Covid-19 pandemic.

The Central Valley is the breadbasket of America, hardworking, patriotic, with a strong respect for the rule of law. We as the elected body of the City of Clovis, are each proud of how our citizens and businesses stepped up to help flatten the curve of the COVID-19 pandemic in our region.

Now, countless numbers of our citizens, and business owners, are suffering tremendous impacts as a result of the State's "Stay at Home" mandate; and again we, as elected officials, are most often the recipient of their requests for help. Based on the League of California Cities analysis, California cities are projecting a nearly \$7 billion general revenue shortfall over the next two fiscal years. This shortfall will grow by billions of dollars if stay-at-home orders to protect public health extend into the summer months and beyond. Cities like Clovis, with a population of 117,000 were ineligible for under the CARES Act funding from the federal government.

Along with us elected officials, many of our citizens and businesses have been quite receptive to the reopening guidelines suggested by the Federal Government.

We would expect the initial reopening phase to still include proper social distancing, continued emphasis on frequent hand washing, retained isolation of at risks groups, proper use of Personal Protective Equipment (PPE), sanitizing, a requirement to wear face covering when entering any business or group, limiting of group gatherings to no more than 50 persons, and not allowing sports gatherings with spectators.

Opening churches, mosques and synagogues for worship could be allowed, again with social distancing, prohibition of communion, passing the collection plate, hand shaking including the peace greeting, and any hugging or contact between congregates and the worship leader.

The first phase of reopening businesses would allow select businesses to reopen in Clovis. Those would be deemed “lower risk” and include more curbside options for retail locations, manufacturing sites and small businesses with few in-person customers.

The major reason for the stay at home order and eliminating non-essential workers and businesses from operating was to ensure that the health care industry would not be inundated with patients over a short period of time. Locally we are seeing health care workers hit with furloughs, pay cuts from declines in elective surgeries and noncoronavirus related medical services.

Restaurants would have seating limitations and operate on a reservation only basis; and other lower risk businesses would be reopened with similar precautions currently in place.

The City Council of the City of Clovis respectfully requests an immediate, aggressive, and balanced, reopening of businesses in our City.

We are prepared to discuss this with you, at you earliest convenience, and assist you in any way. Thank you for considering our position.

Sincerely,

Drew Bessinger  
Mayor  
City of Clovis

cc: Senator Andreas Borgeas  
Assembly Member Jim Patterson  
Rajveer Rakkar, Regional Public Affairs Manager  
Meg Desmond, League of California Cities, [cityletters@cacities.org](mailto:cityletters@cacities.org)



May 4, 2020

Honorable Gavin Newsom  
Governor, State of California State  
Capitol  
Sacramento, CA 95814  
VIA E-mail: [ExternalAffairs@gov.ca.gov](mailto:ExternalAffairs@gov.ca.gov)

Dear Governor Newsom:

The City of Clovis thanks you for your leadership and efforts to protect and support Californians during this unprecedented public health crisis. Cities remain on the front line helping residents stay safe and in their homes, delivering emergency services, and supporting local businesses and community organizations. However, as emergency costs continue to grow, city revenues to fund local services are plummeting. COVID-19 is having devastating impacts on city budgets and services statewide.

Based on the League of California Cities analysis, California cities are projecting a nearly **\$7 billion general revenue shortfall** over the next two fiscal years. This shortfall will grow by billions of dollars if stay-at-home orders to protect public health extend into the summer months and beyond.

The City of Clovis projects that these shortfalls will impact our core city services, including not filling the current nine (9) sworn police officer positions, three (3) sworn fire fighters, five (5) general fund positions, as well as significant across the board cuts and use of fund balance and emergency reserves to balance a forecasted structurally imbalance general fund for fiscal year 2020-21.

Since the beginning of the COVID-19 crisis, the City of Clovis has stepped up to protect and serve our community. The necessary measures our city has taken are costly. In order to continue to be a full partner with the state in saving lives, protecting our communities, and ultimately recovering from this crisis, **we need your help.**

The City of Clovis is calling on you to immediately support the following actions:

- Establish at least a \$7 billion city revenue stabilization fund for direct aid to all cities to address the general revenue shortfall over the next two fiscal years;
- Allocate a share of the State's \$8.4 billion CARES Act funding for cities with populations under 500,000 to support COVID-19 expenses; and
- Create a COVID-19 financing vehicle that all cities can access to support immediate cash flow needs.

The City of Clovis appreciates your consideration of our requests and we look forward to further discussing in the coming days how together we can continue to best protect Californians and reopen our economy. Thank you again for your leadership and partnership during these uncertain times.

Sincerely,

Drew Bessinger  
Mayor  
City of Clovis

cc: Senator Andreas Borgeas  
Assembly Member Jim Patterson  
Rajveer Rakkar, Regional Public Affairs Manager  
Meg Desmond, League of California Cities, [cityletters@cacities.org](mailto:cityletters@cacities.org)